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The courts martial set up by a succession of post-World War I Ottoman governments to try the authors of the Armenian Genocide constitute an important milestone in Turkish history and specifically in Turkish legal history.¹ This is true even though the trials were incomplete and the atmosphere surrounding them was turbulent. The Ottoman regime, after decades of persecution and intermittent massacres of one of its principle minorities, the Armenians, felt constrained, if not compelled, to institute criminal proceedings against a plethora of high-ranking officials and Ittihadist party chieftains suspected of complicity in the wartime, empire-wide massacre of the Armenians.

This line of conduct was almost certainly influenced by the near-complete defeat of the Ottoman Turkish armed forces at the end of World War I and the prospect of stiff terms being imposed upon the vanquished empire. The resurgence of anti-Ittihadist sentiment, so long suppressed through the coercive and near-dictatorial measures of the Committee of Union and Progress (Ittihad), likewise played a role in the decision to hold these trials. Nor can one exclude from consideration the common penchant for scapegoating; Ittihad lent itself to the infamy of being designated as the archculprit for the destruction of the indigenous Armenian population. This was a convenient device to exonerate the Turkish people as a whole.

Even though there were previous attempts to institute legal measures of retributive justice in the wake of bloodbaths inflicted upon segments of the Armenian population of the Ottoman Empire, these measures rarely touched the highest echelons of the ruling strata, the actual decision-makers, organizers, and supervisors of the massacres. In the Abdul Hamid

era, especially in connection with the twin Constantinople massacres (September 19/October 1, 1895 and August 14/26, 1896), each lasting about three days, the authorities went through some motions involving actual trials. As attested to by European diplomats, however, the proceedings were more farcical than genuine; they were meant to not only whitewash the low-level governmental functionaries and other individual accomplices but to shift the blame to the Armenian victims. The series of courts martial, instituted in the wake of the 1909 two-tier Adana massacres (April 1/14 and April 12/25, 1909), were more elaborate and demonstrative. They in fact resulted in a string of convictions and executions involving Turks and other Muslims identified with local tribes such as Kurds and Turkomans. Yet, the top leaders suspected of having enacted the massacres were glossed over; they were found guilty mostly of the charge of dereliction of duty, thereby receiving mild punishments which even excluded prison terms.

In the court martial proceedings under review in this article, the prosecutorial effort mainly targeted the top echelons of the Ottoman government, namely, the members of the two wartime cabinets. That effort also encompassed the top leaders of Ittihad, especially those identified with its central committee and the directorate of the Special Organization, the outfit in charge of field operations, that is, the destruction of the countless deportee convoys en route to "relocation centers." Since most cabinet members were ardent and leading Ittihadists, the legal campaign against them had some overtones of anti-Ittihadist persecution supplanting the task of prosecution. In any event, for the first time in Ottoman history formal and informal authorities of the highest order were being held accountable for the mass murder of the bulk of the Armenian population, and were accordingly subjected to the test of retributive justice.

This prosecutorial task was neither simple nor easy. There were countervailing movements bent on impeding, obstructing, and even stopping the prosecution. One such movement involved the clandestine Ittihadist group agitating against the trials and threatening the juridical officials as well as potential and actual prosecution witnesses associated with these trials. Though it had supposedly dissolved itself, and was bereft of its top leaders who collectively had fled the country on the night of November 1–2, 1918, Ittihad still enjoyed the support of a vast reservoir of adherents and sympathizers. Most significantly, it could rely on a residual leadership, especially that of the Special Organization, for scheming and organizing secret cells in various parts of the Ottoman capital. The Istanbul police and many layers of the Ministries of Defense, Justice, and Interior which were involved in the prosecutorial endeavor, were staffed with partisans of Ittihad. The other source of opposition to the trials emanated from the Kemalist movement in Anatolia and

eastern Turkey, especially Erzurum. The May 1919 Greek landings in and around Smyrna (İzmir) served to galvanize the Turkish people, who up to that time seemed to be resigned to the debilitating consequences of military defeat. This is the period coinciding with the start of the court martial of key Ittihadists and wartime cabinet ministers. The Greek invasion and capture of Smyrna proved a turning point in Turkish attitudes regarding acquiescence to defeat; it functioned as a catalyst for the emergence of a rather defiant attitude vis-à-vis the victorious allies. As a logical extension of this posture, the trials were rejected as a vilification of Ittihad, and indirectly of Turkey. The strength of Kemalism to a certain degree derived from this growing, popular opposition to efforts to burden Turkey with war crimes involving mass murder, and to stipulate appropriate punitive measures, including territorial truncations and a series of restitutions to the victims.

Given these conditions, impediments arose. There were rapid turnovers in the positions of procuror-general (attorney general), presiding judge, associate judges, and deputies in the procuror's office, but above all in the positions of ministers of defense, justice, and interior, positions vital for the successful completion of the proceedings. As Kemalism gained ascendancy in the land, the status of the military tribunal progressively declined, reflecting a corresponding decline in the position of the sultan's government sponsoring the courts martial in Istanbul. The inquiry commissions attached to the tribunal were unable to function smoothly and effectively. Their requests for authentic documents from the ministries, from local police, from provincial administrators, and from judicial organs were often ignored or mishandled through stalling, contrived excuses, or plain defiance.

Nonetheless, the tribunal plowed through in this inhospitable milieu as best it could. It was able to secure, authenticate, and compile a vast array of documents, including official documents, implicating the Ottoman High Command, the Interior and Justice Ministries, the central committee of Ittihad, and above all the Special Organization (*Teşkilatı Mahsus*). It is estimated that more than two hundred files were prepared for individual accomplices of the highest rank in the government, the military, and the party. Dozens of trial series were projected for which trial preparations were all but completed. Yet, only two dozen or so could be processed, as revealed in the supplements of *Takvimi Vekayi*, the official gazette of the Ottoman government, which irregularly served as a quasi-judicial organ covering the proceedings, often in abbreviated form.

There are two additional features that render these trials inordinately significant. Despite the fact that the crime of mass murder against a subject minority—that is, a domestic genocide, in today's legal parlance—had ramifications in terms of international law, the accused were tried on the basis of municipal law, the Ottoman penal code, thus substituting

national for international law. The other, most significant, feature is the evidentiary material assembled by the court. This material's value lies in its incontrovertible character, exposing highly incriminating state and party secrets. Through it, the principal charge of organized mass murder (and plunder), as set forth in the indictment, was substantiated. The resulting judgements were embedded in a key verdict, as well as in a string of ancillary verdicts.² In brief, the trials served to document the First World War Armenian Genocide essentially by and through official Turkish sources and within the framework of legal proceedings. This fact not only highlights the performance of the Special Turkish Military Tribunal but in a sense also compensates for the woefully inadequate scale of the trials' retributive upshot. Altogether, only three minor figures were executed for complicity in the massacres.³

The trial records are especially revealing on the question of the fundamental relationship between genocidal intent and genocidal outcome. Despite the resort to deceptive stratagems, by virtue of which the anti-Armenian measures were disguised as "deportation" (*tehcir*) for the avowed purpose of temporary, wartime "relocation" (*tebdili mekân*), the military tribunal identified the supreme directorate of Ittihad, otherwise described as the central committee (*merkezi umumi*), as that ultimate decision-making instance decreeing the annihilation of the Armenian population. But as important as genocidal intent is for the initiation of any genocide, the optimal consummation of the intended or planned genocide is another matter. Therefore, the will and ability to exterminate has to be attended and complemented by the effective organization and supervision of the field operations involved. In this sense, the outcome of a genocidal initiative in terms of scope of casualties is equally, if not more, important despite the definitional restrictions of the United Nations Convention on Genocide, by virtue of which the number of victims is relegated to relative insignificance.

A document described at the end of the key indictment (under VIII) and identified in terms of its particulars (under number 11) in the appended list, specifies the exact number of Armenians deported from the province of Ankara as being sixty-one thousand. This officially obtained and relayed information is contained in the September 11, 1915 cipher telegram which Müfid, the *mutasarrıf* of Bolu, sent to the Interior Ministry.⁴ Its significance lies in the fact that it affords a documented glimpse into the scope of the anti-Armenian destruction process. More importantly, however, it provides a yardstick by which to assess genocidal outcome. Here are the reasons: Ankara province was centrally located and was the farthest removed from all war zones—east, west, north, or south. Its remoteness from the theaters of operations is a fact that seriously calls into question the claim of "military necessity" attached to the Turkish rationale justifying the deportations. In this respect the indict-

ment rejects the argument of wartime emergency, declaring that "the deportations [represented] neither a military necessity, nor a punitive disciplinary measure" (*ne tedbiri askeri, ne de tedbiri inzibat*).⁵ Nor was there any serious reason to punish the population. In the trial series identified with Yozgad, one of the four constituent *sancaks* (districts) of Ankara province, Turkish Muslim witnesses disputed all allegations of Armenian conspiracy or treason.⁶ It is significant to note here that according to Catholic sources, between one-fourth and one-fifth of the Armenian population of Ankara province was of Catholic faith. "They didn't speak Armenian, but used Turkish as their language. In official registers they were listed as Catholics [rather than Armenians]. Moreover, they remained completely aloof from all political questions and couldn't possibly be involved in any [insurgent] movement."⁷

The detailed examination against this background of the total number of Armenians deported from Ankara province brings into special relief the ramifications of the sweeping and radical thrust of the deportation scheme. According to official Ottoman sources, on the eve of World War I the Armenian population of Ankara province was 63,605.⁸ When juxtaposed and compared to the other official Ottoman figure of 61,000 Armenians deported from the province, a 95.9 percent scale in the operation of uprooting and deportation is indicated. As if to verify the optimal nature of this scale, on the basis of material assembled at the court martial Procuror General Sami declared in the course of the first sitting of the Yozgad trial series (February 5, 1919) that out of a total 1,800 Armenians of the town of Yozgad in the province of Ankara only eighty-eight escaped deportation.⁹ This represents a ratio of 4.88 percent exclusion, yielding a 95.12 percent residual figure of deportees—a figure that remarkably jibes with the 95.9 percent derived from the other Ottoman documents described above.

These very rare and authenticated official sources and data on the magnitude of the deportations in a single province, far removed from the war zones, are invaluable indicators of the indiscriminate and comprehensive dynamics of the deportations. Judging by the evidence regarding the fate of Ankara province's Armenian population, there seems to exist an intimate relationship between genocidal intent and genocidal outcome.¹⁰ This conclusion is corroborated and embedded in the memoirs of Faliḥ Rifkî-Atay, a former Ittihadist reserve officer and publicist, and subsequently a staunch supporter and political confidant of Mustafa Kemal Atatürk. Reminiscing about his relocation experiences in Ankara in 1923 in conjunction with the establishment there of the new Kemalist Republic of Turkey, Atay attests to the comprehensive destruction of Ankara Armenians and of their commercial, cultural, and religious edifices. On the basis of what he learned during this time in the new capital of Turkey, he summed up the story of the physical obliteration

of the Armenian population by stating that they were “slaughtered” (*kesilmiştir*).¹¹

The destruction of the Armenian population of Ankara thus emerges as a microcosm of the expansive configuration of the Armenian Genocide of World War I. As noted above, this significance is accented by the fact that Ankara province was the farthest removed from all theaters of war engulfing Ottoman Turkey. Furthermore, a considerable portion of the Armenian population consisted of Turkish-speaking Catholics who were not only dissociated from the Armenian community as such, but were decidedly apolitical in their general outlook. Despite deceptive formal orders to spare them—orders exacted from the highest authorities, especially Talat, by Austrian and German diplomats who felt some affinity for their coreligionists—they were actually treated like the rest of the Armenian people, targets of merciless destruction.¹² One observes here the enactment of genocide in the fullest sense of the word. Deviant religious affiliation, apolitical stance, detachment from the mainstream of the collectivity, were salient factors separating Ankara’s Catholic Armenians from the bulk of the Armenian nation. But to no avail, simply because their roots were Armenian, and effective genocide means to pull or tear out the victim population by the roots, to eradicate it.

In order to begin to comprehend the mechanisms of this process of eradication, the massacre of Ankara Armenians should, as noted, be treated as a microcosm of the vast landscape of the World War I Armenian Genocide. The charges of the key indictment, the associated documentary material compiled by the Turkish military tribunal, and the findings of the affiliated Mazhar Inquiry Commission, which marshalled a large body of pretrial interrogatories, are conditions that warrant refocusing on Ankara province for that purpose. Most important, the deliberate falsification of the essence of the Armenian experience by a handful of American revisionists inspired and abetted by the massive resources of the Turkish government and by its allied network of Turkish historians and political scientists is a portentous fact, imperiling the time-honored standards of scholarship in quest of historical truth—unadulterated and free from the inroads of political expediency and opportunism. Throughout their campaign to dispute and deny the genocidal intent of the anti-Armenian measures of Ittihad, those advocates of “the Turkish viewpoint” are using the argument of victim bias on the one hand and enemy propaganda on the other. Accordingly, Armenian accounts and British and French documents are rejected as suspect and unreliable. By the same token, they are denying that they are aware of any official Turkish documents, indicating, if not proving, genocidal designs.

For all these reasons the reprise of the main features of the documented story of the destruction of the Ankara Armenians is of paramount im-

portance inasmuch as the documents are not only of official Turkish origin but, even more significantly, they are authentic as well as authenticated: they were sought, secured, verified, and marshalled almost entirely by Turkish ministerial and judicial officials, including examining magistrates (*sorgu hâkimi*), and by the Fifth Committee (*Beşinci Şube*) of the Chamber of Deputies of the Ottoman Parliament. The key indictment has several references to a number of key figures of Ankara province involving their attitude and role in the organization of the Armenian deportation and massacres. One of them is a reference to a notable of the province involving a detailed statement to the court martial that provides uncommon insights into the workings of the administrative aspects of the Genocide. According to the indictment, Ankara’s governor Mazhar was relieved of his post for objecting to the deportations¹³ and Ankara’s responsible secretary Hüseyin Necati played a pivotal role in the entire undertaking.¹⁴ The deposition of Mehmed Radi illuminates the circumstances of the removal of Mazhar and the power and authority of Ittihad as a party in that connection.¹⁵ Radi was not only a notable but also a member of the provincial council. In his December 1918 written statement he narrates the manner in which Governor Mazhar turned down the proposal of Atıf, Ittihad’s twenty-eight-year-old emissary, to proceed with the liquidation of the Armenians for which Atıf was carrying with him “the oral orders of Talat [which provided that] the Armenians be massacred and destroyed during the deportations” (*Ermenilerin hini tehcirinde katl ve imha edilmeleri*). Mazhar’s response is recorded as follows: “I cannot do what you are asking me to do. Let me remove myself from this chair. You come and sit here and you do it” (*siz gelin oturursunuz, siz yaparsınız*).¹⁶

The affidavit furnishes a detail on the manner by which the Armenian victims were so easily slaughtered. “They tied up the arms of the Armenians slated for extermination with thick ropes” (*kalın urganla*).¹⁷ When Behaeddin, the twenty-two-year-old police chief of Ankara, was asked why he was illegally divesting the deportees of their possessions and jewelry, he replied, “I will bury them in the ground in a matter of half an hour” (*Yarım saat sonra onları toprağa gömeceğim*).¹⁸ Radi further testifies that having replaced Mazhar, Atıf proceeded to have the Armenians of Ankara, Yozgad, and Kırşehir (districts of Ankara province) “openly massacred and destroyed” (*katl ve imha açık bir surefte yapılmış*). “As a reward for these services, Atıf was promoted to Kastamonu province where he carried out the work Governor Reşid Paşa hadn’t done.”¹⁹ Reşid Paşa, like Mazhar, had refused to have the Armenians of his province deported and destroyed. He in fact had complained to his superiors about “the crimes” (*ceraim*) of Hasan Fehmi, his province’s responsible secretary.²⁰ In the responsible secretaries trial series verdict, Reşid Paşa, who was eventually removed and replaced by Atıf, is quoted

as saying, "Hasan Fehmi kept inciting the Muslim population against me, telling them that I was the governor of the *gâvurs*, their protector. . . . I couldn't soil my hands with blood."²¹ Perhaps the most telling aspect of these developments is the admission by Atıf that he had come to Ankara with a special mission, namely to see to it that the order for "deportations" was correctly understood to mean "massacre and destruction." He is quoted in the Radi affidavit as saying, "I have orders from my superior [Talat]. . . . The Armenians [will not be allowed] to live" (*Amirimden emir aldım. . . . Ermeniler yaşamıyacaktır*).²²

The indictment's description of Necati, Ankara province's responsible secretary, as an Ittihadist power wielder whose high degree of "interference and great role" in the matter of Armenian deportations is not unlike that of Atıf described above, conveys a picture of a centrally coordinated scheme of annihilation.²³ In fact Necati's transmission of Ittihad's secret orders of extermination runs parallel to that of Atıf. At the eleventh sitting of the Yozgad trial series (March 5, 1919), former *mutasarrıf* Cemal was asked by the presiding judge: "What was the role of Ankara's Ittihad delegate Necati?" He answered:

It is a bizarre [*tuhaf*] story. A short, slim, and blondish man, he came to me one day with a piece of paper which he wouldn't show to me but which purported to be an order from Atıf, governor of Ankara. Necati then told me that he was a political agent in Azerbaijan when Armenian bands "massacred Muslims there. We must retaliate now with the extermination of local Armenians." I replied as follows: "This is not Azerbaijan and there are no Armenian bands here massacring Muslims. You were a former gendarme. What political business did you have in the Caucasus? To me you are not an official, you have no responsibilities. You are not even willing to show me that piece of paper in your hand." He repeated his proposal of massacre, adding: "This proposal reflects the will of Ittihad's central committee [*merkezi umumi*]." My response was: "If the central committee indeed wills it, let it communicate directly to the government, the only instance from which I can take orders." Disgruntled, Necati left for Çorum [another district in Ankara] and I was dismissed within about fifteen days.²⁴

At the twelfth sitting of the same trial series (March 6, 1919), thirteen authenticated ciphers were introduced and read into the record. One of them, marked "Secret" and dated July 17/18, 1915, was from Lieutenant Hulusi, the gendarmerie chief of Boğazlıyan, a county in the district of Yozgad. It informed his superiors that Armenians from the area were "deported, that is destroyed" (*sevkiyat, yani mahv manasına*). At the ninth sitting of the same series (February 22, 1919) four other ciphers were introduced. Boğazlıyan's military governor and Draft Board chief Mustafa's was the last. Bearing the date July 22, 1915, it informed his superior, Colonel Recayi, the deputy commander of Ankara's Fifth Ar-

my Corps, that the Armenian deportees from Boğazlıyan were "sent on to their destination" (*müretteblerine sevk*). When Recayi the same day inquired by wire as to what was meant by the word "destination," he got still the very same day the answer which was read aloud and into the record, namely, "they were killed" (*katl edildikleri*).²⁵

Having provided as much detail as available in the body of the key indictment on the decision-making aspects, administration, and mechanics of the extermination of Ankara Armenians, as substantiated through a string of authentic documents lodged with it, the discussion may be brought to a close by addressing once more the ultimate question of the relationship between the microcosm of Ankara and the macrocosm of the Armenian Holocaust. That relationship was assured by the "final solution" aspect of the decision-making and was afforded by the uniform functions of Ittihad's provincial commissars, variably called responsible secretaries, delegates, or inspectors, who relayed, supervised, and helped enforce the execution of the secret orders of extermination. The pièce de résistance of the indictment in this regard is the declaration of Abdulahad Nuri, whom Talat had sent to Aleppo to expedite the delivery of the final blow to the destitute remnants of the countless refugee convoys roaming around helplessly in the deserts of Mesopotamia.²⁶ After refusing to go beyond the formal orders of "deportation" and refusing to proceed with the organization of the massacre of the deportees, Aleppo's governor Celal was relieved of his post.²⁷ With singular ferocity, unexcelled by any of his colleagues, Abdulahad Nuri set the engine of death and destruction in motion with such efficiency that within weeks several hundred thousand residual Armenian deportee survivors perished in what the Armenians call the valley of the Armenian Genocide, the area of Der Zor in the main.²⁸ In his push to align on his side all officials in his zone of operation for the speedy disposal of these multitudes of unexpected survivors, Nuri tried to enlist the *kaymakam* of Kilis also.²⁹ But like others described above, he refused to comply with orders which were not official and he too was dismissed. In his written testimony to the tribunal, he quoted Nuri as saying that when seeing him off to Aleppo, Talat told him that "the salvation of the country requires the elimination of the Armenians." Nuri then added: "I personally received the orders of annihilation" (*Imha emirlerini bizzat aldım*).³⁰

The key indictment contains another statistical figure on the number of Armenians deported from a province. According to a September 15, 1915 cipher telegram from Dr. Mehmed Reşit, governor of Diyarbakır, to the Interior Ministry, 120,000 Armenians were deported from that province.³¹ The cipher is described at the end of the textual analysis, and is identified in terms of its particulars under no. 22 in the appended list. However, because Diyarbakır was a hub of transit of many convoys from

the northeast and northwest of Turkey, a condition more or less absent in the case of Ankara province, one cannot rely on the 120,000 figure as reflecting only or solely the number of Armenians qualifying as the proper inhabitants of that province.

To sum up, the relevance of the key issue of genocidal intent is exceeded only by the significance of its twin component, genocidal outcome, as evidenced in the consequences of the genocidal initiative: the radical and resolute implementation of the decision to obliterate the Ottoman Armenian population.

It is against this backdrop that the fact of the key indictment needs to be studied and evaluated. As far as is known, it is the only prosecutorial instrument that is suffused with specific data on documents the procuror-general filed. As noted above, these documents, which at the time were in the possession of the court, were one by one authenticated by competent ministerial officials, and were stamped "*aslina muafik*" accordingly. To facilitate a productive review of the conditions of intent, deflection, disguises, mechanics, and Ittihad's party role in the enactment of the Genocide, the instrument has been broken down into its major components and rearranged along certain analytic categories below.³² Moreover, to allow for an overview and inspection of the origin and nature of the forty-two individual documents incorporated in the key indictment, these documents are enumerated and itemized in a list appended to this article. □

NOTES

¹For a fuller analysis of the origin, composition, function, and outcome of the courts martial in question, see Vahakn N. Dadrian, "The Documentation of the World War I Armenian Massacres in the Proceedings of the Turkish Military Tribunal," *International Journal of Middle East Studies* 23, no. 4 (Nov. 1991), pp. 549–76.

²Most of the trials involved groups of defendants clustered around specific labels denoting the locations and areas in which the crimes were alleged to have been committed. A list of the proceedings and verdicts, as published in the official legislative gazette of the Ottoman government follows. (1) Yozgad trials, encompassing 12 sessions (6 Feb.–7 Apr. 1919; verdict 8 Apr.), *Takvimi Vekayi* 3617 (7 Aug. 1919) pp. 1–2; Sultan's ratification, *ibid.*, no. 3520. (2) Trabzon trials, encompassing 20 sessions (26 Mar.–17 May 1919; verdict 22 May), *ibid.*, no. 3616 (6 Aug. 1919), pp. 1–3. (3) Ministers of the two wartime cabinets and top Ittihad leaders, in two series, the first encompassing 7 sessions (28 Apr.–17 May 1919), *ibid.*, no. 3540 (5 May 1919), pp. 1–14; no. 3543 (8 May), pp. 15–31; no. 3547 (13 May), pp. 33–51; no. 3549 (15 May), pp. 53–66; no. 3553 (21 May), pp. 67–90; no. 3557 (25 May), pp. 91–113; no. 3561 (29 May), pp. 115–26. The second series, also encompassing 7 sessions, but without those exiled to Malta and Mudros on 28 May 1919 (and 18 Sep. from Mudros to Malta) (3–26 June 1919), *ibid.*, no. 3571 (13 June 1919), pp. 127–40; no. 3573 (12 June), pp. 141–48; no. 3575 (15 June), pp. 149–55; no. 3577 (17 June), pp. 157–59; no. 3593 (9 July), pp. 177–83; no. 3594 (10 July), pp. 185–93; no. 3595 (12 July), pp. 195–203. Verdict on 5 July, *ibid.*, no. 3604 (22 July), pp. 217–20. Sultan's ratification on 13 July, *ibid.*, no. 3597. (4) Responsible secretaries and delegates of Ittihad operating in the provinces, encompassing 3 sessions (21–28 June 1919), *ibid.*, no. 3586 (28 June 1919), pp. 161–64; no. 3589 (5 July), pp. 165–75; no. 3596 (13 July), pp. 204–15. Verdict on 8 Jan. 1920, *ibid.*, no. 3772 (10 Feb. 1920), pp. 1–6. (5) Harput trials, encompassing 5 sessions (31 July 1919–10 Jan. 1920). Verdict on 13 Jan., *ibid.*, no. 3771 (9 Feb. 1920), pp. 1–2. (6) Erzincan trials, verdict confirmed on 27 July 1920, *ibid.*, no. 3917 (31 July 1920), pp. 5–6. (7) Bayburt trials, verdict 20 July 1920, not available in *Takvimi Vekayi*, but appears in the Istanbul daily *Tercimani Hakikat*, 5 Aug. 1920. Ratification was published in *Takvimi Vekayi* 3924. There were 2 additional trials that merit depicting. These focused on individual defendants without excluding co-conspirators: (8) Captain Nevzat, military governor of Mosul (Arabs and Kurds were also cited as his victims), encompassing 6 sessions. No verdict could be found. (9) Cemal Oğuz, responsible secretary of Çankırı. After 4 sessions in the responsible secretaries trial series (27 Oct.–29 Dec. 1919), his case was separated from the rest, and after two sessions (28 Jan., 5 Feb. 1920), verdict was pronounced on 8 Feb. Confirmation *ibid.*, no. 3867 (31 May 1920), p. 1. It may be readily observed that the issues of *Takvimi Vekayi* were somewhat irregular in that their publication dates and the dates of the sessions included do not follow sequential order. A large part of the court martial transcripts cited above were attached to the main body of the *Takvimi Vekayi* as supplements.

³They were Mehmed Kemal, *kaymakam* of Boğazlıyan and interim *mutasarrıf* of Yozgad, convicted 8 Apr. 1919, hanged 10 Apr.; Hafız Abdullah Avni, nicknamed Hayran Baba, Erzincan gendarmerie chief, executed on 22 July 1919; and Behramzade Nusret, *kaymakam* of Bayburt and interim *mutasarrıf* of Erzincan, later *mutasarrıf* of Ergani, and later of Urfa, convicted 20 July 1920, executed 5 Aug. Claiming irregularity in the reaching of the verdict, a military appellate court posthumously set aside Nusret's verdict on 7 Jan. 1921, while Nemrud Mustafa, the presiding judge of the tribunal and the other 3 judges of the court were arrested between Nov. 1920 and Jan. 1921, tried, and convicted to prison terms ranging from 3 to 7 months. After Nemrud Mustafa had been in detention for 3 months, the Sultan pardoned him (*ibid.*, no. 4081 [9 Feb. 1921]) while defiant Kemalism continued its ascendancy in the Ottoman capital.

⁴*Takvimi Vekayi* 3540, supplement, p. 6. The cipher is itemized as Series 8, document no. 2. Müfit's source for this information was Dr. Ahmed Midhat, who at the time was Ittihad's responsible secretary of Bursa, but had earlier served in the same capacity in

Bolu. In his telegram to Müfit, *mutasarrıf* of Bolu, Dr. Midhat was urging him to deport, that is destroy, the Armenians of his district. Midhat was a powerful Ittihadist leader who played a role in the destruction of the Ottoman Armenians through a series of inflammatory speeches he delivered in the various localities of the interior of Turkey in his capacity as a party agitator and propagandist, and through organizational work. In the responsible secretaries trial series verdict he is described as a "cohort and agitator" (*amil ve mürevvic*) in the genesis and implementation of the master plan of Ittihad's central committee involving the crime of "massacre and plunder of the goods" of the victims. The court further asserted that together with two other responsible secretaries (Hasan Fehmi [Kastamonu] and Abdul Gani [Edirne, Sivas], Dr. Midhat was guilty of having "first supported and facilitated, and subsequently actively helped carry out these crimes" (*iptidayen iyâd ve teshil, ve intihayen ikmala*). Dr. Midhat was convicted as a principal accessory to the crime of mass murder and pillage and was sentenced to 10 years of hard labor. He escaped from prison but was later captured and brought to Malta by the British. See Vahakn N. Dadrian, "The Role of Turkish Physicians in the World War I Genocide of Ottoman Armenians," *Holocaust and Genocide Studies* 1, no. 2 (1986), pp. 174, 186–87.

⁵Takvimi Vekayi 3540, supplement, p. 6.

⁶In the eleventh session (5 Mar. 1919), for example, Cemal, the former *mutasarrıf* of Yozgad, declared under oath that upon investigation he found no trace of "a cannon," nor of "Armenian rebellion," but rather "a handful of fugitives and some military defectors" running for their lives. Şahabeddin, the deputy commander of Kayseri's Fifteenth Division, at the eighth session (20 Feb. 1919) testified that the charge of "rebellion" was a false accusation and that the whole episode involved "five or six fugitives." The relevant cipher he sent to his superiors on 14 July 1915, was read into the record during the second session (8 Feb. 1919). In the Yozgad verdict the tribunal categorically declared that the Armenians of the area as a whole were not involved in any act of insurgency. Granting that only "a trifling portion" (*bir cüzi*) of the Armenian people acted seditiously and that the majority had proven their dedication and loyalty to the Ottoman state (*isbatı sadakat ve merbutiyet*), the court rejected the rationale of transferring guilt by blaming the entire people for the misdeeds of a few.

⁷Jean Naslian, *Les mémoires de Mgr. Jean Naslian. Évêque de Trebizonde*, vol. I (Vienna: Mechitarist, 1955), p. 354.

⁸For the purpose of methodological consistency the discussion is being exclusively predicated on Ottoman sources thereby precluding from consideration other sources, including Armenian ones, that are at variance with them. The 63,605 figure is what Justin McCarthy calls the "corrected" version of the 1300 Ottoman population statistics regarding the Armenian population of Ankara province. The year 1300 corresponds to the Ottoman 1913–14 fiscal (*mali*) year and to the 1911–12 *hicri* year. The corresponding registration year is 1331, or 1914–15 *mali*, or 1912–13 *hicri*. Justin McCarthy, *Muslims and Minorities: The Population of Ottoman Anatolia and the End of the Empire* (New York: New York University Press, 1983), p. 80.

⁹This material is culled from a variety of Armenian, French, and Turkish newspapers appearing in Constantinople during the 1918–20 armistice period. In releasing this information Procuror General Sami was responding to defense counsel's argument that the bill of charges was flawed since it did not specify and identify the murder victims. Given the extent and nature of the victimization at issue, Sami argued, specification had become superfluous.

¹⁰For more details on this point see Vahakn N. Dadrian, "The Naim-Andonian Documents on the World War I Destruction of Ottoman Armenians: The Anatomy of a Genocide," *International Journal of Middle East Studies* 18, no. 3 (Aug. 1986), notes 45, 52, 101, and 109.

¹¹Falih Rifki Atay, *Çankaya. Atatürk'ün Doğumundan Ölümüne Kadar* (İstanbul: Sena, 1980), p. 351. On p. 450 Atay refers to "the few Armenian bankers who held all the agricultural tracts of Ankara province in mortgage," at the same time discussing the conditions of "the Armenian tragedy." In the same vein, he points out how "the entire gamut

of national economy, including import and export, had become the monopoly of the Christians." His next statement, which is a summary judgement, is even more significant as it confirms the main charge of the indictment that is being dissected in this study, namely that the anti-Armenian measures were not incidental, sporadic, or limited occurrences but part of a comprehensive scheme "to liquidate the Christian people [*Hristiyan halkı tasfiye etmekle*] in Thrace and Anatolia as a result of which we pulled out by the roots the economic structure of the country [*köklerinden sökmüşük*]." It is worth noting here that in his famous 21 June 1915 cipher telegram number 5 to Harput province's responsible secretary Nazım, Dr. Behaeddin Şakir uses the same word, *tasfiye*, to indicate the Ittihadist master plan of "annihilation" (*imha*) under the cloak of "deportation." The cipher was provided to the court martial by Harput governor Sabit during a pretrial interrogatory as part of an effort of self-exculpation. The document is itemized as series 9, and is noted under no. 14 in the appended list.

¹²The way the Armenian Catholics of Ankara were misled, trapped, and destroyed can be gauged by scanning German official documents. After Apostolic ("Gregorian") Armenians, the main body of the Armenian people, were exclusively targeted for deportation and massacre, Catholic Armenians, somewhat reassured by this measure of selectivity, were ordered deported. On 27 Aug. 1915, the last Friday of the month, all male Armenian Catholics of Ankara, including their primate, His Grace Gregory Bahabanian, were arrested. Informed of this ominous development, the Catholic Armenian patriarch on 31 Aug. rushed to the German embassy after consulting with His Grace Dolci, the papal delegate to the Ottoman capital, whom the authorities had repeatedly assured that Armenian Catholics would be exempt from deportation. One of the bishops accompanying the patriarch threw himself at the feet of the ambassador with tears in his eyes, imploring him to intervene. The papal delegate for his part made similar entreaties with the Austrian ambassador and officials at the German embassy. Naslian, *Les mémoires de Mgr. Jean Naslian*, pp. 334–36. Ambassador Ernst Prince Hohenlohe-Langenburg requested to see Interior Minister Talat at his office immediately. Instead, Talat offered to come in person to the German embassy. He did so on 2 Sept. and brought with him copies in German translation of three telegraphic orders he had sent to his provincial subordinates, including a "categorical" injunction "not to deport Catholic Armenians." These details are provided by Dr. Göppert, the counselor of the German embassy, in a 31 Aug. 1915 memorandum kept in the German Foreign Ministry Archives in Bonn, *Botschaft Konstantinopel*, K170. The German version of the three telegraphic orders are in the same archives, *Türkei* 183, vol. 38, A24674, enclosures 1–3. One of them appears in the original Ottoman-Arabic script as well as Romanized and modern Turkish versions in Şinasi Orel and Süreyya Yuca, *Ermenilerce Talât Paşaya Atfedilen Telegrafların İç Yüzü* (Ankara: Turkish Historical Society, 1983), pp. 116–17, 295, 296. What transpired after this gesture is even more revealing. When reporting to Berlin about it on 4 Sept., the ambassador noted that 24 hours after the transmission of the telegraphic directive, "the Armenians in Ankara (mainly [*hauptsächlich*] Catholics). . . were driven away and at some distance murdered." *Türkei* 183, vol. 38, A24674, and K170 (no. 5118), document no. 549. When informed of Talat's directive, Dr. Büge, Germany's Adana consul, in a 10 Sept. report reacted angrily, calling the whole affair "simply a brazen-faced lie" (*dreiste Täuschung*). *Türkei* 183, vol. 38, A27578. On 9 Sept., Mosul's vice consul, Holstein, was relaying to his ambassador in the Ottoman capital the news of "the massacre of the entire (*gesamte*) Christian community of Cezire," as confirmed to him by Turkish troops on their way to Baghdad from Cezire, of that victim population, "1,250 were Armenian Catholics." He then added that this incident and those reported from Trabzon and Ankara stand "in flagrant contradiction with the directives recently issued by the Interior Ministry." Ambassador Hohenlohe's 11 Sept. 1915 report, *ibid.*, A27200, no. 560. Matthias Erzberger, a Catholic politician, Foreign Ministry operative, and deputy in the German Reichstag, on 3 Mar. 1916 submitted a memorandum requesting from the Ittihadist power wielders Enver and Talat that the Armenian Catholics not be equated with the rest of the Armenian people but rather be treated as a separate millet which "never gave trouble as such." He reminded both men that despite their promises, no Catholic Armenians were allowed to return. "On the contrary, they are now proceeding against the remnants of that community in such cities as Maraş, Ayıntab, and Aleppo, as revealed by reliable news we obtained these days." After stating that the Armenian Catholic com-

munity of Turkey is estimated "by some to amount to 100,000 people, by others to a higher number," Erzberger lamented the fact that "despite their loyal stance . . . they suffered the same fate as their co-nationals" (*dasselbe Schicksal*). Ibid., vol. 41, A5914. Despite the official Turkish figure of 11 Sept. 1915, indicating a 95.9 percent ratio of deportation for Ankara province Armenians, and despite purported official orders to provincial authorities to cease and desist from disturbing the residual Armenian Catholic population, the pace of the expulsion necessarily relented but purposefully continued after Sept. 1915. Paul Count von Wolff-Metternich, the new German ambassador, in his 11 Mar. 1916 report to Berlin indicated that Talat made yet another promise to stop the deportation from Ankara and other regions. Ibid., vol. 41, A8090. However, on 27 May 1916, Erzberger once more complained to the German chancellor that the expulsion of "a great many Catholics" is continuing. Ibid., vol. 42, A13959. On 19 June 1916, the German embassy, in a formal note to the Ottoman government, requested that Catholic and Protestant Armenians be exempted from ongoing deportation procedures in Ankara and other cities. Ibid., vol. 43. The note is composed in French. The bankrupt character of these promises was dramatically underscored in Ambassador Metternich's 10 July 1916 report to his chancellor in which he bitterly complained that "the Turkish government has allowed itself to be deterred neither by our remonstrances, nor by those of the American embassy, nor by that of the papal delegate. Nor has it been deterred by the threats of the Entente powers. Its program is the resolution of the Armenian question through the annihilation of the Armenian race. It is the least concerned about the public opinion of the west, and is trying to dispose of the last remnants of the Armenians who survived the first round of deportations. . . . Included in these groups are Armenians from Ankara. . . . Catholic and Protestant Armenians are being cleared away [*aufgeräumt*] even though the Porte repeatedly agreed to spare them." Ibid., 17310. This governmental charade went on all the way to the summer of 1917 when Erzberger notified the German Foreign Office that, according to the reports of a Dr. David, surviving Catholic Armenians in Ankara are being forced to embrace Islam or face the threat of deportation. Erzberger to the Foreign Office, 20 June 1917, Ibid., vol. 47; [Foreign Minister] Zimmermann to Richard von Kühlmann [the new German ambassador], 25 June 1917, *ibid.*, enclosure; Kühlmann to the German chancellor, 4 July 1917, *ibid.*, vol. 48. This pattern of behavior is confirmed by Austrian testimony as well. In a memorandum dated 26 Oct. 1915, Austrian priest Father Norbert Hofer, the director of Erzurum's French college, informed the Austrian Foreign Ministry in Vienna that "the Armenian Catholics, who never got involved in politics, were officially exempted from deportation. But the provincial governors were secretly instructed to treat them just like the other Armenians." Moreover, speaking of a widespread practice of forcible Islamization of Armenian children, both male and female, the priest states that "on 1 Sept. 1915, the birthday of the sultan, 100 Christian children in Ankara, including many Armenian Catholics, were ceremoniously circumcised." "Verfolgung der Armenier," folios 17, 18, PA12, Karton 464, Türkei XLVIII/4, Austrian Foreign Ministry Archives (Vienna).

¹³Pretrial interrogation papers, p. 34 (item no. 35 in the appended list).

¹⁴*Takvimi Vekayi* 3540, pp. 7, 8.

¹⁵Ibid., p. 8.

¹⁶Mazhar's Affidavit, pp. 1, 3.

¹⁷Ibid., p. 4.

¹⁸Ibid., p. 3.

¹⁹Ibid.

²⁰Series 2, p. 13 (item no. 29 in the appended list).

²¹*Takvimi Vekayi* 3772 (8 Jan. 1920), p. 4.

²²Ibid., p. 2. A copy of the text in Ottoman script is in the archives of the Jerusalem Armenian Patriarchate, series 21, File M, nos. 251–53.

²³*Takvimi Vekayi* 3540, p. 7.

²⁴*Renaissance, Zhoghovurdi Dzain*, 6 Mar. 1919; *Nor Kiank and Zhamanak* 6 and 7 Mar. 1919.

²⁵Vahakn N. Dadrian, "The Documentation of the Armenian Genocide in Turkish Sources" in *Genocide: A Critical Bibliographic Review*, ed. Israel W. Charny, vol. II (Oxford: Mansell, 1991), p. 103; *idem*, "The Naim-Andonian Documents," notes 19 and 31.

²⁶When the central authorities realized that a certain proportion of the masses of deportees miraculously survived the mortal dangers and hardships of deliberately prolonged and aggravated treks of deportation and really tried to "relocate" themselves in the deserts of Mesopotamia, Talat sent two arch executioners to Aleppo and Der Zor to expeditiously organize the slaughter of these exhausted and emaciated remnants of the victim population. One of them was Abdulahad Nuri. [For more details, see Dadrian, "The Naim-Andonian Documents," note 86.] The other special exterminator was Salihzeki. Salihzeki actually oversaw and personally assisted in the mass murder being carried out near Der Zor, one of the most infernal sites of the mass murder whose ghastly details are evocative of the holocaustal dimensions of the Armenian Genocide. Salihzeki was transferred from Erek in Kayseri *sancak* and was appointed *mutasarrif* of the independent *sancak* of Der Zor. The indictment quotes him bragging about the huge number of Armenians he had exterminated. (See document 21 in the appended list; also, Dadrian, "The Naim-Andonian Documents," pp. 332–33, for the specifics of this act of bragging.) The extraordinary value of these twin appointments lies in the fact that they not only spotlight the deceptive character of the "relocation" theme of the official Turkish declarations, but perhaps more importantly, they point out the close relationship between decision and consequence, genocidal intent and genocidal outcome, through the intervention of governmental organs and the mobilization of resources at their disposal.

²⁷*Takvimi Vekayi* 3540, p. 7; pretrial interrogation papers, pp. 7 and 17 (items no. 33, 34 in the appended list).

²⁸Dadrian, "The Naim-Andonian Documents," note 60.

²⁹In the annotations of his memoirs, Naim Sefa, a code clerk in Abdulahad Nuri's Aleppo office, independently confirms this line of testimony of İhsan, the *kaymakam* of Kilis, and at the time of his testimony, director of the Special Chancery of the Interior Ministry (*Kalemi Mahsus Müdürlüğü*). Accordingly, Nuri, whose official title was Deputy Director-General of the Bureau for the Resettlement of Tribes and Refugees (*İşkânı Aşayir ve Muhacirin Müdürlüğü Umumi Muavini*), told Naim the following: "After I was informed of my appointment, the counselor of the Interior Ministry advised me to see Talat before proceeding to my new post. When I did go to Talat's office, he had some guests there. He asked me, 'When will you be leaving?' He then got up from his seat and nudging me to the window, in a low voice he said, 'You of course know what you have got to do. I no longer want to see those accursed people living in Turkey.'" Aram Andonian, *Metz Vochire* (Boston: Bahag, 1921), p. 32. Andonian's own annotation includes the following observation on Abdulahad Nuri: "He never accepted bribes. He used to say, 'I love to be bribed, but I am afraid. I am afraid that for the money filling my pockets an Armenian, a single Armenian, may be spared.'" Ibid., p. 33, note 9. Abdulahad Nuri was arrested by the Turkish police in the fall of 1920 and was close to being convicted to death following a trial. As reported by a witness at the court, he was "trembling and sobbing before the judge. Twenty witnesses were at hand to testify against him." But his brother, Yusuf Kemal (Tengirşek), then Economics Minister in the Kemalist government, sent an Armenian bishop to Istanbul to convey a threat of massive retaliation against the remaining Armenians in the area of Ankara should charges be pressed against his brother. As a result, Nuri was snatched away from the shadow of the gallows, soon to be completely free upon the demise of the Sultan's government and the advent of the Kemalist regime. See Dadrian, "The Naim-Andonian Documents," note 86.

³⁰*Takvimi Vekayi* 3540, p. 5; pretrial interrogation papers, p. 15 (item no. 10 in the appended list).

³¹*Takvimi Vekayi* 3540, p. 7 (series 12, document no. 1).

³²From *Takvimi Vekayi* 3540, supplement, pp. 4–8. It was read into the record on 28 Apr. 1919, and was published on 5 May 1919. □

THE BREAKDOWN AND RECONSTRUCTION OF THE INDICTMENT

I. THE CONDITIONS OF THE COURT MARTIAL

1) *Its Central Purpose*

Page

5. İşbu tahkikatın mevzuu olan maddei muayene Ermenilerin tehciri esnasında . . . vukua getirilen . . . fecai . . .

The subject of this proceeding is the investigation of the matter [relating to] the tragedy that was brought about in connection with the Armenian deportations.

8. taktik ve ihtikâr gibi meyaddin tahkiki işbu Divanı Harbi Örfinin teşkil ve vezaifine müteallik kararnamei ahir ve mucibince de cümlei vezaiften olmakla . . .

[In line with] the recent decree concerning the formation and function of this Court Martial, the investigation of the matter of massacres and profiteering [emerges] as the principal task of this Court.

2) *The Theft of Important and Incriminating Documents*

5. . . evrakdan bir kısmı mühimmin ve Merkezi Umuminin bütün evrak ve defatirinin asırıldığı anlaşılmakta ve hatta Emniyeti Umumiye Müdürü esbakı Aziz beyin Talat beyin istifasından evvel daireden aldığı malûmat ve muhaberatı mühimmeye dair dosyeleri infisalından sonra iade etmediği Dahiliye Nezareti Celilesinin tezkeresi münderacatı ve şahadeti mazbute delaletiyle subut bulmakda.

. . . it is clear that an important part of the loose papers [belonging to the Special Organization] as well as those of the Central Committee, along with its registers, were stolen. According to the contents of the memo from the illustrious Interior Ministry, even former Director of Public Security Mr. Aziz did not, after he resigned his post, return the files containing important data and correspondence which he had obtained from the office prior to the resignation of Mr. Talat.

3) *The Elements of Prosecutorial Evidence*

4. . . icra kılınan tahkikatı mutazammın evrakı istintakiye ve teferruatıyla Divanı Harbi Örfi Müddei Umumiliğini balada mestur iddia-namesi . . .

. . . the investigative papers compiled [through pre-trial] examinations and the attached, detailed indictment [framed] by the Procuror-General of the Court Martial . . .

5. . . netice tetkikatı müşir delail ve berahin ve beyanâtı tahririye ve vesaiki mütebere bir veçhiatı derc ve telfik olunur

[We shall] adduce evidence, proofs, depositions, and valid documents compiled by way of a careful and revelatory [pre-trial] investigation.

7. Vehib Paşanın . . . ifadei tahririyesi . . . bir hücceti itham ve burhanı tamdır.

. . . the deposition of Vehib Paşa . . . is an accusatory document and a comprehensive proof . . .

8. Ankara tehcirine . . . ait mâlumatı müddeiyatı . . . isbata medar delail ve karaine kâfiyendir.

The assertions [contained] in the information . . . serve as an instrument of evidence adequate to document [the charges relating to] the Ankara deportations.

8. . . salif üz zikr ceraime mücaseretleri hakkında berveçhi balâ delail ve berahini kâfiye istihsal kılınan . . .

[On the basis of] the production to a sufficient degree of the above cited evidence and proofs pertaining to the daring crimes [of the suspects cited] in the preceding [indictment] . . .

4) *On the Judicial Competence of the Court Martial*

8. Maznunualeyhümden vükelalıkta bulunanlar ifadatı istintakiyelerinde inkâr ile müterafik bir vazife meselesi ihdas ile mercii tahkik ve muhakemelerinin Divanı Harbi Örfi olmayıp kanunu esasi ahkâmınca teşkil kılınacak Divanı Âliye ait bulunduğuna müdafaaten dermeyan etmektedirler.

Those among the aforementioned [defendants] who [served] as ministers, put forward [the claim] of [official] duties as they denied [the charges] through statements [they made during the interrogatories]. They [thus] are bringing up for consideration for their defense [the claim that] the [proper] venue for the investigations and trials is not the Court Martial but the High Court, to be constituted in conformity with constitutional provisions.

8. Fakat izahtan müstağni olduğu üzere kanunu esasının istinat ettikleri 92 ci maddesi nazırların veya müştereken heyeti vükelânın ancak umuru memurilerden mütevellit harekâtı siyasiyelerinden mütehassıl efâli cürmiye ile mukayyed olup şahsen ika ettikleri veya ferenzimethal bulundukları ceraimi âdiye için kanunu mezkûrın otuzüçüncü maddesi ahkâmınca nuzzarın hiç bir imtiyazı kanuniyeleri olmayıp

It is superfluous to explain, however, that [the application of] Article 92, on which they are relying, is restricted to those criminal deeds that result from the official duties of the ministers or, collectively, of the Cabinet, involving political actions. According to the provisions of Article 33 of the above mentioned [constitutional] law, the ministers [enjoy] no privilege whatsoever for ordinary crimes they personally committed, or [when they] are accessories [to these crimes].

8. O kabil ceraimden dolayı mercii muhakemeleri mehakimi âdiye olmasına ve idarei örfiye cari olan mahalde olbaddaki kararname mucibince kavanini mülkiye ve adliye tamamiyle sakin ve Divanı Harbi Örfiler mercii ceraim olacağına . . . işbu Divanı Harbi Örfinin teşkil ve vezaifine müteallik kararnamei ahir mucibince de cümlei vezaifden ol-

Given the facts [that, a:] the venue for this category of crimes is ordinary courts; [that, b:] wherever a state of martial law is in force civil and judicial laws are entirely muted, with jurisdiction devolving upon Courts Martial, as stipulated by the respective law; [that, c:] pursuant to the recent decree, respecting the formation and functions of this Court Martial, [the

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makla gayrı varid olan vazife itirazının reddi karargir. . .

Tribunal] decided to reject the inadmissible objection [of the defendants pleading official duties].

5) *The Proposed Sets of Penal Codes*

8. Doktor Behaeddin Şakir, Doktor Nazım, Atıf, Rıza, Cevat, Aziz beyler ve Enver, Cemal ve Talat 'Paşa' beylerin kıtalde hemfiil olduklarından harekâtı vakıaları mücazâtı terhibiyeyi müstalzım e'faldan olarak kanunu cezanın kırkbeşinci maddesinin birinci fıkrasıyla yüz yetmişinci maddesine. . .

In consideration of the misdeeds warranting retributive punishment for [defendants] Dr. Behaeddin Şakir, Dr. Nazım, Messrs. Atıf, Rıza, Cevat, Aziz and 'Pasha' Messrs. Enver, Cemal and Talat, who were principal co-perpetrators, [it is demanded that they be subjected to the provisions of] the first paragraph of Article 45 and of Article 170 of the Penal Code.

8. Hemfiil olmayıp bilerek icrai müzaheretle maznunların cürümlerinde muayyen olarak ferenzimethal bulunan Mithat Şükrü, Doktor Rusuhi, Küçük Talat, Ziya Gökalp, Kemal beylerle Sait Halim Paşa ve Ahmet Nesimi, Şükrü, İbrahim ve Halil beylerin de kanunu mezkûrun kırkbeşinci maddesinin ikinci fıkrası. . .

Though not principal co-perpetrators themselves, Messrs. Mithat Şükrü, Dr. Rusuhi, Küçük Talat, Ziya Gökalp, Kemal, and Sait Halim Paşa, Ahmet Nesimi, Şükrü, İbrahim and Halil [emerge as] definite accessories since they knowingly supported the accused in their crimes. They [are therefore subject to the provisions of] paragraph two of Article 45 of the above cited code.

II. THE CONSPIRATORIAL AND PARAMOUNT ROLE OF İTTİHAÐ

1) *The Dual Character and Functions of the Party or Cemiyet*

4. . . İttihad ve Terakki Cemiyeti biri programa ve nizamnamei dahiliye müstenid zahiri ve âleni, diğeri talimâtı şifahiye ve mahremaniye mübteni mestur ve hâfi iki mahiyeti mütezaddeyi câmi olup. . .

The İttihad ve Terakki Cemiyet embraced two mutually opposed characters [consisting] on the one hand of an external and public [facade] that was based on [a party] program and internal regulations, and on the other of a concealed and private [modus operandi covering] oral and secret instructions.

5. . . İttihad ve Terakki Cemiyeti rüesasının mekasidini gizli bir usul daairesinde tenfiz ve icraya koyulmuş. . .

. . . the implementation and execution in a secret fashion of the intent of the leadership of İttihad ve Terakki Cemiyet. . .

5. İttihad ve Terakki rüesasının. . . harekâtı ve icraatı cürmiye ile işgal ettirdikleri şebekei hafiye. . .

. . . the criminal actions and operations [represented a mission] with which the secret network [of the Special Organization] was charged. . . by the leadership of İttihad ve Terakki. . .

5. . . [harekâtı cinayetkarelerine esaslar hazırlamak. . .] ve bütün bu kabil harekâtı hâfiye. . .

[. . . in order to frame the guidelines for the criminal actions] and [to carry out] this kind of secret actions.

5. Ermenilerin tehciri. . . tertip ve icraatının şifahi ve hâfi evamir ve talimat itası suretiyle temin ve idare edilmiş

The organization and execution of the Armenian tragedy [associated with] the Armenian deportations was directed and ensured through oral and secret instructions and orders.

6. İşbu telgrafnamenin Meclisi Mebusanın Beşinci Şubesinde firari Talat beye ait evrak meyanında bulunması Zor mutassarıfı Ali Suat beyin balâda zikri geçen şifreli telgrafnamei mühimmesinin keyfiyet ve maksadı hıfz ve iptâlini teyid etmektedir.

The fact that this telegram was among fugitive Mr. Talat's papers [compiled] by [the Inquiry Commission] of the Fifth Committee of the Chamber of Deputies, accents the important character of the cipher telegram [sent by Talat to] the above mentioned Zor district commissioner Ali Suat, and [accents the significance] of its secret character and intent as well as of [the attached instruction] to destroy it.

2) *İttihad's Secret Designs Propelling Turkey's Entry Into the War*

4. . . harbi umumiye iştirakı bir takım hiyel ve desais istimalıyle emrivaki haline getirdikten sonra tatbiki maneviyata biliptidar, harekâtı harbiye sıralarında mekasidi hafiyelelerini mevkii fiile isâl garazıyle hususi ve mahvi komitesince

By recourse to a number of vile tricks and deceitful means [they] secured [Turkey's] entry into the First World War, thereby creating for the people an accomplished fact.

4. . . Avrupanın meşgul olduğu harbi umumiden bilistifade

. . . taking advantage of the [opportunity of the] general war with which Europe was preoccupied. . .

3) *The Links Between İttihad's Top Leadership and the Special Organization*

6. . . telgrafname dahi. . . Teşkilâtı Mahsusa ile Cemiyetin irtibat ve münasebetini. . .

. . . even the telegram. . . illustrates the relationship and ties between the Special Organization and Cemiyet.

6. . . Resneli Nazım beyin o sırada Mamûretülaziz İttihad ve Terakki müfettişliğinde bulunması Teşkilâtı Mahsusanın imha vazifesiyle meşgul olarak Cemiyetle irtibatı müekkidd vesaikdendir.

Mr. Resneli Nazım's presence in Mamûretulaziz (Harput) at that time as İttihad ve Terakki's Inspector confirms his involvement in the destructive operations of the Special Organization and his ties to the Cemiyet.

4) *The Pivotal Role of the Responsible Secretaries, Delegates and Inspectors*

5. Bu komitenin taşraya dağıttığı...ve asir mahallerin İttihad ve Terakki Murahhaslarıyla...taktili...

[The perpetrators which] the Committee deployed in the provinces and the delegates of İttihad ve Terakki [joined hands in committing] massacres...

6. ...tehcirin...[Bursa kâtibi mesul Doktor] Mithat beye müracaattan mülhem olduğu...

The deportations [from Bolu] were inspired [among others] by the exertions of [Bursa Responsible Secretary Doctor] Mr. Mithat.

6. ...bunu müeyyed 'Balıkesir İttihad ve Terakki müfettişi Musa' imzasıyla...ve Doktor Nazıma muhavel mektup...

...the letter, signed 'Balıkesir's İttihad ve Terakki Inspector Musa'...and turned over to Dr. Nazım...corroborates this [fact].

6. Samsun Kâtibi mesul Rüştü imzasıyla İttihad ve Terakki Merkezi Umumiyesine çekilip...havale eden telegrafname...

The telegram sent to the Central Committee of İttihad ve Terakki and [thence] forwarded, bore the signature of Samsun Responsible Secretary Rüştü...

7. Tehcir edilenlerden bazılarının sabıka Çangırı Kâtibi mesulü...Cemal Oğuz beyin teşkil eylediği Kürt Alo çetesi sureti katl'larına dair...

...regarding the manner of massacre of some of the deportees by Kurd Alo's brigands organized through Çankırı Responsible Secretary Mr. Cemal Oğuz...

7. ...Ankara...İttihad ve Terakki kâtibi mesulu Necati beyin derece müdahelâtı...

The level of interference by Ankara's İttihad ve Terakki Responsible Secretary Mr. Necati...

7. ...İttihad ve Terakki fırkasının bir içtimasında fırka reisi Talat beye verdiği takdirde Ermenilere karşı ika edilen fecayi ve mezâlimi bilhikaye İttihad ve Terakki kâtibi mesullarının cümlesiyle...haklarında tahkikat icrasını talep eylediği Talat beyin 'hıfz' işaretiyle takdirini bir tarafa attırdığını...

...in a memo [which Deputy O. İhsan] gave Talat during a meeting of the parliamentary group of İttihad ve Terakki, he recounted the calamity and atrocities being perpetrated against the Armenians, requesting an investigation of all the responsible secretaries; Talat brushed [the memo] aside after scratching on it the notation 'keep it.'

7. Kastamonu tehcirini izah ve ora kâtibi mesulü Hasan Fehmi efendinin ceraim ve mesavisini Nezar-ete yazmışken dinlenemediği...vali Reşat Paşanın beyanatı ve merbutu telgraf suretleri...

...the statement of Governor Reşat Paşa and the appended copies of the telegram explaining the deportations in Kastamonou, [showing] his being ignored despite his having written to the Ministry about the crimes and misdeeds of the local Responsible Secretary Hasan Fehmi...

8. ...ve ora kâtibi mesul beye ait mâ-lûmatı müddeiyatı vakıai isbata medar ve delail ve karaine kâfiyedendir.

...and [the involvement of that region's] Mr. Responsible Secretary serve as an instrument of evidence adequate to document [the charges].

8. ...Trabzon fecaii ve failleri hakkında...Trabzon kâtibi Mesulu Nail bey hakkındaki beyanat...

...the statement on Trabzon Responsible Secretary Mr. Nail about the atrocities and perpetrators of Trabzon...

III. THE FACTORS OF DECISION MAKING

1) *The Supreme Instance of the Central Committee in Premeditation*

7. Ermenilerin katl ve imhası...İttihad ve Terakki Merkezi Umumisinin neticeyi mukarreratı olup...

The massacre and destruction of the Armenians were the result of the decision-making by the Central Committee of İttihad ve Terakki.

8. ...Merkezi Umumice ariz ve amik düşünülerek karar verilmiş bu mesele...

This [Armenian] question has been determined upon following extensive and profound deliberations...

2) *On Deflection and Cover-up*

6. ...bu çetelerin bidayeti seferberlikte harbe iştirak ettirileceği işaa ve erbabı hulus ve saffet iknaa gayret edilmiş

At the start of the mobilization the idea was broadcast that these brigands were to get involved in war duties. An effort was made in this sense to persuade the well-intentioned and gullible people concerned.

6. ...bilâhare...tehcire tutulan kafi-lelerin katl ve ifnası hususunda istihdam kılındıkları olbapdaki delail ve berâhin ve vesâikin heyeti umumiyesinden müsteban olmaktadır.

The pertinent proofs, documents and other [pieces of] evidence in their configuration clearly demonstrate that [these brigands] subsequently were employed for the massacre and destruction of the convoys subjected to deportation.

6. Taktillerin Talat ve Cemal ve Enver beylerin emir ve vukufları altında cereyan, biri 21 Temmuz 331 tarihi Diyarbekir ve Mamûretülâziz, Urfa, ve Zor vali ve mutasarrıflarına yollarda kalan emvat defnettirilerek ecsatın dere ve göl ve nehirlerle atılmaması ve yollarda terk ettikleri eşyanın yakılması hakkındaki Talat beyin şifreli telegrafı ve Dördüncü Ordu Kumandanı Cemal

[The following ciphers attest to the fact that] the massacres took place under the orders and with the knowledge of Messrs. Talat, Cemal, and Enver. The one addressed to the governors of Diyarbekir and Mamuretulaziz and the district commissioners of Urfa and Zor [involves] Mr. Talat's July 21, 1915 cipher [ordering] the burying of the dead lying along the roads, prohibiting their being cast into valleys,

beyin Diyarbekir valisine 'müstacel' ve 'zata mahsusdur' işaret ve 1 Temmuz 331 tarihli telgrafta Fırat nehrinin cenubuna doğru sürüklediği ecdadın harekâtı isyanıyede maktul düşen Ermenilerin cesetleri olması muhtemel bulunduğundan bahisle bunların mahallerinde defnettirilmesi meydanda ecdat bırakılmaması lüzumu beyan olunmaktadır. cevaben mümaileyh Cemal beye çekilen 3 Temmuz 31 tarihli ve 'zata mahsusdur' işaretini havi şifreli telegrafnameda 'Fırat vilayetimizle pek az münasebettardır. Sürüklenen ecdadın Erzurum, Mamüretülaziz cihetlerinden gelmeleri muhtemeldir. Burada harekâtı isyanıyede maktul düşenlerin ya metruk ve derin mağaralara atılmaları ve yahut ekseriyetle yapıldığı veçhile ihrakları suretiyle muamele yapılmakta ve definleri bile pek müstesnadır' denilmektedir.

7. . . . şifre ile verilen emirde tebligâtı akideye rağmen yine yollarda pek çok ecdadın bulunduğu ihbar ediliyor. bundaki mehzir muhtacı izah olmadığı gibi bunda terahi gösteren memurunin şiddetle tecziyleri Dahiliye Nezareti Celilesinden eki-den bildirilmekle hudud dahilindeki bilumum cesetler dikkatli bir suretle defnedilmek için. . .

7. Ankara tehciri esnasında . . . polis müdürü esbakı Manastırlı Behaeddin beyin ef'âl ve harekâtını tarif ve izah eden Miralay Halil Recayı beyin beyanatı mufassalası bilhassa şayanı kayıtlar. . . Behaeddin bey oraca divanı harbe tevdi ve hakkında takibatı kanuniye icrasına tevessül edilmişken İstanbula çağırılmış ve

rivers, and lakes, and [insisting on] the burning of the effects abandoned [by the dead]. [The other concerns] Fourth Army Commander Mr. Cemal's July 1, 1915 telegram sent to the governor of Diyarbekir, marked 'urgent' and 'eyes only'. In it, it is declared that it is necessary to bury on the spot the corpses dragged southwards by the Euphrates, at the same time maintaining that they probably are the corpses of Armenians killed as a result of their rebellious acts and that no corpse should be left lying around. In response, [the following was communicated to] the aforementioned Mr. Cemal in a July 3, 1915 cipher telegram bearing the sign 'eyes only': 'Euphrates is very tenuously related to our province. It is likely that the corpses dragged [by the river] originate from the areas of Erzurum, Mamuretulaziz. The dead resulting from acts of rebellion are either thrown into abandoned and deep caverns or are, in accordance with the prevailing method of treatment, incinerated; they are very seldom buried.'

. . . the presence by the roads of too many corpses, despite recent notification, is denounced in the order issued through a cipher, [with the observation that] the damage [to us implicit in such a condition] does not need an explanation and, as communicated by the illustrious Interior Ministry, the sluggish individuals will be severely punished. The burial in a careful fashion of all the corpses [found] within the boundaries [is to be carried out].

. . . the extensive and especially very significant statement of Colonel Halil Recayı [covers] the actions and conduct during the Ankara deportations of former police chief Mr. Behaeddin from Manastır. . . When Mr. Behaeddin was turned over to the court martial and recourse to legal action against him was being taken, he was recalled

Dahiliye Nezaretinin talebine binnaen gönderilmeyen evrakı tahkikiye bilâhara Harbiye Nezaretince celb ve istirdad edilerek mümaileyh takibatı vakıadan kurtarılmıştır.

to Istanbul and as a result of the Interior Ministry's request the investigative papers, which were being held back, were procured and recovered by the War Ministry; the aforementioned [Behaeddin] was [thus] spared prosecution.

3) *The Sweeping Nature of the Anti-Armenian Scheme*

5. . . . mevzii ve münferit vekayiden ibaret olmayıp mezkûr ül esami zevattan mürekkep bir kuvai müttehiden merkeziye tarafından tertip ve icraatının . . .

[The calamity befalling the Armenians] was not due to a particular incident; nor was it limited to a particular locality. [Rather] it was organized by a unanimously acting central body comprising the above mentioned persons.

6. . . . Bolu gibi darül harekâtın maddud olmayan bir mahalde tehcirin ne tedbiri askeri ve ne de tedbiri inzibatı cümlesinden olmayıp Cemiyetin emel ve arzusundan münbaais. . .

[In consideration of the fact] that a location such as Bolu [Kastamonu province, 72 miles inland on the Istanbul-Izmit-Adapazar-Ankara main road] did not count as a war zone explains the deportations as having resulted from the goals and wishes of the Cemiyet; they were neither a measure [borne out by a] military necessity, nor a punitive, disciplinary measure.

7. . . . sureti kat'ların . . . Cemiyet mümessillerinin cemiyetin manzumei merkeziyesine muzâf olması lâzım gelen fiil ve hareketlerinin bir cüzüdü.

. . . the method of massacre is but part of the actions and activities on the part of the representatives of Cemiyet involving what appears to be acts subsidiary to a centrally directed system [of operations].

4) *The Penchant for a Final Solution*

4. . . . mesaili muallâka ve gavaili müaddileyi herkese ibrâzı şiddet ve her tarafa ilkai dehşetle hall ve fasl sevdasına düşerek . . .

[They] fancied that [they] could solve once and for all unresolved problems and troublesome conflicts through a display of severity towards everyone and through the recourse to terror in every direction.

8. . . . bu teşebbüsün Şark meselesini halledeceğine

[The claim that] this undertaking will be solving the Eastern question. . .

IV. THE INSTRUMENTS OF EXTERMINATION

1. *The Command and Control of the Special Organization*

4. . . . Merkezi Umumi azasından olup

[Among] the officials of the Special

Teşkilâtı Mahsusada memur bulunan Doktor Behaeddin Şakir, Doktor Nazım, Atıf, Rıza ve teşkilâtı mezkûre encümen idaresine dahil olan Emniyeti Umumiye Müdürü esbakı Aziz ve Merkez Kumandanı sabıkı Cevat beyler. . .

5. Teşkilâtı Mahsusa namı tahtında vücuda getirdikleri bir komiteden Emniyeti Umumiye Müdürü esbakı Aziz ve Merkezi Umumi azasından Atıf ve Doktor Nazım beyler adeta Merkez Erkânıharplığını
5. . . . Behaeddin Şakir beyin merkezi Erzurum olmak üzere vilayeti şarkiyedeki kuvvetlerin kumandasına gittiği. . .
5. [. . . Teşkilâtı Mahsusanın] . . . encümen idaresi Merkezi Umumi azasından Doktor Nazım, Behaeddin Şakir, Atıf, Rıza ve Emniyeti Umumiye Müdürü esbakı Aziz beylerden mürekkep olup. . .
7. Behaeddin Şakir beyin tertip ettiği çete efradı. . .

2) The Çetes and the Gendarmes Comprising the Special Organization

6. Teşkilâtı Mahsusa ve ona mülhak bazı jandarmaların Erzurum vilayeti mülhakatında Ermenilere olan taaddiyat ve tecavüzatını tavzih eden vali Tahsin Bey Efendinin 15 Temmuz 331 tarihli şifreli telegrafnamesi. . .
6. Teşkilâtı Mahsusa namı altında türeyen çeteler. . .
6. . . . Teşkilâtı Mahsusanın imha vazifesiyle meşgul olarak Cemiyetle irtibatı mükemmel vesaidendir.
7. . . . Behaeddin Şakir beyin tertip etmiş olduğu çete efradı ve Derişliler tarafından katl ve gârate maruz kaldıkları

Organization were Central Committee members Messrs. Dr. Behaeddin Şakir, Dr. Nazım, Atıf and Rıza; Messrs. Aziz, former Director of Public Security, and Military Governor [of Istanbul] Cevat were part of the executive directorate [of that Special Organization].

Messrs. Aziz, former Public Security Chief, Atıf, Central Committee member, and Dr. Nazım [functioned] in fact like a General Staff within a committee which they created under the name of Special Organization.

. . . Mr. Behaeddin Şakir, headquartered at Erzurum, took charge of the command of the forces operating in the eastern provinces. . .

The executive direction [of the Special Organization] was in the hands of Central Committee members Messrs. Dr. Nazım, Behaeddin Şakir, Atıf, Rıza and former Director of Public Security Aziz.

. . . the çete formations organized by Mr. Behaeddin Şakir. . .

The July 15, 1915 cipher telegram of Governor Mr. Tahsin attesting to the criminal attacks and atrocities against the Armenians in the localities of Erzurum province by the Special Organization and by some gendarmes attached to it.

The brigands which sprang up suddenly under the label 'Special Organization'. . .

. . . confirms [the fact that] in its involvement with the task of destruction the Special Organization [maintained] ties with the Cemiyet.

. . . [as to how] they were being subjected to massacre and plunder by the members of the çete units organized by Mr. Behaeddin Şakir.

3) The Engagement and Employment of Convicts for Massacre Duty

5. . . . [Halil, Nazım, Atıf, Aziz]. . . bu uğurda sergerde cemi ve tedarik ve mahpusları tahliye ettirdiklerine. . .
5. [. . . Cemiyetin zinüfuz erkânı] hapishanelerden tahliye ettirdikleri kavafili mücriminin harekâtı cinayetkârelerine esaslar hazırlamak ve bunlara evamir ve talimat vermek ve . . . İstanbulda iştigal etmek üzere Teşkilâtı Mahsusa namı altında vücuda getirdikleri bir komiteden. . .
6. . . . canilerin şakilerin Teşkilâtı Mahsusaya mukayyet. . .
7. [. . . Ermenilere karşı ika edilen fecayi ve mezâlimi bilhikâye] hapishanei Umumi Müdürü İbrahim bey [hakkında] tahkikat icrasını. . .
7. . . . Üçüncü Ordu mintikasında insan kasaplarını tedarik ve onları idare ve istihdam. . . ipten ve kazıktan kurtulmuş yaralarını. . . eli gözü kanlı jandarmalar. . .

. . . for this purpose [Messrs. Halil, Nazım, Atıf, Aziz] assembled and provided brigand chiefs and emptied the prisons. . .

[The powerful leaders of the Cemiyet] released from the prisons gangs of criminals. In order to frame the guidelines for the latter's criminal actions and provide them with the [necessary] orders and instructions [and ensure the secrecy of the mission, İttihad] created and set up in Istanbul a Committee called Special Organization.

. . . criminals, outlaws associated with the Special Organization. . .

. . . the initiation of an investigation against Director General of Prisons Mr. İbrahim [relative to the calamity and atrocities inflicted upon the Armenians].

. . . the procurement, direction and employment in the Third Army zone of butchers of humans. . . consorting gallowbirds. . . gendarmes with blood-stained eyes and with hands soiled in blood. . .

4) The References to Artvin

5. . . . bu kararnamenin merbutu varaka ise keyfiyetin 'Artvindeki Behaeddin Şakir beye bizzat hallonacaktır' işaretiyle 'A. Cevat' imzasıyla şifreli telgrafla emir ve işâr olunduğu irae eder.
8. Teşkilâtı Mahsusa dosyesinde zuhuren varakanın zahirinde muharrer 69 numaralı cevapta 'Mademki orada işiniz kalmamıştır Artvin meselesinden daha mühim bir vazifeyi deruhte etmek üzere Trabzona hermen hareket ediniz'

. . . the single leaf document attached to this indictment demonstrates that a cipher telegram, bearing the signature of A. Cevat, lets it be known that the matter 'will personally be taken care of by Mr. Behaeddin Şakir in Artvin.'

In the No. 69 secret response recorded on the same page of the single leaf document found in the file of the Special Organization it says: 'Since there is nothing left for you to do, proceed to Trabzon to assume a duty which is more important than the Artvin affair.'

V. METHODS OF EXTERMINATION

1) *Types of Crimes and Misdeeds*

a) Profiteering and self-enrichment

4. . . . Cemiyetin zinûfuz erkanı . . . bu fırsattan bilistifade irai tahakküm ve tagallüp ile iddihari sevret ve sâman etmek emniyesiile hareket eyledikleri . . .
6. Faik namında bir mülâzimin Arabyanın dört kızını aldığı ve mülâzım Kâmil efendinin de 1863 lira ve 35 yük eşya ve pek çok mücevherat çaldığını para ve kadın rezaletinin pek hecaletaver ve mertliğe muhalif . . .
7. . . . Merkezi Umumi mensubinin-den Memduh Şevket ve biraderi Refet beylerin o sırada Ankaraya gide-rek ne suretle zengin oldukları . . .
- . . . with an iron hand and by way of abuse of authority the powerful leaders of the Cemiyet endeavored to accumulate [personal] wealth and fortunes . . .
- A lieutenant named Faik took possession of Arabian's four daughters and Lieutenant Mr. Kâmil stole 1863 T Pounds, 35 loads of furniture, and lots of jewelry. These scandals involving women and money are most shameful and indecent.
- . . . how Central Committee member Mr. Memduh Şevket and his brother Mr. Refet at that time went to Ankara and enriched themselves . . .

b) Mass drownings at the Black Sea

7. . . . Karadeniz sahillerinde Ermenilerin kayıklara ne suretle ırkâp ve gark edildikleri . . .
- . . . [How] the Armenians were being put on board of caiques and drowned on the shores of the Black Sea.

c) Murder, plunder and assorted crimes

6. . . . tehçire tabi tutlan kabilelerin katl ve ifnası . . .
6. . . . taktiller . . .
7. . . . Ermenilerin katl ve imhası ve mallarının yağma ve gasbı . . .
8. . . . taktil ve ihtikâr . . .
5. . . . taktili nüfus, nehbi emvâl ve nukut ve ihrakı mebanî ve ecsat, hetki ırz, işkence ve eza fezaihinî ika eyledikleri . . .
- . . . the massacre and destruction of the convoys subjected to deportation . . .
- . . . the massacres . . .
- The massacre and destruction of the Armenians and the looting and plunder of their properties . . .
- . . . massacre and profiteering . . .
- . . . murder of people, plunder of goods and money, gutting houses and corpses, rape, and the indulging in all sorts of tortures and shameful acts.

2) *Explicit Order for and Execution of Massacres*

6. . . . şifreli telegrafnamenin münderecatı: 'Oradan sevkeden Ermeniler tasfiye olunuyormu? Nefî ve tağrip olduğunu bildiriniz. Eşhası . . . the contents of the cipher telegram: 'Are the Armenians, who are being dispatched from there, being liquidated? Are those harmful persons,

muzirre imha ediliyormu yoksa yalnızca sevk ve izammi olunuyor? vazihen bildiriniz . . .

whom you inform us you are exiling and banishing, being exterminated, or are they being merely dispatched and exiled? Answer explicitly . . .

6. . . . Zor mutasarrıfı Salih Zeki beye, 'senin için onbin Ermeni mahvetti diyorlar' demesine karşı Zeki beyin 'benim namusum var onbine tenez-zül etmem, daha çık bakalım cevabını vermiş olduğunu . . .

. . . upon his telling Zor district commissioner Mr. Zeki, 'There is talk that you annihilated 10,000 Armenians,' [he received from] Mr. Zeki the [following] reply: 'You are impugning my honor. I disdain the 10,000 figure; come on, raise it!'

3) *The Betrayal of Islam*

6. . . . Kastamonu Müslümanlarının muhitleri haricindeki vekayii nefretle yad ve telâkki eyledikleri hatta bir gün memleketin müftüsüyle meşayih ve eşrafından bir cemi gafirin vali Reşit Paşaya aynen şu sözleri: 'Civar vilayetlerden Ermenileri mezbahaya sevkeder gibi çoluk çocuklarıyla beraber dağ başlarına çıkararak katlediyorlarmış, biz memleketimizde böyle şey istemeyiz, gazabî ilâhiden korkarız, küfrile hükümet payidar olur zulmle payidar olmaz aman rica ederiz bizim vilayette böyle bir muamele yapılmasın' dedikleri . . . meserretlerinden gözleri yaşarak gittikleri . . .

. . . with revulsion did the Muslims of Kastamonu mention and view the events which took place outside their region. So much so that one day the legal interpreter of Islam, the sheiks and notables, collectively pleaded with Governor Reşit Paşa [with the words]: 'We heard that the Armenians of the neighboring provinces, comprising entire families, including children, are, as if being sent on to the slaughterhouse, driven to the mountaintops and massacred. We do not like anything like that to happen in our region as we are afraid of divine wrath. Infidelity is no threat to government but no government can maintain itself through oppression and cruelty. Help, please. Let there be no such mistreatment in our province. . . .' [Upon receiving assurances,] they left with joyful tears.

7. . . . nehy al el münker emri serisine

. . . despite the Islamic injunction to refrain from doing, under threat and intimidation, things that are forbidden . . .

7. . . . oralardaki Müslümanların ne gibi tehdit ve tethiş altında muvafak olamadıklarını ve fecaiî vakadan yerli ahaliî İslamiyenin ve küçük memurların muaheze olunamıyacaklarını aklı selimiye telkin ve efkârî adiliye tatmin cyler.

[One has to recognize] under what [conditions of] terror and threat the Muslims of these places failed [to render help]. A sense of justice and sound reasoning should be enough [for anyone] to be persuaded that the local Muslim people and the petty officials cannot be chided for the tragedy [befalling the Armenians].

VI. THE COMPLICITY OF CIVILIAN AND MILITARY AUTHORITIES

1) *The Involvement of the Interior Ministry*

5. ... Halebe gönderilen... beyin tehçirin imha maksadına müstenit bulunduğunu ve 'ben Talat beyle temas ettim imha emirlerini bizzat aldım.' ... ityan eylemektedir.

6. ... Dahiliye nezareti ile Cemiyetin bu çetelerle meşğul olduklarını iraye eder.

7. ... Talat beyin 'hıfz' işaretiyle takirini bir tarafa attırdığını

7. ... Dahiliye Nezaretinin talebine binaen... mümaileyh takibatı vakıadan kurtarılmıştır.

8. ... Behaeddin Şakir Beyin 'Dahiliye Nazırı Talat Bey vasıtasıyla Merkezi Umumiye' yazdığı bir şifrenin mahlûlu olup...

8. Ankara valii esbakı Mazhar beyin ve Araplara icra kılınan mezalim ve idamlarla Diyarbakır valisi tarafından tehçire muvaffakkatkâr vaziyetinde bulunmadıklarından dolayı imha ettirilen iki kaymakam hakkında... ifadatı...

... Mr... who was sent to Aleppo brought to the Court's attention that the intent of the deportations was destruction [as admitted to him by A. Nuri with the words], 'I contacted Mr. Talat and personally received the orders of extermination.'

... indicates that the Interior Ministry and the Cemiyet were involved in the handling of these brigands.

... with the notation 'keep it,' Mr. Talat shelved the report [on the atrocities].

In consequence of Interior Ministry's request... the above mentioned [author of atrocities] was spared prosecution.

The deciphered contents of a wire sent by Mr. Behaeddin Şakir is marked: 'To the Central Committee through the intermediary of Interior Minister Talat Bey'...

[There is the statement about] former Ankara Governor Mr. Mazhar being dismissed for having refused to carry out the proposal relative to the deportation and destruction [of the Armenians], and [about] two country executives who were annihilated for objecting to the atrocities and executions perpetrated against the Arabs and to the deportations initiated by the governor of Diyarbakır.

The No. 59 memo is proof that Halil Paşa, fugitive Mr. Enver's uncle, was involved in the Special Organization while serving as military governor [of Istanbul]. This is evidenced by No. 67 telegram which the above mentioned Mr. Halil sent to the district governorship of Izmit.

2) *The Links Between the Ottoman Military and the Special Organization*

5. Teşkilâtı Mahsusada firari Enver beyin amcası Halil Paşanın da merkez kumandanlığı zamanında dahil bulunduğuna... ve 59 numaralı tezkere delil de... mümaileyh Halil beyin Izmit mutasarrıflığına gönderilen 67 numaralı telgraf burhandır.

5. Teşkilâtı Mahsusaya mevadi tahribiye verildiğini mümaileyh Halil beyin Harbiye Dairesi Müdüriyetine 68 numara ile 16 Teşrinisani sene 30 tarihinde yazdığı tezkere göstermekte

5. Teşkilâtı Mahsusa... şebeke hafiye encümen idaresi... İstanbulda Aziz, Atıf ve Nazım beylerin icrai faaliyet eyledikleri ve Merkez Kumandanı Cevat beyin dahi mukarreratı mütte hazelerinin tasdik ve tatbik vazifesinde bulunduğu...

5. ... 150 numaralı kararı... altında 'muafıkdır, Cevat' tasdik ve imzasını... bu kararın emrinin 'A. Cevat' imzasıyla şifreli telgrafla emir ve işâr...

5. ... Merkez Kumandanı Cevat bey dahi onlar tarafından itti haz olunan mukarreratın tasdik ve tatbikini ifa edip istihdam eyledikleri eşhasa külliyetli paralar tevzi ve manatıkı muhtelifiye sevk ve izam ve Doktor Behaeddin Şakir gibi rüesasına şifre mihnatları verip emirlerine otomobiller, mebzulen nukut ve levâzımı tahribiye tevdi ve tahsis eylemiş...

7. Bir Ermeniye tesahüp edecek bir Müslümanın hanesi önünde idam ve hanesi ihrak ve memuriyeden ise tard ve Divanı Harbe sevk ve himayeyi reva görenler ciheti askeriye den iseler nisbeti askeriye nin kati ile berai muhakeme mezkûr divanı harblere tevdi olunmasına müteadîr Üçüncü Ordu kumandanı Mahmut Kâmil imzalı telgraf.

Aforementioned Mr. Halil's November 16, 1914 dated memo No. 68 to the Directorate of the War Office shows that explosives were supplied to the Special Organization.

From among the executive committee members of the secret network... of the Special Organization... Messrs. Aziz, Atıf, Nazım were operationally active in Istanbul and the decisions they adopted were approved and implemented by Military Governor Cevat.

... underneath decision No. 150 is the approval and signature of Cevat with the notation 'O. K.'; this decision was relayed as an order through a cipher telegram bearing the signature 'A. Cevat.'

Even Military Governor Mr. Cevat, having approved and fulfilled the implementation of the decisions adopted by them [the members of the Special Organization Directorate], provided large sums of money to the people engaged by [these members], dispatching and sending them to various regions. To such leaders as Dr. Behaeddin Şakir, he gave code keys putting at their disposal automobiles, and supplying them with ample cash, and equipping them with explosives.

The telegram bearing the signature of Third Army Commander Mahmut Kâmil [proclaims]: 'Any Muslim who protects an Armenian will be hanged in front of his house which will also be burned down. If the culprit is an official he will be dismissed and court-martialed. If those who deem it worthwhile to provide protection are military officials they will be severed from the military and will be handed over to the above mentioned Court Martial to be tried before it.'

3) *The Application of Sanctions to Ensure Compliance With Orders*

5. ...muti ve münkad bazı memurun...

7. Rüesai hükümet Doktor Behaeddin Şakir beyin emir ve işarına inkiyad etmişlerdir.

7. Netaici tetkikata nazaran fecaii mezküreyi şiddetle red ve ademi iştirak târikine temessül edenler vatan haini addelirken Behaeddin bey gibi anasırı fa'âle pek ziyade mazharî himayet ve şehabet olmuşlardır.

7. ...bunda terahi gösteren memurinin şiddetle tecziylerei... bildirilmekte

8. ...Konya valii esbakı Celal beyin Halepten kaldırılması ordu kumandanı Cemal Paşa tarafından Talat beyden sorulup cevaben Ermeni meselesinde noktai nazariyle hükümeti merkeziye noktai nazarı arasında muvafakat olmadığından ileri geldiği bildirildiğine... ve nihayet bu sebepten infisal eylediğine...

8. ...teklifatı icra etmekten imtina ettiğinden dolayı azledildiğine dair Ankara vali esbakı Mazhar beyin ve... tehcire muvaffakatkar vaziyetinde bulunmadıklarından dolayı imha ettirilen iki kaymakam hakkında ifadat...

...some docile and submissive officials [were involved in the atrocities].

High-ranking government officials submitted to the orders and directives of Dr. Behaeddin Şakir.

According to the results of the investigation [by this Court], those who vehemently repudiated the above-cited tragedy and assumed the posture of non-participants were regarded as traitors of the fatherland whereas actively [involved] elements such as Mr. Behaeddin enjoyed much protection and assistance.

...being informed [that] officials acting in a sluggish manner in this matter will be severely punished.

In response to Army Commander Mr. Cemal's inquiry, directed to Mr. Talat, as [to the reasons for] the removal of former Konya Governor Celal [from his post of Aleppo governor], it was communicated that it [the removal] resulted from a divergence in viewpoints on the Armenian question between [Celal on the one hand] and the central government [on the other].

...the statement about former Ankara Governor Mr. Mazhar being dismissed for having refused to carry out the proposal and... about two country executives who were annihilated [for a similar reason].

VII. THE PLOY OF "RELOCATION" AS EVIDENCED IN THE DESTRUCTION OF SURVIVORS IN THE DESERT

5. ...Halebe gönderilen Abdulahad Nuri beyin, tehcirin imha maksadına müstenit bulunduğunu ve 'Ben Talat beyle temas ettim imha emirlerini bizzat aldım...' diyerek...

6. Zor mutasarrıfı Salihzeki beye

Mr. Abdulahad Nuri who was sent to Aleppo [stated that] the deportations meant annihilation, [adding] 'I have contacted Mr. Talat and received personally the orders of annihilation.'

Upon being told that 'There is talk

'Senin için onbin Ermeni mahvetti diyorlar' demesine karşı Zeki beyin 'benim namusum var onbine tenezül etmem, daha çık bakalım cevabını vermiş olduğu...

8. Celal beyin Halepten kaldırılması... Ermeni meselesinde noktai nazariyle hükümeti merkeziye noktai nazarı arasında muvafakat olmadığından ileri geldiği bildirildiğine...

that you annihilated 10,000 Armenians,' Salihzeki replied: 'You are impugning my honor. I disdain the 10,000 figure, come on, raise it.'

It was reported that the removal [from his post as governor of] Aleppo [province] of Mr. Celal was due to an incompatibility between his viewpoint and that of the central government.

VIII. TWO STATISTICAL FIGURES ON DEPORTED ARMENIANS

1) *From Ankara Province*

6. ...Ankara vilayetinden tebid olunan Ermenilerin yekünü altmışbir bine bâlig olduğunu...

...the total of the Armenians deported from Ankara province amounted to sixty-one thousand...

2) *From Diyarbekir Province*

7. Diyarbekirden sevkolunan Ermenilerin yüzyirmibin nüfusa bâlig olduğu.

the number of Armenians sent off from Diyarbekir amounted to hundred twenty thousand. ■

The Specifics of the Documents Lodged with the Key Indictment

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VAHAKN N. DADRIAN

Pg. Type of No. Document	No.	Date	From:	To:	Itemization & Classification
1. 5 decision [<i>karar</i>]	150	—	Special Organization (signed by Aziz, Atif [Kamçıl], Nazım & Cevat)	Behaeddin Şakir	series 10, doc. no. 1
2. 5 cipher telegram	—	—	Cevat (Military Governor İstanbul)	—	single leaf document—attached
3. 5 memo	59	—	Special Organization (Halil, Nazım, Atif, Aziz)	Midhat Şükrü (Secretary General of İttihad)	series 10, doc. no. 4
4. 5 telegram	67	—	Halil [Kut] (Military Governor İstanbul Jan.-Dec. 1914)	Mutasarrıf of Izmit	—
5. 5 memo	68	11/16/1914	Halil	War Office	—
6. 5 "similar documents" (<i>buna mümasıl</i>)	—	—	—	—	the residual papers of the Special Organization
7. 5 memo	—	—	Interior Ministry	—	series no. 31
8. 5 communication (<i>işar</i>)	—	8/17/1914	Midhat Şükrü [Bleda]	Behaeddin Şakir (via Erzurum Governor Tahsin)	—
9. 5 cipher telegram	—	—	Talat	Ali Suat (Zor Mutasarrıf)	series 8, doc. no. 1
10. 5 declaration	—	—	Ihsan (Interior Ministry Special Secretariat Chief)	Court Martial	interrogation papers, p. 15
11. 5 cipher telegram	—	9/11/1915	Mutasarrıf of Bolu, Müfit	—	series 8, doc. no. 2
12. 6 deposition	—	—	Reşit Paşa (Governor of Kastamonu)	Court Martial	series no. 2, p. 13
13. 6 cipher telegram	—	7/15/1915	Erzurum Governor Tahsin [Uzer]	Interior Ministry	series 8, doc. no. 4 (from Talat file, compiled by the Inquiry Commission of Chamber of Deputy's Fifth Committee)

Pg. Type of No. Document	No.	Date	From:	To:	Itemization & Classification
14. 6 cipher telegram	—	—	Behaeddin Şakir	Resneli Nazım (Harput Resp. Secy.)	series 9
15. 6 telegram	—	12/16/1914	Rüştu (Samsun Resp. Secy.)	Dr. Nazım (relayed through İttihad Secy general Midhat Şükrü [Bleda])	—
16. 6 letter	—	11/20/1914	Musa (Balıkesir Inspector)	Dr. Nazım (via Midhat Şükrü [Bleda])	—
17. 6 letter	—	12/19/1914	Bursa Delegate	Central Committee	—
18. 6 cipher telegram	—	7/21/1915	Talat	Governor of Diyarbekir and Mutasarrıf of Zor	series 11
19. 6 telegram	—	7/11/1915	Cemal (Fourth Army Commander)	Governor of Diyarbekir	series 11, doc. no. 3
20. 6 cipher telegram	—	7/3/1915	Governor of Diyarbekir	Cemal	—
21. 6,7 communication	—	—	Zor Mutasarrıf Ali Suat	Court Martial	series 6, docs no. 14, 4 series 11, doc. no. 1
22. 7 cipher telegram	—	9/15/1915	Diyarbekir Governor Reşit	Interior Ministry	series 12, doc. no. 1
23. 7 telegraphic order	—	—	Mahmut Kâmil (Third Army Commander)	Circular	series 13, doc. no. 1
24. 7 statement	—	—	Trabzon Deputy Hafız Mehmet	Court Martial	series 15
25. 7 cipher telegram	—	12/14/1918	Postwar Erzurum Governor Münir [Akkaya]	Court Martial	series 16
26. 7 recorded deposition	—	—	Cemal Asaf	Court Martial	series 18
27. 7 statement	—	—	Colonel Halil Recayi (Deputy Commander, Fifth Army Corps, Ankara)	Court Martial	series 2, p. 1

(continued)

A TEXTUAL ANALYSIS OF THE KEY INDICTMENT

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Pg. Type of No. Document	No.	Date	From:	To:	Itemization & Classification
28. 7 statement	—	12/5/1918	Vehip Paşa (Third Army Commander)	Court Martial	Vehip Paşa file
29. 7 statement	—	—	Reşit Paşa (Kastamonu Governor)	Court Martial	series 2, p. 13
30. 7 statement	—	—	Onnik İhsan (Izmir Deputy, Armenian)	Court Martial	series 3
31. 7 deposition	—	12/5/1914	Vehip Paşa	Court Martial	series 7, p. 3
32. 7,8 statement	—	—	Süleyman Nazif (Governor Baghdad, Musil editor)	Court Martial	interrogation papers, p. 6
33. 8 statement	—	—	Celal (Governor of Aleppo, Konya)	Court Martial	interrogation papers, p. 7
34. 8 statement	—	—	Hayri (Şeyhülislam)	Court Martial	interrogation papers, p. 17
35. 8 statement	—	—	Mazhar (Governor of Ankara)	Court Martial	interrogation papers, p. 34
36. 8 statement	—	—	Hamit (Director General, Civil Service Inspectorate)	Court Martial	interrogation papers, p. 38
37. 8 statement	—	—	Lüfti (Director General of Revenues, Treasury Ministry)	Court Martial	interrogation papers, p. 43
38. 8 cipher telegram	—	—	Behaeddin Şakir	Antalya District Commissioner	interrogation papers, p. 44
39. 8 statement	—	—	Sabur Sami (Antalya Mutasarrıf)	Court Martial	interrogation papers, p. 44
40. 8 statement	—	—	(Mehmet) Radi (Ankara notable and provincial Council member)	Court Martial	—
41. 8 cipher telegram	—	—	Behaeddin Şakir	Central Committee (via Talat)	Special Organization file
42. 8 cipher telegram (response to pre- ceding cipher)	69	—	Central Committee	Behaeddin Şakir	Special Organization file

Issues of *Takvimi Vekayi* Covering the Trials

No.	Pages	Defendants	Session	Type of Proceeding	Date of Session	Date of Publication
3540	1-14	Two Wartime Cabinet Members (present and absent)	1	Reading of Indictment and Arraignment	April 28, 1919 (misprinted April 27)	May 5, 1919
3543	15-31	Decision to Postpone Trial of Ministers (new evidence pending)	2	Constitutional Arguments re Venue and Competence of Court	May 4, 1919	May 8, 1919
3547	33-51	İttihadist Leaders, Central Committee Members	3	Interrogation	May 6, 1919	May 13, 1919
3549	53-66	İttihadist Leaders, Central Committee Members	4	Interrogation	May 8, 1919	May 15, 1919
3553 (3554)	67-90	İttihadist Leaders, Central Committee Members	5	Interrogation	May 12, 1919 (misprinted May 14)	May 21, 1919
3557	91-113	İttihadist Leaders, Central Committee Members	6	Interrogation	May 14, 1919	May 25, 1919
3561	115-26	İttihadist Leaders, Central Committee Members	7	Interrogation	May 17, 1919	May 29, 1919
3571	127-40	Cabinet Members (not deported to Malta)	1	Reading of New Indictment	June 3, 1919	June 13, 1919
3573	141-48	Cabinet Members (not deported to Malta)	2	Interrogation	June 3, 1919	June 12, 1919
3575	149-55	Cabinet Members (not deported to Malta)	3	Interrogation	June 9, 1919	June 15, 1919
3577	157-59	Cabinet Members (not deported to Malta)	4	New Indictment and Charge "Overthrow of Government"	June 12, 1919	June 17, 1919
3586	161-64	Responsible Secretaries & Delegates	1	Reading of Indictment	June 21, 1919	June 28, 1919

(continued)

No.	Pages	Defendants	Session	Type of Proceeding	Date of Session	Date of Publication
3589	165-75	Responsible Secretaries & Delegates	2	Interrogation	June 23, 1919	July 5, 1919
3593	177-83	Cabinet Members (present & absent)	5	Interrogation	June 24, 1919	July 9, 1919
3594	185-93	Cabinet Members (present & absent)	6	Closing Arguments	June 25, 1919	July 10, 1919
3595	195-203	Cabinet Members (present & absent)	7	Closing Arguments	June 26, 1919	July 12, 1919
3596	204-15	Responsible Secretaries & Delegates	2	New Indictment and Charges	June 28, 1919	July 13, 1919
3604	217-20	Cabinet Members (present & absent)	8	Verdict	July 5, 1919	July 22, 1919
3616	1-3	Trabzon Officials	1	Verdict	May 22, 1919	August 6, 1919
3617	1-2	Yozgad Officials	1	Verdict	April 8, 1919	August 7, 1919
3623	1-3	Sapancalı Hakkı	1	Black Market Charges	August 9, 1919	August 14, 1919
3632	4-17	Sapancalı Hakkı	2	Black Market Charges	August 12, 1919	August 25, 1919
3634	18-23	Sapancalı Hakkı	3	Black Market Charges	August 16, 1919	August 27, 1919
3637	24-31	Sapancalı Hakkı	4	Black Market Charges	August 23, 1919	August 31, 1919
3656	33-47	Sapancalı Hakkı	5	Black Market Charges	September 15, 1919	?
3771	1-2	Harput Officials	1	Verdict	January 13, 1920	February 9, 1920
3772	1-6	Responsible Secretaries & Delegates	3	Verdict	January 8, 1920	February 10, 1920
3917	5-6	Erzincan Officials	1	Verdict	July 27, 1920	July 31, 1920
4081	5	Kürd Nemrud Mustafa Paşa	1	Imperial Pardon	—	February 9, 1921

E R R A T A

Page:	For:	Read:
7, line 36	Kirşshir	Kirşehir
7, line 37	surefte	suretle
13, line 5	if	of
14, line 25	17310	A17310
14 note 16	Mazhar's	Ankara notable Mehmed Radi's
14, note 22	Ibid.	Radi's Affidavit
19, last 3 lines	his involvement in the destructive operations of the Special Organization and his ties	the involvement of the Special Organization in destructive operations and its ties
32, item 11	Müfit	Müfid
32, item 11	[To:] —	[To:] Interior Ministry
32, item 12	Reşit	Reşid