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THE DOCUMENTATION OF THE WORLD WAR I ARMENIAN MASSACRES IN THE PROCEEDINGS OF THE TURKISH MILITARY TRIBUNAL

The deportation of the majority of the Armenian population from the Ottoman Empire during World War I and the massacres that accompanied it are of commanding interest. The paucity of scholarly contributions in this area, however, has impeded the development of interest in the subject, thereby contributing to the nebulous state surrounding the conditions that led to the disappearance of an entire nation from its ancestral territories. Some maintain that this nebulosity is compounded by the intrusion of political calculation.¹ At issue is whether or not the disaster was intentionally organized by the Ottoman authorities, and whether or not the scope of Armenian losses bore any relationship to that intention.

Scholars relying on Ottoman sources and data have disputed that it was intentional and have attributed Armenian losses mainly to the exigencies of the war and to the resulting privations, although they do admit to certain massacres, beyond the control of the central authorities.² This view is not, however, supported by the vast corpus of documentary material found in the archives of the United States. The thrust of this material is that large-scale massacres, carried out under the cloak of deportation, were centrally planned and organized.³

Even more incriminating are the authoritative documents found in the state archives of Germany and Austria whose political and military alliance with Turkey during World War I afforded the diplomatic, military, and consular representatives of the two countries stationed in Turkey an invaluable vantage point, including access to high-level decision-makers.⁴ It is difficult to overestimate the importance of these sources, which cast in stark relief the dubious aspects of official documentation upon which the Turkish point of view is predicated.⁵

The value of the documentary material marshaled by the Turkish Military Tribunal largely derives from the problems that plague the Ottoman archives that deal with the Armenian question. Several considerations raise serious questions about the completeness and reliability of these archives that recently have been officially opened to public perusal. The overall thrust of the sources and data contained in them is contradicted by the set of Ottoman documents assembled by the Turkish Military Tribunal, which constitute the central topic of the present study. It is, therefore, appropriate to describe what these problems are.

The Başbakanlık Arşivi contain the wartime records of the Ottoman cabinet council deliberations and decisions. The absence in them of any governmental

orders to massacre has been the basis for the revisionist school's claim that no scheme to annihilate the Armenians ever existed. Stanford Shaw and Ezel Kural Shaw, for example, assert that "careful examination of the secret records of the Ottoman cabinet at the time reveals no evidence that any of the CUP [Committee of Union and Progress] leaders, or anyone else in the central government ordered massacres."⁶ Stanford Shaw's former student Justin McCarthy states, "To date, no evidence of any central government plot to annihilate the Armenians has surfaced."⁷ In an effort to reinforce these views, West Virginia Senator Robert Byrd, during the February 1990 U.S. Senate debate, declared, "Among the categories of cataloged documents now available are the records of the deliberations and decisions of the Ottoman Council of Ministers. . . . Now, for the first time, all the deliberations and actions of the Council of Ministers for the period of World War I are available to scholars. This obviously includes all decisions relating to the relocation of the Ottoman Armenians during the war."⁸

What is overlooked or ignored in these statements, however, is the fact that the massacres were secretly decided and handled by the top leaders of Ittihad, i.e., the CUP. Most cabinet ministers representing the government were either not informed or were ill-informed about these party initiatives. The statements of Grand Vizier Said Halim and wartime cabinet ministers Çürüksulu Mahmud (Public Works), Ahmed Şükrü (Education), and Pirizade Ibrahim (Justice), testifying before the Fifth Committee of the Ottoman Chamber of Deputies investigating the wartime crimes of the ministers, as well as that of Special Organization Chief Eşref Kuşçubaşı, attest to this.⁹ That this was the case is confirmed by none other than Yusuf Hikmet Bayur, the late dean of Turkish historians, who wrote: "Actually, the most important decisions were secretly made among two or three people. It is therefore natural that they do not show up in the transcripts of the cabinet council. However, in cases of extreme importance, or when it was deemed desirable to implicate the responsibility of some people, written records were kept on the respective decisions of the Cabinet Council."¹⁰

Another problem is caused by the government's restrictions and the attendant issue of arbitrary interpretations involved. The Turkish authorities reserve the right to deny access to material in the Başbakanlık archive, on three grounds: (1) risk to national defense, (2) risk to public order, (3) danger to Turkey's relations with other states, or to the need for maintaining normal relations between two foreign countries.¹¹ Perhaps most critical is the general attitude, past and present, that state secrets are involved in matters pertaining to the Turko-Armenian conflict. Accordingly, the principle of overriding national interest is invoked when handling incriminating evidence related to the wartime treatment of the Armenians. Leading public figures in Turkey are on record as insisting that such incriminating evidence should be concealed rather than revealed. This attitude became manifest when Cemal, the Ottoman interior minister at the time of the Armistice, publicly disclosed that "800,000 Armenians were actually killed" in the course of the deportations.¹² Süleyman Nazım, a prominent poet and publicist and former governor of the provinces of Basra (1909), Kastamonu (1910), Trabzon (1911), Mosul (1913), and Baghdad (1914), angry that non-Muslims had been told a state secret, inveighed against Minister Cemal with the words: "This act is not worthy of a

Muslim minister.”¹³ At the twenty-eighth secret session of the Grand National Assembly (April 3, 1924) of the newly established Republic of Turkey, former interior minister Cemal was repeatedly castigated for admitting to the massacre of 800,000 Armenians. Interior Minister Ahmed Ferit, reporting to the assembly, added insult to injury by appending to Cemal’s name the Armenian name Artin, at the same time calling him “*herif*,” a pejorative meaning a contemptible person.¹⁴ The noted historian Bayur likewise criticized the minister for supplying “to our enemies proof and weapons” (*kanıt ve silah*).¹⁵ Mahmud Celal Bayar, word-for-word repeated Bayur’s denunciation, attributing Interior Minister Cemal’s eagerness to disclose Armenian casualty figures to a desire not only to appease the great powers, but to enable them to crush defeated Turkey. Accordingly, President Bayar (in the 1950–60 period he served as president of the Republic of Turkey), like historian Bayur before him, characterized Interior Minister Cemal’s disclosure as “a most unnecessary and ugly manifestation of this mentality” (*en lüzumsuz ve çirkin bir belirtisi*).¹⁶ During the war Bayar, aged 30, was Ittihad’s “responsible secretary” (*kâtibi mesul*) in Izmir, which next to Istanbul was the largest party district. This rather harmless sounding title, which corresponded to the Nazi designation *Gauleiter*, was deliberately chosen to cover up the extensive powers vested in these provincial commissars of Ittihad (for more details, see n. 51). As indicated in note 12, however, the disclosure of 800,000 Armenians killed in the course of the wartime deportations was the result of compilations conducted by the Interior Ministry during the preceding months. They have been reconfirmed by historian Bayur who, in the last volume of his 10-volume study of the Turkish Revolution, declares these figures to be “consonant with the figures supplied by our official sources” (*bizim resmi kaynaklara göre de doğru saymak gerektir*). For this act of corroboration, Bayur adopted the adjusted figures of Colonel Nihad, Turkish General Staff historian, who compiled a statistical survey of wartime Turkish losses.¹⁷

The significance of the remonstrances mentioned earlier is exceeded only by the absence in them of any effort to contest either the interior minister’s competence, his reliability as a source, or the veracity of what he said.

In a moment of candor, Mustafa Kemal Atatürk evidently admitted that what Cemal said was true, an admission that lends special credence to the set of Ottoman documents compiled by the Turkish Military Tribunal. In a two and one-half hour exchange on September 22, 1919, with Major General Harbord, the head of the American Military Mission to Armenia, who prepared a report on that exchange, Kemal used the 800,000 figure to describe the number of Armenian victims. As quoted by Rauf Orbay, Mustafa Kemal “disapproved of the Armenian massacres” (*Ermeni kitalını o da takbih ediyordu*). The context in which this admission was made was defensive; Kemal was arguing that “the crime of killing people and other assorted crimes are occurring in America, France, and England as well, but only Turkey is being held accountable for the massacre of 800,000 of its citizens.”¹⁸ Seven months later, on April 24, 1920, the day after the inauguration of the new parliament of the Turkish Republic, Mustafa Kemal alluded to “the massacres against the Armenians” (*Ermenilere karşı katliam*), describing them as “a shameful act” (*fazahat*).¹⁹

Atatürk inveighed against the Ittihadist chiefs, whom he blamed for the crime, and “their accomplices who deserve the gallows. Why do the Allies delay having all these rascals hung?” (*Qu’attendent les Alliés pour faire pendre toute cette canaille?*)²⁰ As will be described later, it will be incumbent upon the Turkish court-martial judicially to take up this challenge soon thereafter, as the Allies had neither jurisdiction in the matter nor the requisite prosecutorial powers.²¹ In Atatürk’s speech there is no trace of the excuses contemporary revisionists indulge in, such as injecting into the picture references to “civil war,” “intercommunal clashes,” and “wartime privations.”

The special courts-martial, instituted by the postwar Ottoman authorities for the trial of Ittihadist leaders and cabinet ministers, meant that for the first time in Ottoman Turkish history civilian and military officials of the highest rank would be tried for criminal offenses against the Armenians. The non-Muslim faith of the Armenians had for centuries served to confer upon them a de facto inferior status, despite the repeated introductions of a host of de jure statutes proclaiming equality for all subjects of the Ottoman Empire. Prejudices and repressive measures followed conflict, and intermittent massacres were the byproduct of this situation. As far as it is known, for the first time in international legal history a domestic court set out to try and punish its own nationals for a crime that for all practical purposes had international scope,²² but for which the court applied municipal penal codes. The might of the victors, mainly the British and French, served to impel, if not compel, the Ottomans, the losers in the war, to disclose incriminating evidence that was presumed to be in their possession. Despite external pressures and internal posturing meant to mollify the victors, in the end a capital crime was exposed and established through probative evidence.

Of the three courts-martial formed, one was to investigate “deportations and massacres” (*tehcir ve taktir*); one was to investigate economic crimes; the precise duties of the third cannot be determined, though it did prosecute some military personnel. The impetus to legal action against the Ittihadists was the escape from the Ottoman capital of seven of its top leaders—Mehmed Talat, Ismail Enver, Ahmed Cemal, Drs. Mehmed Nazım and Behaeddin Şakir, and police and security chiefs Osman Bedri and Hüseyin Azmi—on the night of November 1, 1918. Their flight, 48 hours after the signing of the Armistice,²³ to escape responsibility for “the Armenian deportations,” as conceded by Talat and Ittihad’s secretary-general M. Şükrü,²⁴ touched off a public clamor demanding their capture and punishment.

On November 23, 1918, the administration’s inquiry commission was formed and charged with investigating “the misdeeds” (*seyyiat*) of governmental officials, “irrespective of rank.” Headed by Hasan Mazhar,²⁵ the commission was vested with broad powers, including the power to subpoena, search and seize, detain and arrest; for the exercise of these powers it relied on the judicial police and the agency of the military governor. In a period of some two months the commission secured, coded, and decoded telegraphic orders from twenty-eight provincial locations identified as centers of deportations and massacres in Asiatic as well as European Turkey, including Tekirdağ (Rodosto), Edirne (Adrianopolis), and Istanbul.²⁶ From Ankara province alone the commission obtained a batch of forty-two ciphers that included telegraphic exchanges between military commanders involved in Armenian depor-

tations. In addition, it compiled a mass of pre-trial interrogatory evidence through interrogatories administered orally and in writing to prima facie suspects. Among them were twenty-six chamber deputies who were denied permits to travel to their electoral districts to avert their possible escape.²⁷

Beside the Mazhar Inquiry Commission, the Ottoman Chamber of Deputies constituted its own inquiry commission (*Beşinci Şube Tahkikat Komisyonu*). In November and December 1918, it conducted fourteen hearings, interrogating thirteen ministers and, through written statements, two şeyhulislams. It too was able to secure some top secret documents that were eventually turned over to the court-martial as the Mazhar Commission had done sometime in January 1919. Furthermore, in December 1918, through the instance of the Ministries of War and Justice, provincial authorities received the vizier's directives to establish local inquiry commissions to serve as the investigative arms of the regional courts-martial. The latter were charged to prosecute, under the terms of Article 25 of the Law of Brigandage, the *çetes*, as the principal tools of the massacres. Finally, the first Istanbul court-martial, investigating the circumstances surrounding the Armenian massacres, set up its own inquiry commission after adjudging the work of the Mazhar Inquiry Commission unsatisfactory and incomplete; as a result it located and secured additional documents, supplementary to the evidence gathered by the latter.

Within three weeks after the start of its investigations, the Mazhar Commission determined that there was enough evidence to warrant a trial, a decision in conformity with the Ottoman Code of Criminal Procedure (*Usulu Muhakematı Cezaiye*). The bitter debate that ensued in the parliament, in the press, and in the first two sittings of the military tribunal, revolved around whether the offenders should be tried before the High Court (*Divanı Ali*) or before the military tribunal. At issue were several provisions of the Ottoman constitution. Article 31 provides, for example, for the trial before the High Court of ministers accused of official misconduct. Article 92 of the Constitution mandates that of the thirty members of the High Court, ten must be senators, ten must be chosen from among the presidents and members of the Court of Cassation (*Mahkemei Temyiz*) and Court of Appeals (*Mahkemei Istinaf*), and ten from the Council of State (*Şurayı Devlet*). The ministers in the dock were pleading an "act of state" (*umuru memure*) defense; accordingly, they would be answerable to the High Court. Should this plea be rejected, they argued, they should be tried before regular criminal courts. Rejecting the plea of "act of state," the prosecution argued that the proper venue of the trials was the court-martial inasmuch as the defendants had committed common-law crimes (*ceraimi âdiye*) not as ministers but as conspiratorial Ittihadists. The prosecution likewise rejected the defense's claim that pursuant to Article 33 of the Constitution, regular criminal courts should try the defendants. Article 33 stipulates that in case ministers are charged with common offenses, not connected with official duties, the prosecution of this type of offense reverts to "ordinary jurisdiction" (*mehakimi âdiye*). The prosecution's rejection was first based on the fact that the state of siege that the Ittihadists had instituted on April 12/25, 1909, and which, except for a brief interval (July 23–October 5, 1912), it had maintained ever since, was still in force.²⁸ Second, reference was made to Article 113 of the Ottoman Constitution. Covering martial law, that law declares, "The effects of the state of siege consist in

the temporary suspension of the civil laws.”²⁹ Relying on this provision in framing the key indictment, the procuror-general declared that “wherever martial law is in force, civil and judicial laws are entirely muted” (*kavanini mülkiye ve adliye tamamile sakin*), and that courts-martial become the only final recourse (*mercii ceraim*).³⁰

The formation of the court-martial was authorized through an imperial *irade* (rescript) on December 16, 1918. Another *irade* (of December 25, 1918), involving officials suspected of complicity in the atrocities, declared that trial competence for areas not under siege by martial law will devolve upon existing criminal courts so as not to vitiate the terms of Article 88 of the Constitution setting forth the conditions of jurisdiction and venue.³¹ A third *irade* (on January 8, 1919) rendered the special court-martial operational for the trial of the perpetrators of “deportations and massacres” (*tehcir ve taktil*).³² The military panel of judges included a presiding judge (or chief justice) with the rank of divisional general (in the present case, Mahmud Hayret Paşa, who in March 1919 was replaced by Mustafa Nazım Paşa) and two associate judges with the rank of general, brigadier general, or colonel. These were supplied by the Defense Ministry. The procuror-general and his deputies were provided by the Ministry of Justice.

The turmoil in defeated Turkey in the months following the Armistice inevitably imposed constraints upon the court. The pressures on it were many. The victorious Allies, while concerned with punitive justice against the perpetrators of the Armenian massacres,³³ were most eager to punish those who drove Turkey into the war on the side of the Central Powers, Germany and Austria. The general feeling was that unless the war criminals were swiftly brought to justice and severely punished, Turkey could expect the Allies to dictate very stiff peace terms. The problem was compounded by growing domestic tensions. Even though the Ittihad had nominally vanished from the scene, many special organization (*teşkilatı mahsusa*) operatives went underground and began to form a network of action cells in many wards of the Ottoman capital. The pressures reached a high point in the wake of the May 1919 occupation by Greek forces of Smyrna (Izmir). Through a series of mass demonstrations involving tens of thousands of participants the public outcry against the Allies, and indirectly against the trials, was raised to a crescendo. As a goodwill gesture, the government set free forty-one suspects. The fear that the Bekirağa military prison, where the high-ranking Ittihadists, including the ministers, were being held, might be stormed and the inmates liberated, prompted the British, with the tacit approval of then Grand Vizier Damad Ferit, to transfer sixty-seven of the prison inmates to Malta at the end of May 1919.³⁴ Despite this, the trials of the remaining Ittihadists, as well as those of cabinet members—notably Enver, Talat, Cemal, Nazım, and Şakir, who were branded by the court as “fugitives of justice”—continued.

The treatment of those held in Bekirağa, the War Ministry’s prison, included a set of privileges rarely accorded prima facie suspects charged with capital crimes. The following two British passages summarize the picture.³⁵ (1) “prisoners had friends in almost every department of State and had been allowed the utmost liberty of communication with their friends and sympathizers”; and (2) “All prisoners of whom there are 112 are allowed to walk about the prison and mix freely

during the day. Except for a casual glance at their passes, individuals are not subjected to any inspection on entering the prison, and large packets are often to be seen being carried in by individuals, stated to be food, but might be anything. Women are allowed in all times during the day, and are never inspected.” As pointed out in the memoirs of Grand Vizier Izzet Paşa, “All the police officers” were, and acted as, Ittihadist cohorts.³⁶ The defendants were not assembled at secure locations or held in the close confinement ordinarily imposed in such cases. In his memoirs, one inmate relates how the cabinet ministers were allowed to meet in a large room and discuss defense strategy. They even invited Osman, the legal councillor of the Interior Ministry, for consultation; Osman and the author of the book describing this procedure happened to be incarcerated in a nearby room.³⁷

Civil servants who were either Ittihad partisans or sympathizers availed themselves of every opportunity to obstruct the efforts of the court. They withheld crucial documents, impeded communication with provincial authorities, and stalled in complying with court orders to hinder the proceedings.³⁸ Thanks to this and the overall permissive atmosphere, a number of top Ittihadists were able to organize their escapes from the prison; for example, Diyarbekir governor Dr. Mehmed Reşit (Şahingiray), the Sixth Army Commander Halil (Kut), and Küçük Talat (Muşkara), implicated in the Armenian massacres, were able to escape from prison,³⁹ and others managed to avoid arrest and detention by using *vesikas* (travel identity cards) from the government that allowed them to leave Turkey. In the latter group were Trabzon’s responsible secretary Yenibağçeli Nail, Erzurum’s delegate-inspector Filibeli Ahmed Hilmi, and the region’s Special Organization leader Cafer.⁴⁰

The court did, however, continue with the trials, performing its tasks as well as it could, considering that the secret pre-trial investigation had been supplanted by an accusatorial presiding judge, who had considerable latitude in the application of the law of evidence. That law, which was inherent in the Ottoman–Turkish legal tradition, relied on what is called *kanaatı vicdaniye* or *hukuku takdiriye*: in the attribution of credence to evidence that is presented, the maxim of “intimate conviction,” an intuitively judicial sense or assessment, is brought into play to the best of a judge’s conscience.

In his opening remarks, the presiding judge addressed the ministers in the dock as follows: “It is not customary, nor is there any legal obligation, for a court-martial to allow the proceedings to be public. . . . In order to demonstrate the intent of the court to conduct the trials impartially and in a spirit of lofty justice (*kemali adil ve bitaraf*) I am going to use judicial discretion and conduct public trials. The court is simply trying to help the defendants and facilitate their defense (*teshil ve istiane*).”⁴¹

The defense that had been agreed upon during the consultations in Bekirağa prison alluded to earlier—which Ahmed Emin Yalman, the above-cited author, sardonically calls the prison’s “cabinet council” sessions—was that all the principal defendants would deny the charge that there had been Armenian massacres. This prompted Aka Gündüz (Enis Avni), the celebrated writer, to poke fun at them in an article imitating their defense style, “Oh alas, oh alas, oh alas, oh alas. We didn’t see, we didn’t know, we didn’t hear” (*Vah, vah, vah, vah. görmüyorduk, bilmiyorduk, işitmiyorduk*).⁴²

To counter this defense, the Military Tribunal used two principal methods: (1) it sprang one surprise after another by introducing as evidence coded telegrams bearing the names of the defendants; and (2) it undermined their denials by introducing statements and confessions from the pre-trial interrogatories signed by them. As a result, some but not all of the defendants amended their testimony, including Central Committee member Yusuf Rıza, as well as top Ittihadists Küçük Talat, and Special Organization Director “Kambur” Atıf (Kamçil).

After Ferit’s third cabinet fell on October 2, 1919, the prosecutorial zeal of the court slackened considerably. About a year later, when Ferit’s fifth and final cabinet was virtually forced out by the sweeping tide of Kemalism (October 21, 1920), the courts-martial ceased functioning.

The criminal offenses committed against the Armenians during World War I are spelled out in the indictment handed down by the Turkish Military Tribunal. The particulars of this indictment, or the bill of charges, can also be found in the subsidiary indictments drawn up for the series of trials of less prominent Ittihadists.

The key indictment warrants attention because it is the only available prosecutorial statement that refers to evidence with proof of certification, indicating the nature of the array of documents lodged with the indictment.⁴³ Many of these documents are top secret orders and coded telegrams. Others are admissions of guilt and related confessions from the accused who were subjected to pre-trial interrogatories administered by examining magistrates. Still others are written statements and depositions from a number of civilian and military officials supplying testimony on the complicity of the defendants. Except for the Armenian deputy, Onnik İhsan—who was allegedly spared the fate of his co-nationals because he belonged to İttihad—the indictment is based on evidence furnished by Muslim Turks. Neither the indictment nor the court-martial proceedings are generally accessible to scholars, and no Turkish author to date has produced any work examining the trials. There are rare and scattered references to some individual issues of *Takvimi Vekayi* (the official organ of the Ottoman government whose supplements irregularly covered the proceedings), but no comprehensive index of this gazette that cover the proceedings.

In all its subsequent verdicts, the tribunal sustained the charges relating to the destruction of the Armenians, pointing to evidence on “the organization and implementation of the crime of murder (*taktil cinayeti*) by the leaders of İttihad. This fact has been proven and verified (*tahakkuk*).”⁴⁴

The trial for the wartime cabinet ministers and top Ittihadists, for which the indictment was prepared, began on April 28, 1919. Following the identification of the defendants and their defense counsels, the presiding judge asked Şefik, the court clerk, to read into the record the indictment (*iddianame*). After that, Major General (*Ferik*) Mustafa Nazım, the presiding judge, and Mustafa Nazmi, the procuror-general, made their observations.⁴⁵

At the beginning and at the end of the indictment, reference is made to “the tragedy” resulting from “the Armenian deportations” (p. 5), and the court identifies its “principal task” (*cümleli vazife*) as the probing of wartime “massacres and

profiteering” (*taktıl ve ihtikâr*), “crimes which the perpetrators dared to commit” (*ceraime mücaseret*) (p. 8).

After declaring that “an important portion” of the documentary material belonging to the Central Committee and to the Special Organization had been “stolen” (*aşırıldıđı*), the court described the evidence in its possession. Included in it are “pre-trial documentary material” (*istintak*) (p. 4), usually assembled by examining magistrates, “documents and proofs” (*delail ve berahin*), “depositions” (*beyanâtı tahririye*), and other valid accounts (p. 5). In addition, the court had special files containing “the residual papers of the Special Organization,” the “Talat file,” obtained from the Fifth Committee of the Chamber of Deputies, and a long, detailed deposition from the Third Army Commander Vehib Paşa (p. 6). The ensemble of the evidence in the possession of the court-martial encompassed documents obtained from, or implicating, army commanders Mahmud Kâmil, Ahmed Cemal, Yanyalı Vehib, and Halil Kut and, additionally, Halil Recayi, deputy commander of Ankara’s Fifth Army Corps, and Şahabeddin, deputy commander of Kayseri’s 15th Division in Ankara province.

Outstanding in this collection of evidence were the documents implicating Special Organization chiefs Drs. Nazım and Şakir, Major Yusuf Rıza, Colonel Cevad, Halil’s successor in the post of Military Governor of Istanbul (Muhafız), “Kambur” Atif, and famous Special Organization field operations chief, Major Yakub Cemil. The indictment places Interior Minister Talat in the forefront of all the initiatives directed against the Armenians. Seven governors—Mazhar (Ankara), Celal (Aleppo, Konya), Hasan Tahsin (Uzer) (Erzurum, Damascus), Reşit Paşa (Kastamonu), Dr. Reşit (Diyarbakir), Süleyman Nazıf (Baghdad), and Münir (Akkaya [post-war Erzurum])—are also mentioned as sources of legal evidence. These sources are supplemented with documents relating to *mutasarrıf*s Sabur Sami (Antalya), Ali Suat (Der Zor), and Müfit. Among the sets of documents lodged with the indictment are twelve coded telegrams, four telegrams, and nine statements obtained from governors through pre-trial interrogatories. Before being introduced as exhibits by the prosecution, the documents were authenticated by competent ministerial officials with the notation, “It conforms to the original” (*aslına muafık or mutabık*).

The task of substantiating the charges in the indictment was difficult for several reasons. The Ittihadists, particularly Dr. Nazım and Security Chief Erzurumlu Aziz (*Emniyeti Umumi Müdürü*), had carried off loads of documents in the days prior to the Armistice. The court had to make do with what was left and anything beyond the reach of the agents of Ittihad, who were bent on removing as much incriminating evidence as they could. But the main impediment was that the anti-Armenian scheme had been secret, and records and written orders therefore kept to the barest minimum. The Ittihad maintained “an external and public” façade (*zahiri ve aleni*), but it engaged in “covert and secretive” operations, relying on the use of “oral and secret instructions” (*talimâtı şifahiye ve mahremaniye mübteni mestur ve hafı iki mahiyeti. . .*) (p. 4), and carried out “through oral and secret orders and instructions” (*icraatının şifahi ve hafı evamir ve talimat itası suretiile*) (p. 5). These criminal actions (*harekâtı cinayetkarelerine*) were made possible by the creation of a “secret network” (*şebekei hafıye*) (p. 5).

Another aspect of the conspiracy charged by the prosecution had a Nurembergian touch as Ittihad was accused of aggression⁴⁶ as part of its conspiracy to exploit the war for its own ends.⁴⁷ “The intervention in World War I was rendered an accomplished fact by resort to a number of vile tricks and deceitful means (*bir takım hiyel ve desais istimalhyle*) . . . the idea was to take advantage of the fact that Europe was preoccupied with the general war” (p. 5). Hiring brigands (*çetes*) for massacre duty was part of this conspiracy. “The idea was broadcast that these *çetes* were to be assigned war duties. An effort was made to persuade well-intentioned and gullible people of this. Taken together the documents and other pieces of evidence demonstrate, however, that subsequently [these *çetes*] were employed for the massacre and destruction of the convoys subjected to deportation (*bilâhara . . . tehçire tutulan kafilelerin katl ve ifnası . . . olbapdaki delail ve berahin ve vesaikin heyeti umumiyesinden müsteban olmaktadır*) (p. 6).

Conspiracies require appropriate decision-making by the conspirators regarding the course of action being contemplated. That point is underlined in the statement, “The massacre and destruction of the Armenians were the results of decisions⁴⁸ taken by the Central Committee of Ittihad” (*Ermenilerin katl ve imhası . . . neticeyi mukarreratı olup . . .*) (p. 7). These decisions were the result of “extensive and profound deliberations” (*ariz ve amik düşünülerek karar verilmiş*) (p. 8). By the same token, the covert aspects of the conspiratorial intent are evidenced in the actual outcome of the conspiracy itself.⁴⁹ When it alludes to the implementation of anti-Armenian measures, the indictment refers to “carrying out in a secret way the intent of the leadership of Ittihad” (*rüesasının mekasidini gizli bir usul dairesinde tenfiz ve icraya koyulmuş*) (p. 5). Speaking of Interior Minister Talat as the arch conspirator, the indictment cites a particular coded telegram betraying Talat’s “secret intent” (*maksadı hıfz*) about the Armenian deportations. Der Zor *mutasarrıf* Ali Suat, the recipient of the cipher, is instructed to “destroy” (*iptal*) the evidence after reading it (p. 6). In another instance, the indictment adduces evidence of a case in which a high-ranking deportation official, Abdulahad Nuri, admits to having been told by Talat that “the purpose of the deportation was destruction” (*tehçirin imha manasına müstenit bulunduğunu*). He is quoted as saying, “I . . . personally received the orders of destruction” (*imha emirlerini bizzat aldım*) (p. 5). The entire undertaking was expected “to solve the Eastern question” (*bu teşebbüsün Şark meselesini halledeceğini*) (p. 8). In fact, Ittihad is accused of having tried a kind of final solution on account of its propensity to seek remedies that “could solve lingering problems once and for all” (*ilkai dehşetle hall ve fasl sevdasına düşerek*) (p. 4).

The charges claimed that the massacre was accomplished with the cooperation of the central authorities. The indictment dismisses arguments that the anti-Armenian measures were a reaction to certain incidents, or were limited to certain localities, and states that the measures were sweeping and were organized and directed “by a unanimously acting central body” (*bir kuvai müttehiden merkeziye tarafından tertip ve icraatının*) (p. 5). The indictment asserts that the deportations had very little to do with wartime exigencies, citing the case of Bolu, a city located 72 miles inland on the Istanbul–Adapazar–Ankara main road, thus far removed from “the war zone.”⁵⁰ They represented “the goals and desires of the Cemiyet; they were a measure of neither military necessity nor for discipline or punishment (*ne tedbiri askeri,*

ne de tedbiri inzibatı cümlesinden olmayıp, Cemiyetin emel ve arzusundan münbais) (p. 6).

That there was an overall scheme of destruction is asserted by the statement that “the use of the method of massacres is only a part of the activities and actions of the leaders of the Cemiyet involving what appear to be operations subsidiary to a centrally attached plan” (*sureti katlların . . . cemiyetin manzumei merkeziyesine muzaf. . .*) (p. 7). The repeated references to Talat and his Interior Ministry portray him as the mastermind who devised the plan carried out by the ministry and party in cooperation. This joint involvement is “indicated,” for example, in the recruitment of “the *çete*” cadres (*Dahiliye nezareti ile Cemiyetin bu çetelerle meşgul olduklarını iraye eder*) (p. 6). Talat is further singled out as being in secret communication with Şakir, the director of the Special Organization operations in the eastern provinces; the court obtained a cipher telegram sent by Şakir to Ittihad’s Central Committee via Talat (p. 8). In another document Talat shelves a report informing him of the massacres, and in another piece of evidence his ministry is depicted as having hidden the notorious massacer through administrative fiat (p. 7).

Two groups organized and supervised the details of the killings. One was comprised of the Ittihadist leaders, who were in charge of the Special Organization units who did the massacring. Halil Kut, the military governor of Istanbul (January–December 1914), his successor, Colonel Cevad, Security Chief Aziz, *fedayi* executioner Atif (Kamçıl), Artillery Major Riza, and Drs. Şakir and Nazım were mentioned by name. Colonel Cevad is described as “having supplied” Dr. Şakir with “code keys, automobiles, explosives and ample cash” (*tevdî ve tahsis*) (p. 5). The other group was a coterie of Ittihadist ex-officers who had resigned from the military to undertake special missions in the provinces on behalf of Ittihad. Whether called responsible secretary (*kâtibi mesul*), delegate (*murahhas*), or inspector (*müfettiş*), they were vested with enormous powers,⁵¹ including power to veto governors (*vali*). These provincial commissars were the authority running the units. The indictment generally describes them as functionaries that Ittihad “deployed in the provinces” (*taşraya dağıttığı*) to facilitate “the massacres” (*taktîl*) (p. 5). It cites Inspector Musa (Balıkesir), and responsible secretaries Midhat (Bursa), Rüşdü (Samsun) (p. 6), Cermal Oğuz (Çankırı), Necati (Ankara), Hasan Fehmi (Kastamonu) (p. 7), and Yeni-bahçeli Nail (Trabzon) (p. 8).

Three overlapping groups of perpetrators are mentioned in this connection. The first are the gendarmes or provincial police. According to a July 15, 1915, cipher telegram from Erzurum Governor Tahsin to the Interior Ministry, cited in the indictment, “the gendarmes, attached to the Special Organization forces,” engaged in “criminal attacks and atrocities against the Armenians” in Erzurum province (*Ermenilere olan taaddiyât ve tecavüzatını*) (p. 6). The second group are the brigands (*çetes*)⁵² who operated under the name of Special Organization (*Teşkilatı Mahsusa namı altında türeyen çeteler*). Their objective was “the destruction” of the deportees for which purpose the Special Organization maintained close contact with Ittihad (*imha vazifesiyle meşgul olarak Cemiyetle irtibatı müekkid vesaikdendir*) (p. 6). The means used were massacre and plunder, as evidenced in the *çete* operations organized by Behaeddin Şakir (*B.Ş. beyin tertip etmiş olduğu çete efradı . . . katl ve garete maruz kaldıkları*) (p. 7).

The third group were convicts from imperial prisons used to carry out the massacre. The indictment identified Special Organization leaders Halil, Nazım, Atıf, and Aziz who “emptied the prisons”⁵³ (*mahpusları tahliye ettirdiklerine*) of gangs of criminals (*caniler, şakiler*) (p. 6) and integrated them into the command and control system of the Special Organization (p. 5). Elsewhere they are described as “butchers of human beings, consorting gallowsbirds, and gendarmes with bloody hands and eyes” (*ipten ve kazıktan kurtulmuş yaranını . . . eli gözü kanlı jandarmalar*) (p. 7).

In organized mass murder, the organizers have to reckon with a certain amount of reluctance, or resistance, from ordinary people. Success required its removal. The indictment cites several instances of officials who resisted their orders being removed from office or, in some instances, put to death to ensure compliance from others. The evidence supplied by Hamit, the director-general of the Civil Service Inspectorate, mentions the murder of two *kaymakams* who had “objected to the atrocities and executions [by hanging] perpetrated against the Arabs, and had taken issue with the Diyarbakir governor’s method of handling the Armenian deportations” (*Araplara icra kılınan mezalim ve idamlarla . . .*) (p. 8). Two governors, Celal from Aleppo province and Mazhar from Ankara province, were dismissed for objecting to the massacre (p. 8). The court, relying on evidence it had obtained through investigation (*neticei tahkikata nazaran*), declared that those who “vehemently rejected, and refused to get involved” in these operations were regarded “as traitors to the fatherland” (*vatan haini*). The threat of these sanctions played no small role in securing “docile and submissive officials” (*muti ve münkad*) as evidenced in the operational zone of Dr. Behaeddin Şakir where “government officials submitted to his orders and directives” (*emir ve işaretine inkiyad etmişlerdir*) (p. 7).

The same severity was applied to ordinary Muslims who might have been tempted to help imperiled Armenians by providing them refuge. The indictment cites the order of Third Army commander, General Mahmud Kâmil, threatening Muslims with death by hanging in front of any house in which an Armenian might be sheltered and the house itself torched. If the offender is an official or belongs to the military, the order provides for court-martial (*Bir Ermeniye tesahüp edecek bir Müslümanın hanesi önünde idam ve hanesi ihrak*) (p. 7).

The indictment reproduces the text of a June 21, 1915, cipher telegram in which Şakir inquires of Harput’s responsible secretary Resneli Nazım whether the Armenians being deported from that province are being “liquidated” (*tasfiye*). “Are they being destroyed, or are they merely being deported and exiled?” (*Imha ediliyor mu yoksa yalnızca sevk ve izammi oluyor?*) (p. 6).⁵⁴

The indictment also refers to large-scale massacres (pp. 5, 6, 7, 8) and mass drownings, particularly in the coastal areas of the Black Sea where “the Armenians were being put on board caiques and drowned”⁵⁵ (*Karadeniz sahillerinde Ermenilerin kayıklara . . . irkâp ve gark edildikleri*), according to the testimony of Trabzon deputy, Hafız Mehmed (p. 7). The indictment also spells out a number of ancillary offenses that might have eventually hastened death such as “gutting houses” (*ihrakı mebanî*) (p. 5), “rape” (*hetkî ırz*),⁵⁶ and “all sorts of tortures and shameful acts” (*işkence ve eza fezaihini ika eyledikleri*) (p. 5).

Following the transfer of the sixty-nine suspects to Malta at the end of May 1919, the Turkish Military Tribunal on June 3 initiated a new series of cabinet

minister trials that included the prosecution of two ministers, Rifat (Finance, and Senate president) and Hüseyin Haşım (Post) and one Şeyhulislam, Musa Kâzım. The charges of massacre and personal enrichment through the plunder of the properties of the deportee victims are repeated in this supplementary indictment, which was read at the June 3, 1919, sitting of the court. This indictment was framed in accordance with the terms of paragraph 311 of the Ottoman Code of Criminal Procedures providing for the amendment of the bill of charges (*iddianame*) in the event that new crimes should come to light during a trial.⁵⁷

On May 3, 1919, the procuror-general's office formally notified the court that new offenses had been discovered in the course of the investigation conducted by the examining magistrates. The amended version of the indictment, published in *Takvimi Vekayi* No. 3571 (pp. 128–32), refers to the crimes of “massacre” (*taktı nufus*), “plunder of properties” (*nehbi emval*), “torching of corpses and buildings” (*ihrakı mebani ve eczad*), “rape” (*hetkı ırz*), and “torture and torment” (*işkence ve eza*). Furthermore, the amendment also charges that these crimes were committed “in a particularly organized way” (*teşkilatı mürettebe ile*), when the deportee convoys were set upon and destroyed. They were perpetrated “in the capital and in the provinces.” The preamble to the new indictment also speaks of “the extermination of an entire people constituting a distinct community,” and of the existence in the evidentiary material secured by the court of “the admission and confession” of the defendants (*kabul ve itiraf*) (pp. 130, 131). The original indictment maintained that these measures were neither due to specific incidents, nor were they limited to certain localities only (*Takvimi Vekayi*, no. 3540, p. 5). The court also asserted that the deportations were dictated neither by military necessity, nor did they constitute a disciplinary measure (p. 6). The amended text of the indictment is even more explicit on this point. These deportations, “were conceived and decided upon by İttihad's Central Committee”; “[their] tragic consequences . . . were felt in almost every corner of the Ottoman Empire” (*Memaliki Osmaniyenin hemen her tarafında*) (*Takvimi Vekayi*, no. 3571, p. 130).

Using location (*ratione loci*) as a major criterion for its organization, the court clustered the trials around those cities that served as principal sites for the mass murder: Yozgat, Trabzon, Harput, Bayburt, Erzincan, and Mosul. In addition were the Büyükdere series, dealing almost exclusively with charges of plunder and pillage; and a series that tried the responsible secretaries and delegates, and the ministers of the two wartime cabinets. All these trials took place in the edifice housing the Ottoman Parliament in Istanbul. The first, the Yozgat series, began on February 5, 1919; the rest stretched over eighteen months to July 1920. Several of the series overlapped. The start of the Trabzon series, for example, coincided with the 14th sitting of the Yozgat series (March 26, 1919), with the latter ending at the 18th (April 7, 1919). Between the 14th and 15th sittings of the Trabzon trials (April 26 and 30, 1919), the major cabinet trial series was started (April 28). The Trabzon series ended at the 20th sitting (May 17, 1919), and that of the cabinet ministers on July 5, 1919, after several interruptions, mainly caused by the transfer to Malta of most of the İttihadist ministers.

In the cabinet trials verdict (*Takvimi Vekayi*, no. 3604, pp. 217–20), Enver, Cemal, Talat, and Dr. Nazım were convicted and condemned to death; in the Harput

trials, Dr. Şakir was likewise found guilty and condemned to death (*Takvimi Vekayi*, no. 3771, pp. 1–2); both sentences were imposed in absentia. Rear Admiral and British Acting High Commissioner at Istanbul Richard Webb, when relaying to Foreign Secretary Curzon the text of the verdict, remarked, “It is interesting to see . . . the manner in which the sentences have been apportioned among the absent and the present so as to effect a minimum of real bloodshed.”⁵⁸ Several lesser functionaries were condemned to death in absentia. From among those who were present at their trials, only three were convicted and hanged in Istanbul.⁵⁹

The most distinguishing feature of the verdicts resulting from those trials is the consistency with which the main charges of the key verdict concerning the Armenian massacres were substantiated. A brief review of the proceedings of these other trials and the findings, which are incorporated in the ancillary verdicts, is therefore warranted.⁶⁰

No court, including a court-martial, can adjudicate a case solely on the basis of evidence marshaled by the prosecution. It has to make allowance for evidence and arguments furnished by the defendant. The Turkish Military Tribunal did attempt to accommodate the defendants, and in doing so, it disposed of a number of contentions raised by the defense.

One of these contentions was that the Armenians had provoked the attacks. In the Yozgat verdict, the court refuted this argument by asserting that “the majority of the Armenians had acted with dedication and loyalty” to the state (*isbatı sadakat ve merbutiyet etmiş*) (*Takvimi Vekayi*, no. 3617, p. 2). Throughout the Yozgat trial series, the defendants and their counsel made Armenian provocation a central issue. At the 15th sitting (March 27, 1919), for example, the presiding judge, after a rigorous examination, got Gendarmery Commander Tevfik to admit the inaccuracy of his claim of “Armenian insurgency”; Tevfik then amended his characterization to “an act of resistance.” At the 8th sitting (February 20, 1919), Colonel Şahabeddin, the deputy commander of Kayseri’s 15th Division in charge of handling this “resistance,” stated that the word “rebellion” was inappropriate in describing the escape to the mountains of “5 or 6 Armenians.” At the 11th sitting (March 5, 1919), Cemal, former *mutasarrıf* of Yozgat, was asked to comment on the use of “a cannon” by “insurgent” Armenians. Directing his answer to the presiding judge, Cemal declared,

You are a military man, your Honor, Mr. President. Let us be reasonable (*insaf edin Reis Paşa*). How can men about the mountains, fleeing, ducking, and desperately trying to stay alive, carry a cannon in their continuous running from one hiding place to another? This is not something you can put in your pocket and move around. The entire affair was an insignificant matter as a few Armenian fugitives had clashed with the gendarmes pursuing them. It is an absolute lie that the Armenians had organized an insurgency. There was none of that and there was no cannon.

This point came up again during the Trabzon trial series. At the 12th sitting (April 16, 1919), the presiding judge noted that the anti-Armenian measures were dictated neither by military necessity nor as punitive measures. Addressing Trabzon Deputy Naci on the witness stand, he said: “Does it not follow that neither secu-

rity, nor retaliation, but some other consideration" impelled the defendants to commit the offenses with which they are charged?

At the 11th sitting (March 5, 1919) of the Yozgat trial series, *mutasarrıf* Cemal testified that an informal, secret order to exterminate the Armenians was given to him by Necati, Ankara's responsible secretary, who called it "the will of Ittihad's Central Committee"; he showed the paper that allegedly contained the order, but would not permit Cemal to read it. When Cemal refused to take orders under such circumstances, denouncing the idea of massacring innocent people, he was dismissed within two weeks.

What is significant about all these trials is that the verdicts depended almost entirely on Muslim testimony supporting existing documentary evidence. The courtroom testimony of dozens of Armenian survivors was summarily dispensed with in this regard. This procedure was foretold by the procuror-general near the end of the Yozgat trials, the 16th sitting on March 29, 1919; at the 9th, 12th, and 16th sittings of the same trial series the procuror-general emphasized that all the documents being introduced as evidence were validated by competent ministerial officials with the notation, "it conforms to the original," as required (February 22, March 6, 29, 1919, respectively).

The tribunal in its ancillary verdicts also came to grips with the most abiding issue punctuating the controversy about the nature of the anti-Armenian measures. The perpetrators (and their past and present apologists) maintained that "relocation" was the sole purpose of the deportations. In the Yozgat verdict this claim was refuted. Instead, it was concluded that the deportations were a cloak for the organization of massacres. "There can be no doubt and no hesitation" about this (*şüphe ve tereddüt bırakmadığından*) (*Takvimi Vekayi*, no. 3617, p. 2).

Finally, there is the argument of "civil war" and its twin appendage, "intercommunal clashes," put forth by those identified with "the Turkish point of view," through which victims and victimizers are confounded. In refusing to invoke Article 56 of the Ottoman Penal Code, which the procuror-general had insisted upon, the military tribunal in its Yozgat verdict rejected the contention of a civil war, subsumed in Article 56 with reference to acts of "mutual slaughter" by communal groups, armed for combat "against each other." Instead, it applied Article 45, for conviction and sentence rendition, thereby singling out the perpetrators and identifying the nature of their deeds.

The charge of the complicity of Ittihad's provincial commissars was upheld in the responsible secretaries' verdict in which the role of the defendants was described as having been "the organization and engagement (*tertib ve ihzar*) of *çete* gangs carrying out the massacre and destruction of the Armenians" (*Takvimi Vekayi*, no. 3772, p. 2). Nearly all the verdicts confirmed that the massacres were intentional. In the Harput verdict, for example, the court focused on the role of the Special Organization and its director, Şakir, as involving "the extermination and destruction of the Armenians" (*ifna ve imha*) (*Takvimi Vekayi*, no. 3771, p. 1).

The indictment underscored premeditation by quoting Dr. Nazım's statement that the anti-Armenian measures were not hasty decisions, but the result of "extensive and profound deliberations." In the verdicts of the trials of Yozgat (*Takvimi Vekayi*, no. 3617, p. 2), Trabzon (*Takvimi Vekayi*, no. 3616, p. 3), and Erzincan

(*Takvimi Vekayi*, no. 3917, p. 5), the court invoked Article 170 of the Ottoman Penal Code, which prescribes death for the crime of premeditated murder. Article 169 of the code defines premeditation using the Arabic word *taammüden*, derived from the root word *amd*, which means “intent based on prior deliberation.” In composing its verdicts, the military tribunal used, however, the synonym in Turkish (*kasden*) to convey premeditation.

The main purpose of this study was to try to ascertain the nature and purpose of the World War I anti-Armenian measures, often described as “deportations,” because of the disparity between their stated purposes (“wartime relocation”) and the actual consequences, the almost total obliteration of the Turkish Armenian population. “The Turkish point of view” denies any intent, using the Ottoman archives as its source. The opposite side questions the reliability of official Ottoman documents, and turns instead to the vast corpus of American, German, and Austrian official material to document a deliberate scheme of extermination carried out under the guise of deportations, a course of action beyond the realm of feasibility without the complicity of the central authorities.

Though not all projected trials for which preparations were completed were held, the court assembled sufficient evidence and rendered enough verdicts essentially to resolve the question of intent. By invoking the argument of a “victor’s justice,” a few genuine skeptics, on the one hand, and many Turkish partisans, on the other, saw fit to call into question the judiciousness of the convictions, just as others did after the Nuremberg trials. Their argument is debatable. First of all, the victors were not involved in any significant way. The tribunal, unlike the Nuremberg Tribunal, was set up and maintained by a succession of postwar Ottoman governments; it was run exclusively by Ottoman officials representing the judiciary and the Ministries of Interior, Defense and Justice. The main, if not the only, pressure from the victors, the British and French, was to insist on instituting the criminal proceedings to begin with, a demand consistent with their May 24, 1915, proclamation in which they had warned Turkey of retribution for the massacre of the Armenians, then in progress. Lacking jurisdiction, prosecutorial powers, and the machinery to apply international law and justice, that was all the victors could do, but without it the tribunal would have faced massive efforts at concealment rather than disclosure of evidence. Left to its own devices no government, least of all one representing a defeated and totally exhausted country, would be likely to cooperate in an effort that might lead to self-condemnation as evidenced in the dismal results of the 1921–22 German Leipzig trials.

This was precisely the meaning two former Ittihadist leaders gave to the Yozgat verdict. Party Secretary-General Midhat Şükrü, for example, referred to that verdict as a “self-condemnation by the government and a condemnation of the Turkish nation.”⁶¹ Reacting to the same verdict, Fethi Okyar described it as “a concession and certification by our own government of the criminal charges” involved.⁶² It is equally significant to observe that the Ankara government in its efforts to secure the release of the Ittihadist leaders, detained in Malta by the British for later trial, three times within a 6-month period in 1921 pledged to put on trial those accused of crimes committed in connection with the deportations.⁶³ When subsequently set free, however, not one of them was indicted, let alone tried. More significant, sev-

eral of these prima facie suspects were either reinvested or installed for the first time as deputies of the new Grand National Assembly,⁶⁴ while still others catapulted themselves into ministerial posts.⁶⁵ This development acquires added significance in the light of the fact that on June 21, 1919, the Kemalists at the Sivas Congress had, with the sole exception of Mazhar Müfit (Kansu), sworn (*vallahi, billâhi*) to abjure any allegiance to or support for the Ittihad.⁶⁶ All this is portentous of the fate and outcome of such trials as might have been conducted under the aegis of Ittihadists themselves, or their devoted partisans. In this sense it is fair to assume that a crime is more likely to be revealed and exposed by political opponents than by cohorts or sympathizers. Whereas such revelations are more or less subject to the test of legal evidence, by its very nature partisan concealment or reticence remains free from the constraints of such a test. The conduct of a lone political opponent in the Ottoman Parliament during the war, when the fate of the Armenians was hanging in the balance, is illustrative of the point. The reference is to Senator Ahmed Riza, one of the principal—but subsequently disillusioned—architects of the Ittihad party, who distinguished himself through his singular thrust of opposition to the series of anti-Armenian measures that throughout the war were being railroaded through the Parliament by the Ittihadist power-wielders. By such manifest opposition, Riza already during the war was attempting, albeit with little success, to expose the lethal aspects of the anti-Armenian measures. A brief review of this opposition is not only germane to this study but has particular relevance to this concluding segment of that study.

When, in the fall of 1915, the draft bill for the expropriation and confiscation of the goods, assets, and properties of the Armenian deportees was being pushed through, Riza on four different occasions (September 21/October 4, October 19/November 1, November 24/December 7, and November 30/December 13, 1915) raised his voice against “the inhumanity of the deportations,” the unconstitutionality of the proposed law, and the atrocious manner in which the victims were being dispossessed and ejected from their domiciles (*zorla, cebren*), only to subsequently reclaim their possessions as “abandoned goods.”⁶⁷

When, in 1916, the draft bill to enlist in the Special Organization convicted murderers was being discussed, that organization already had all but completed its mission against the Armenians. In denouncing the rationale of the bill, Riza stated that “murderers and criminals do not belong in the army,” inasmuch as the bill was framed in such a way as to convey the impression that the recruitment was for the benefit of the army. However, Colonel Behiç (Erkin) of the Supply Department of the War Ministry (*İkmal Şubesi*) proudly declared in the Parliament that the majority of the convicts was being recruited not for the benefit of the army but for the *Teşkilatı Mahsusa*, the organization in which they had proven their usefulness. Hence, he argued, it was impossible for these criminals to prove pernicious to the overall morality of the army soldiers. Angered by this admission, Riza retorted: “We know about the nature of that organization. We shall call it to account in the future” (*O teşkilatın ne olduğunu biliyoruz. İlerde hesabını soracağız*). Notwithstanding, the bill was declared as “lawful” by the undersecretary of the Justice Ministry who requested and secured its passage as “an emergency” bill (*müstaceliyet*).⁶⁸

On October 19, 1918, during the 2 P.M. sitting of the second session of the Ottoman Senate, Rıza, as president of that body, delivered his opening speech in which he invoked the memory of “the Armenians who were savagely murdered . . .” (*vahşiyane öldürülen Ermeniler*). When two days later, he was challenged in the same Senate on his statement, Rıza went one step further by describing the mass murder of the Armenians as an “officially” sanctioned crime requiring “the special intervention” of the government.⁶⁹

As in Nuremberg, so in Istanbul, the tribunal relied largely on authenticated documents in its possession rather than on courtroom testimony. While the latter may be susceptible to pressures of all kinds—political expediency, and opportunism—documents, especially those dating back to World War I, and hence antedating the Armistice, during which the trials took place, are immune to them. Second, one has to distinguish between prosecution and punishment. In the courts-martial there was little retributive justice. All the principal offenders escaped, or were allowed to escape, and only three minor officials were executed. Even they were lionized subsequently, viewed by the public as “national martyrs” (*milli şehid*). Very few of those sentenced to light prison terms served out their sentences.

From the standpoint of legal analysis and historical scholarship it is fair to state that the only benefit the trials had was the compilation of sufficient legal evidence to establish that the Armenian massacres had in fact occurred and that the central government had been involved in its organization and implementation. The string of verdicts makes clear that the judges of the tribunal were persuaded beyond reasonable doubt that it had been. For all these reasons, it may be asserted that the purpose of the World War I anti-Armenian measures, especially the deportations, was the destruction of the victim population, in other words genocide.⁷⁰

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NOTES

¹In an essay dealing with this issue, the late Terrence des Pres deplored the subservience of a growing number of academics to the lures and rewards of “power,” at the expense of “the integrity of knowledge.” He wondered whether the deliberate misuse of the maxim that “there are two sides to every issue” has not reduced it to “a gimmick” to undermine and distort, rather than to “foster truth.” He went on to state: “We are told no genocide took place but only a vague unfortunate mishap determined by imponderables like time and change, the hazards of war, uncertain demographics. There is a commonsense sound to the Turkish proposal. . . . [However,] Turkey’s denial of the Armenian disaster is backed by something larger than mere doubt. . . .” Terrence des Pres, “On Governing Narratives: The Turkish-Armenian Case,” *The Yale Review*, 75 (October 1986), 518–19. In a subsequent essay, he scorned the “increasing attempts to suborn the academy. . . . The issue, then, is whether or not we wish to be menials, for at the very least scholars who spend their resources defending the honor of nation-states serve something other than truth.” Idem, “Introduction. Remembering Armenia,” in Richard G. Hovannisian, ed., *The Armenian Genocide in Perspective* (New Brunswick, N.J., 1987), p. 15.

²*Talat Paşanın Hatıraları*, ed. E. Bolayır (Istanbul, 1946), pp. 16, 38, 65, 74–76; Esat Uras, *Tarihte Ermeniler ve Ermeni Meselesi* (Ankara, 1950), p. 683 (in 2nd ed. [Istanbul, 1976] p. 673); *ibid.*, *The Armenians in History and the Armenian Question*, English trans. (no translator indicated) of revised and expanded original edition (Istanbul, 1988), p. 932; Kamuran Gürün, *Ermeni Dosyası* (Ankara,

1983), p. 223; *ibid.*, *The Armenian File. The Myth of Innocence Exposed*, English translation of preceding (no translator indicated) (New York, 1985), pp. 214–15; Dr. Mim Kemal Öke, *Ermeni Meselesi 1914–1923* (Istanbul, 1986), pp. 148–49; Stanford J. Shaw and Ezel Kural Shaw, *History of the Ottoman Empire and Modern Turkey*, 2 vols. (Cambridge, 1976–77), vol. 2, *Reform, Revolution, and Republic: The Rise of Modern Turkey 1808–1975*, pp. 316, 325; Justin McCarthy, *Muslims and Minorities: The Population of Ottoman Anatolia and the End of the Empire* (New York, 1983), pp. 117–19, 121, 133, 136–39.

³The United States during the war had consuls functioning in such cities of the interior of Turkey as Harput, Trabzon, Aleppo, Mersin (Adana), and at different times consular agents in Urfa, Samsun, and Erzurum. Subsumed under the overall category of *Race Problems*, denoting the persecution of the Armenians in the 1915–21 period, the reports sent by these consuls add up to sixty. In addition, the State Department received seventy-eight similar reports from its ambassadors at Constantinople (Istanbul) the Ottoman capital, including Henry Morgenthau, Abram Elkus, and Chargé Hoffman Philip. Beyond these, the State Department sent forty-nine communications, instructions, and orders on the same topic to U.S. diplomats, inside and outside Turkey. Finally, the department has seven pieces of correspondence with foreign embassies, and 132 with private individuals in the United States—all dealing with the wartime anti-Armenian measures of Ottoman authorities. Some experts, sympathetic to the Turkish point of view, ascribe bias to Ambassador Morgenthau who throughout his wartime dispatches, and subsequently in his book, maintained that there was a centrally authorized and executed plan of destruction, disguised as deportation. See his following dispatches. *United States National Archives*, RG 59, 867.4016/74 (July 10, 1914); *ibid.*, /90 (August 11, 1915); *ibid.*, /117 (September 3, 1915); *ibid.*, /162 (October 9, 1915); *ibid.*, /797.5 (November 4, 1915); *ibid.*, /799.5 (December 1, 1915). See also Henry Morgenthau, *Ambassador Morgenthau's Story* (Garden City, N.Y., 1918). Notwithstanding, his two wartime successors likewise testified to “the horrors of the anti-Armenian campaign” for which the embassy was “in receipt of ample details.” In a dispatch of October 1, 1916, Chargé Hoffman Philip, responding to an inquiry by Secretary of State Robert Lansing as to what policy the U.S. government should follow, declared “the most efficacious method . . . from an international standpoint would be to flatly threaten to withdraw our diplomatic representative from a country where such barbarous methods are not only tolerated but actually carried out by order of the existing government” (RG 59, 867.4016/297). The next ambassador, Abram Elkus, in an October 17, 1916, telegram reported as follows to Washington: “. . . deportations accompanied by studied cruelties continue . . . forced conversions to Islam [are] perseveringly pushed, children and girls from deported families kidnapped. In order to avoid opprobrium of the civilized world, which the continuation of massacres would arouse, Turkish officials have now adopted and are executing the unchecked policy of extermination through starvation, exhaustion, and brutality of treatment hardly surpassed even in Turkish history” (RG 59, 867.4016/299). A recent publication provides evidence of the scrupulousness with which the American consuls, relying mostly on Turkish sources, gathered their material before reporting to Washington. It contains the detailed report of an American diplomat, U.S. Consul Leslie Davis, who narrates the lethal mechanisms of the Armenian deportations as personally observed and verified by him in the 1915–17 period in Harput province, his consular district. Located in eastern Anatolia, Harput encompassed a population of some 100,000 Armenians, clustered around “150 Armenian agricultural villages,” and an additional 12,000–15,000 quasi-urban Armenians living in the Harput-Mezre twin cities. Consul Davis recounts that he personally visited massacre sites and saw the bodies of murdered Armenians whom he had previously seen alive, “. . . gaping bayonet wounds on most of the bodies, usually in the abdomen or chest, sometimes in the throat. Few persons had been shot, as bullets were too precious. It was cheaper to kill with bayonets and knives. Another remarkable thing was that nearly all the women lay flat on their backs and showed signs of barbarous mutilation by the bayonets of the gendarmes . . . my Turk companion points to a valley alongside of the path and said a great many Armenians had been killed in that valley within two or three hundred feet of the spot where we were standing. . . . We arrived home about nine o'clock in the evening and I felt that I understood better than ever what the ‘deportation’ of the Armenians really meant. I felt also that I had not been wrong in speaking of Mamouret-ul-Aziz [Harput province] in some of my reports as the ‘Slaughter-house Vilayet’ of Turkey.” Davis wrote this account of 132 typed pages at the request of his superior, Wilbur J. Carr, director of the Consular Bureau of the U.S. Department of State. Leslie Davis, *The Slaughterhouse Province. An American Diplomat's Report on the Armenian Genocide, 1915–1917*, ed. Susan K. Blair (New Rochelle, N.Y., 1989), p. 83. “Few localities could be

better suited to the fiendish purposes of the Turks in their plan to exterminate the Armenian population than this peaceful lake in the interior of Asiatic Turkey, with its precipitous banks and pocket-like valleys. . . . That which took place around beautiful Lake Goeljuk (renamed Hazargözü) in the summer of 1915 is almost inconceivable. Thousands and thousands of Armenians, mostly innocent and helpless women and children, were butchered on its shores and barbarously mutilated" (p. 87).

⁴The German consular network in the provinces encompassed the areas of Adana, Alexandretta (Iskenderun), Beirut, Damascus, Erzurum, Mosul, Samsun, Sivas, Smyrna (Izmir) and Trabzon. German Ambassador Wangenheim and his successors Metternich and Kühlmann in the 1915–17 period relayed to Berlin a series of reports. Here are some samples from Wangenheim: "Deportations are not determined exclusively by military considerations. . . . All deportees on their route to Mosul from Diyarbekir were slaughtered," *German Foreign Ministry Archives*, Türkei 183/37, A19744, June 17, 1915; "The deportee convoys from Erzurum and Diyarbekir were set upon by brigands [Special Organization details] and even by escorting [gendarmes], *ibid.*, Botschaft Konstantinopel, K169, no. (3876), June 25, 1915; "Turks began deportations from areas now not threatened by invasion. This fact and the manner in which the relocation is being carried out demonstrate that the government is really pursuing the aim of destroying the Armenian race in Turkey," *ibid.*, 183/37, A21257, July 17, 1915; with reference to Interior Minister Talat's denial of massacres in Turkey, "This denial should lead to the conclusion that massacres did in fact take place," *ibid.*, 183/39, A303634, October 15, 1915. From Metternich: "The soul of the persecution of the Armenians is Talat," *ibid.*, 183/40, A36184, December 17, 1915; "I don't think much of a clique which boasts of such slogans as liberty, civil rights for all, and a constitution but allows the slaughter of hundreds of thousands of innocent people," *ibid.*, 134/35, A36980, December 23, 1915; "The slackening of deportations is not due to a Turkish decision to stop the extermination but to the fact that, except for scant remnants, the expulsion of the Armenians has ended," *ibid.*, 183/40, A175, December 27, 1915; "It looks as if Turkey now is proceeding to finish off the Armenian people before peace is restored," *ibid.*, 183/41, 18373, March 27, 1916; "The Turkish government inexorably carried out her plans namely, the resolution of the Armenian question through the destruction of the Armenian race," *ibid.*, 183/43, A17310 and A18548, July 10, 1916. From Kühlmann: "The policy of extermination has been largely achieved; the current leaders of Turkey fully subscribe to this policy," *ibid.*, 183/46, A2615, January 20, 1917; "The destruction of the Armenians which was carried out on a large scale, the policy of extermination (*Ausrottungs-politik*) will for a long time continue to stain the name of Turkey," *ibid.*, 183/46, A5919, February 16, 1917. From Austrian Ambassador Pallavicini: "The total extermination of the Armenians is at stake." *Austrian Foreign Ministry Archives*, P.A. 12, Karton 209, no. 50, June 27, 1915; "The manner in which the Armenians are being deported is almost tantamount to a death verdict," *ibid.*, no. 51, July 1, 1915; "Day before yesterday I directed the Grand Vizier's attention to the fact that there will come a time when Turkey will be held responsible for this policy of extermination," *ibid.*, no. 66, August 13, 1915; "It is generally believed that now the Armenian question has been resolved," *ibid.*, no. 71, August 31, 1915; "The treatment of the Armenians will forever remain a stain on the reputation of the Turkish government," *ibid.*, Karton 463, no. 21/P.B. March 10, 1916; "The anti-Armenian measures aim at the extermination of the Armenian population," *ibid.*, no. 6, January 20, 1917. From Trautmansdorff, Interim Ambassador, Chargé: "It appears that the plan to exterminate the Armenian race has largely succeeded. Talat gleefully told me recently that there are no more Armenians in Erzurum, for example. Turkey today is in a maniacal state for having implemented with impunity the extermination of the Armenian race," *ibid.*, Karton 209, no. 79, September 30, 1915.

⁵Relying mainly on Turkish-Ottoman sources and data, sixty-nine American and Turkish scholars, representing such wide-ranging and disparate fields as medieval and modern Ottoman history, language, and anthropology, placed a large ad in the *New York Times* and *Washington Post* on May 19, 1985. They offered in it for consideration the standard Turkish argument. Accordingly, "The Armenian suffering" was largely due to "inter-communal warfare," involving "Muslim and Christian irregular forces," and that this warfare was "not unlike the tragedy . . . of Lebanon." Included among the cosigners were also specialists of Arab affairs, Islamic carpets, and patrons of architecture!

⁶Shaws, *History*, p. 316.

⁷Justin McCarthy and Carolyn McCarthy, *Turks and Armenians. A Manual on the Armenian Question* (Washington, D.C., 1989), p. 54.

⁸*Congressional Record-Senate*, February 20, 1990, S. 1216.

⁹Here are some samples of their statements. Grand Vizier Said Halim: "I heard about this tragedy [the massacres] when it was all over, just like about everything else. You can't interpret the order to 'deport' as an order for 'killing.'" *Harb Kabinelerinin İsticvabı*. A special supplement of *Vakit*, no. 2 (Istanbul, 1933), pp. 290–91, 295, 325–26. Justice Minister Ibrahim: "The excesses [the massacres] were committed without the knowledge of the government . . .," *ibid.*, p. 519. Public Works Minister General Çürüksulu Mahmud: "There are no transcripts on this because no records were being kept [in the Cabinet Council]," *ibid.*, p. 203. Education Minister Ahmed Şükrü: "Depending on the degree of importance of a given matter, decisions were either kept off the record or were recorded," *ibid.*, p. 347. Special Organization Chief Eşref Kuşçubaşı: "It is a fact that the Special Organization performed services which the forces at the disposal of the government and the law-and-order outfits absolutely couldn't and which were directed against non-Muslim races and nationalities for being suspect in terms of their bonds and loyalty to the central authorities. These services were kept so very 'secret' that even Cabinet ministers were unaware of them. . . . When I think about it today I too find this plan 'exceedingly courageous' (*aşırı cesareti*). . . . I had assumed duties [relative to] the covert aspects of [the Armenian deportations] (*Ermeni tehciriyle alakadar . . . hadiselerin iç yüzünde vazife almış bir insan olarak*)." Cemal Kutay, *Birinci Dünya Harbinde Teşkilatı Mahsusa* (Istanbul, 1962), pp. 18, 36. He expressed indignation at the news of the assassination in Rome by an Armenian "avenger" of Grand Vizier Said Halim, declaring the latter totally innocent. The real nature of the scheme of anti-Armenian measures was known only to two or three ministers, according to Kuşçubaşı, who stated: "It is a singular crime and injustice to make a martyr out of him on charges of complicity in crimes associated with the Armenian deportations. As a man deeply involved in this matter I firmly reject this false accusation," *ibid.*, p. 78.

¹⁰Yusuf Hikmet Bayur, *Türk İnkılabı Tarihi*, 10 vols. (Ankara, 1964–83), 3, 1, p. 484. Another confirmation comes from American educated (Ph.D., Columbia) publicist Ahmed Emin Yalman who wrote, İttihad "ruled wartime Turkey, largely in secret for not even the party knew many of its Council's decisions." *Turkey in My Time* (Norman, 1956), pp. 34–35. For more details on this aspect of secrecy see note 37. As to the deliberations of the highly secretive Central Committee of İttihad, Ziya Gökalp in his testimony at the fifth sitting (May 12, 1919) of the court-martial stated that "no records in any detail or order were kept but that sometimes signatures were required" (*Takvimi Vekayi*, no. 3553, p. 80).

¹¹*Resmî Gazete*, no. 20163, May 12, 1989; Cabinet Council's No. 89/14028 decision, pp. 1–6. The three stipulations are contained in article 10, subsections a and b.

¹²The December announcement warning of the Interior Ministry's intention to study and release the figure on Armenian losses was made by then Interior Minister Mustafa Arif (Deymer), *Nor Giank*, December 13, 1918. Cemal's announcement some three months later was published in many newspapers, appearing during the armistice in Istanbul, *Le Moniteur Oriental*, March 13; *Alemdar*, *İkdam*, *Vakit*, March 15, 1919. In an editorial entitled "The Courage of Owning Up to Mistakes" (*Hatadan Dönmek Cesareti*), the latter newspaper praised the minister for his forthrightness. Cemal himself stated: "Don't deny the nation the right to call [the perpetrators] to account. . . . The government is bent on cleaning up the bloody past" (*kanlı maziyi temizliyecektir*). Quoted with misgivings by M. Tayyib Gökbilgin, *Millî Mücadele Başlarken*, 2 vols. (Ankara, 1959), vol. 1, p. 55.

¹³*Hadisat*, March 17, 1919. Cemal's figures on Armenian victims, as compiled by the Interior Ministry, is recorded in *Takvimi Vekayi*, no. 3909, published July 21, 1920, pp. 3–4.

¹⁴*T.B.M.M. Gizli Celse Zabıtları*, 4 vols. (Ankara, 1985), vol. 4, pp. 439–40.

¹⁵Yusuf Hikmet Bayur, *Atatürk, Hayatı ve Eseri* (Ankara, 1963), p. 268.

¹⁶Celal Bayar, *Ben de Yazdım: Millî Mücadeleye Giriş*, 8 vols. (Istanbul, 1969), vol. 7, p. 2114.

¹⁷Bayur, *Türk İnkılabı*, 10 vols. (Ankara, 1983), vol. 3,4, p. 787, n. 99.

¹⁸"Rauf Orbayın Hatıraları" *Yakın Tarihimiz* 3, 32 (October 4, 1962), 179.

¹⁹*Atatürkün Söylev ve Demeçleri 1919–1938*. (Istanbul, 1945), p. 49. In a May 6, 1920, communication, marked "personal and urgent," Mustafa Kemal in Ankara advises Kâzım Karabekir in Erzurum to refrain from attacking Armenia lest "the entire Christian world and especially America, turn against us" as any such action would be tantamount to "a new Armenian massacre" (*yeniden bir Ermeni kıtali demek olan bu hareket . . .*) Kâzım Karabekir, *İstiklal Harbimiz* (Istanbul, 1969), p. 663. Six years later Mustafa Kemal is described as reiterating his decrial of the Armenian massacres when castigating the İttihadists who "should have been made to account for the lives of millions of our Christian subjects who were ruthlessly driven en masse from their homes and massacred." Emile Hildebrand, "Kemal

Promises More Hangings of Political Antagonists on Turkey" *Los Angeles Examiner*, Sunday edition, section VI, August 1, 1926.

²⁰Maurice Prax, "Constantinople," *Lectures pour tous* (March 1920), 829. Prax was the correspondent of the French newspaper *Petit Parisien*. For the English translation of portions of the interview, see *Current History* 12 (May 1920), 334–36.

²¹Vahakn N. Dadrian, "Genocide as a Problem of National and International Law: The World War I Armenian Case and Its Contemporary Legal Ramifications," *Yale Journal of International Law* 14, 2 (Summer 1989), 291–315.

²²Joseph Kunz, "The United Nations Convention of Genocide," *The American Journal of International Law*, 43 (1949), 745; Raphael Lemkin, "Genocide as a Crime under International Law," *American Journal of International Law*, 41 (January 1947), 150.

²³Turkish sources indicate that the escape was organized and facilitated by General Bronsart von Schellendorf, the 1914–17 chief of the Ottoman General Staff. Cemal Kutay, *Talat Paşanın Gurbet Hatıraları*, 3 vols. (Istanbul, 1983), vol. 3, p. 1103; Fethi Okyar, *Üç Devirde Bir Adam* (Istanbul, 1980), p. 251. The details of the escape are provided by Galib Vardar, *İttihad ve Terakki İçinde Dönemler*, ed. S. N. Tansu (Istanbul, 1960), pp. 386–88. The most accurate description is provided by a young officer of the German Naval War Staff who volunteered to organize and execute the mission. The German destroyer R1 was the vehicle of escape to Sevastopol, Russia. Kapitänleutnant Baltzer, "Das romantische Ende der drei grossen Türken der Kriegszeit, Talaat, Enver and Dschemal Pascha. Eine Erinnerung an den 1. November 1918," *Orient-Rundschau* 11 (November 10, 1933), pp. 120–21.

²⁴Mihdat Şükrü Bleda, *İmparatorluğun Çöküşü* (Istanbul, 1979), p. 124. In a subsequent exchange with Hüseyin Cahit Yalçın, Bleda concurred with the view that such an escape would mean an admission of guilt. Hüseyin Cahit Yalçın, *Siyasal Anılar* (Istanbul, 1976), pp. 258–59.

²⁵Of Albanian extraction, Mazhar had a long career of civil service in Macedonia. After the Ittihadist revolution he became police chief in Smyrna (Izmir), and until April 1914, he was governor of Bitlis province when İttihad replaced him with Talat's brother-in-law, Mustafa Abdulhalik (Renda). In 1916, Talat appointed Mazhar to one of the four inquiry commissions which went to the provinces ostensibly to investigate atrocities against the Armenians. But these commissions in the main confined themselves to investigating economic abuses involving the embezzlement by officials of large amounts of money and other spoils taken from the Armenian victims; their offense was that, instead of handing over the riches to the state, they appropriated them for themselves.

²⁶Contrary to a general belief that Istanbul Armenians, like most of the Armenians of Smyrna (Izmir), were spared deportation, a host of secret documents reveal the cautious but systematic decimation of this part of the Armenian population, involving mainly the leaders of Istanbul Armenians, and "the provincials," who had families in the interior. On November 12, 1915, Konstantin Freiherr von Neurath, the German Chargé at Istanbul, informed his Chancellor in Berlin that according to "a reliable source" the Turkish government has, despite promises to the contrary, decided to deport the Armenian population of Istanbul against which decision he warned Foreign Affairs Minister Halil; *German Foreign Office Archives*, Bonn, Türkei 183/40, A33705. German Ambassador Wolff-Metternich on December 7, 1915, confirmed this confidentially obtained information, at the same time disclosing that 30,000 Istanbul Armenians already have been deported, 4,000 of them only recently; his source was the chief of police. In urging his chancellor to keep this information secret, he pleaded with him not to put up any more with Turkish atrocities and to try to deter them. *Türkei* 183/40, A36184.

²⁷*British Foreign Office Archives*, Public Records Office, Kew, F0371/4141/49194. The Committee of Union and Progress. Part II, p. 4, G.H.Q. Intelligence Report.

²⁸For the 1909 text of the martial law, see A. Biliotti and Ahmed Sedad, *Législation ottoman depuis le rétablissement de la constitution*, 2 vols. (Paris, 1912), vol. 1, pp. 194–97; for the September 1, 1910 (August 19, old style) addendum, dealing with the laws to combat brigands, see pp. 482–97.

²⁹"The Ottoman Constitution, Promulgated the 7th Zilbridje [*sic*], 1293 (11/23 December 1876)," *The American Journal of International Law*, 2 (1908), 386.

³⁰*Takvimi Vekayi*, no. 3540.

³¹*Takvimi Vekayi*. The December 16, 1918, rescript is in no. 3424, the December 25, 1918, one in no. 3430.

³²*Takvimi Vekayi*, no. 3445.

³³The Allies on May 24, 1915, issued a joint declaration pointing to “the connivance and often assistance of Ottoman authorities” in the mass murder of the Armenians. They further declared: “In view of these new crimes of Turkey against humanity and civilization, the Allied governments announce publicly . . . that they will hold personally responsible . . . all members of the Ottoman government and those of their agents who are implicated in such massacres,” *Archives du Ministère des Affaires Étrangères* (Paris), Guerre 1914–1918, Turquie, 887, I. Arménie, April 26, 1915; *Foreign Office Archives*, Public Records Office, Class 371, vol. 2488, Registry no. 501010, or briefly, F0371/2488/501010, April 28, 1915; *Foreign Relations of the United States*, 1915 Supplement, p. 981, File no. 867, 4016/67.

³⁴Bilal Şimşir, *Malta Sürgünleri* (Istanbul, 1976), pp. 113, 114.

³⁵The first citation is in F0371/4173/84878, folio 487; the second is in F0371/4174, folio 149.

³⁶Ibnülemin M. K. Inal, *Son Sadrazamlar*, 4 vols. (Istanbul, 1982), vol. 4, p. 1983. See also F0371/4141/49194; p. 4; A. A. Cruickshank, “The Young Turk Challenge in Postwar Turkey,” *Middle East Journal* 22, 1 (Winter 1968), 17; Paul C. Helmreich, *From Paris to Sèvres* (Columbus, Oh., 1974), p. 107. According to the Adjutant of Sultan Vahdettin, the Ministry of War at one time in the Armistice was filled with Ittihadist advisers and aides-de-camp. Tarık Mümtaz Göztepe, *Osmanoğullarının Son Padişahı Sultan Vahdeddin Mütareke Gayyasında* (Istanbul, 1969), p. 89.

³⁷Ahmed Emin Yalman, *Yakın Tarihte Gördüklerim ve İştittiklerim*, (1888–1918), 4 vols. (Istanbul, 1970), vol. 1, pp. 339–41. Speaking of the distribution of power among the top Ittihadist leaders, the author maintains that their power in some respects exceeded the authority of the ministers, especially in conditions of “urgent business.” He singles out Drs. Nazım and Şakir, and Ziya Gökalp, as the most powerful members of the Central Committee (*ibid.*, p. 265).

³⁸*Djagadamard*, August 29, 1919, carrying the comments of former Deputy Procuror-General Feridun.

³⁹Hüsameddin Ertürk, *İki Devrin Perde Arkası*, ed. S. Tansu (Istanbul, 1957), pp. 213, 326–27.

⁴⁰*Nor Giank*, November 13, 1918.

⁴¹*Takvimi Vekayi*, no. 3540.

⁴²*Alemdar*, May 10, 1919.

⁴³Vahakn 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, 3 (August 1986), 311–60.

⁴⁴*Takvimi Vekayi*, no. 3604.

⁴⁵The specifics of the indictment detailed here are excerpted from the supplementary issue (*ilâve*) of *Takvimi Vekayi*, no. 3540 which, along with other supplementary issues, served as a quasi-judicial journal irregularly covering the court-martial proceedings involved. Pages 4–8 of that issue (in which April 27 is a misprint for April 28, the opening day of the trial) comprise the text of the indictment, and page 9, the supplementary comments mentioned above. Jerusalem Armenian Patriarchate Archive and Bibliothèque Nubar in Paris have the original issues; Zoryan Institute, Cambridge, Mass., has the copies of these supplements. For a comprehensive analysis through the method of breakdown and reconstruction of the entire text of the key indictment in which columns of English translations of segments of the indictment are placed alongside those containing original but Latin-script Ottoman segments of the indictment, see Vahakn N. Dadrian, “A Textual Analysis of the Key Indictment of the Turkish Military Tribunal Investigating the World War I Armenian Massacres,” *Armenian Review*, 44, 1 (Spring 1991).

⁴⁶At the 11th sitting of Trabzon trials (April 14, 1919), Special Organization leader, Major Yusuf Rıza, admitted to having initiated military incursions into the Russian Caucasus before the start of the Russo–Turkish war. The key verdict singled out this fact when referring to Ittihad’s aggressive designs; *Takvimi Vekayi*, no. 3604, p. 219.

⁴⁷This critical point of linkage between Ittihad’s secret motives for entering into the war precipitately and the scheme of solving the Armenian question was touched on and articulated by the Austrian Military Plenipotentiary at the Ottoman General Headquarters. Alluding to his decade-long experience in Turkey involving his exposure to “the spontaneous utterances of many intelligent Turks,” the Vice-Field Marshal expresses his general belief that the Turks attributed the decadence and decline of the Ottoman Empire” exclusively . . . to the overabundant humanity of the earlier Sultans who either ought to have the conquered people forcibly embrace Islam, or ought to have exterminated them.” Pursuing this line of thought the author goes on to say: “In this sense there is no doubt that the Young Turk government already before the war had decided to utilize the next suitable opportunity for rectifying at

least in part this mistake. . . . It is also very probable that this consideration, i.e., intent, had a very important influence upon the decisions of the Ottoman government relative to joining the Central Powers, and upon the determination of the exact time of their intervening in the war," Joseph Pomiankowski, *Der Zusammenbruch des Osmanischen Reiches* (Graz, Austria, 1969), p. 162.

⁴⁸In the Bayburt verdict the atrocities are traced to the Central Committee which "first of all" (*evvel emirde*) "determined upon" (*tasmim*) the execution of the crimes, *Tercimani Hakikat*, August 5, 1920; *Sabah*, July 29, 1920. Third Army Commander Vehib Paşa categorically declared that "the crimes were committed pursuant to a fixed state program and with definite premeditation" (. . . *cinayeti devletin tahtı iman ve himayesinde . . . mukarrer bir program ve mutlak bir kasd . . .*) (deposition, cited in *Takvimi Vekayi*, no. 3540, p. 7, and read in its entirety at the 2nd sitting of Trabzon trials, [March 29, 1919]). At the first sitting of responsible secretary's trial the court referred to "the decision taken by the Central Committee" (. . . *ittihaz eylediği karara taben . . .*). They created an invisible arm of the government (*bir kuvvei hafıye ihdas*) and subverted (*tagayyür*) the form of that government. All this was done by the formation in the Cemiyet of a special leadership" (*erkânı mahsuse*), *ibid.*, no. 3586, p. 162.

In the responsible secretary's verdict it is stated that the secretaries "participated in the criminal decision taken by the Central Committee" (. . . *ittihaz eylediği mukarreratı cinayetkaranelerine iştirak*). *ibid.*, no. 3772, p. 4. In the Harput verdict the headquarters of that Central Committee is specified as "the locus of the decision for massacres." *ibid.*, no. 3771, p. 1.

⁴⁹In a proclamation issued on June 14, 1915, by the authorities of Trabzon province the Armenians were explicitly forbidden to sell any of their property while preparing themselves for deportation within five days, with the assurance that they were going to be temporarily settled and lodged (*temekkü ve ikamet*) in localities in the interior prepared for them; they were expected, so said the proclamation, to return to their homes after the end of the war. *Trabzonda Meşveret*, June 14, 1915, p. 4.

⁵⁰A Turkish intelligence officer, attached to Department II at Ottoman General Headquarters, in his memoirs states that "utterly innocent" Armenian populations from such far away cities as Bursa, Ankara, Eskişehir, and Konya, which were in no war zone, "succumbed to the effects of the deportation tragedy," Ahmed Refik Altınay, *İki Komite İki Kıtıl* (Istanbul, 1919), p. 23. American intelligence experts in their report in 1946 on the status of the Armenian Question that was at the time undergoing some revival in the field of international relations, declared that: "a mere pretext invoked to justify the extermination of over a million Armenians, *uprooted mostly from regions remote from the war fronts*" (italics added). That pretext involved the mere fear of Armenian seditiousness. "The argument is compatible to Nazi accusations of Jewish subversive activities, and is equally invalid . . . [at issue is] the systematic, organized, and prolonged massacres of a whole minority by the Ottoman government." *Department of State*, Office of Research and Intelligence, "Notes on Armenian National Aspirations . . ." March 12, 1946, no. 3523.2, pp. 18–19. Quoted in Ronald Grigor Suny, "Return to Ararat: Armenia in the Cold War" *Armenian Review* 42,3 (Autumn 1989), 13.

⁵¹In the Harput verdict, Responsible Secretary Resneli Nazım was a principal defendant and was convicted. *Takvimi Vekayi*, no. 3771, p. 2. In the Bayburt verdict, Erzurum's delegate Hilmi was cited as having actively participated in the direction of the massacres; *Tercimani Hakikat* August 5, 1920. But the key role of these party commissars in the provinces is exposed in the responsible-secretaries trial verdict. To appreciate the paramouncy of this role the following description by a Turkish author remarkably familiar with many of the secrets of Ittihad and the Special Organization may be relevant: "The title 'responsible secretary' was created to avoid the appearance of overshadowing the state authority while investing the holder with such powers as may be required for the direction of the course of events. In fact, in all matters of consequence, *the last decision* [italics in the original] belonged to them. These men . . . in line with this practice made *final decisions*. They were selected by the Central Committee, the shadow Cabinet, on the basis of experience, age, brains and familiarity" (Cemal Kutay, *Celal Bayarın Yazmadığı ve Yazmayacağı Üç Devirden Hakikatler* [Istanbul, 1982], p. 12). After highlighting the general role of these supreme power wielders, the same verdict, involving the responsible secretaries, specifies the criminal offenses of several of them. That general role is described as involving, "Specially the massacre and destruction of the Armenians and the plunder and looting of their goods and belongings" (. . . *bilhassa Ermenilerin taktıl ve imhası ve emval ve eşyalarının nehb u yağması hususunda . . . kâtib ve murahhası mesulların . . .*). They had a free hand in their criminal activities." Focusing in particular on three defendants, the court criticized them as follows: Bursa and Bolu secretary Dr. Midhat "went out of his way to include in the deportations the sick Armenians." Kastamonu province's

Hasan Fehmi “was more powerful than the vali, and was an influential factor in the organization and direction of the deportations (*tehcirin tertip ve idaresinde amili müessir*); he acted in a manner indicative of his power in the exercise of which he acted as if he were above the law. He finally succeeded in relieving Governor Reşit Paşa who derisively was called ‘the vali of the Armenians’ and who kept refusing to order the massacre of the Armenians of his province with the words, ‘I cannot soil my hands in blood.’” Referring to a similar act of dismissal the court mentioned Ankara’s secretary Necati who succeeded in getting rid of Yozgat’s likewise recalcitrant *mutasarrıf* Cemal. Edirne’s inspector Abdül Gani “whose power matched that of the vali” personally toured the sites of the atrocities at the head of boorish *çetes* armed to the teeth (*kaba kuşaklı musallah çeteler*). He affected the deportations in such a manner that “many Armenians were ruined and annihilated” (*bir hayli Ermeninin mahv ve teleferi ile neticelenen tehcirde amili müessir. . .*). In addition, Hasan Fehmi, Abdül Gani, and Dr. Midhat “engaged in practices [involving] corruption while directing the deportations” (*tehcir dolayisiile . . . irtikâb . . .*), *Takvimi Vekayi*, no. 3772, pp. 3–6. A signal feature of this verdict, in which the court emphasized that it had reached that verdict by examining the evidence “from head to toe” (*serapa*), was the preponderance of testimony from military and civilian officials as well as one notable and several Muslim citizens. To stress the importance of this fact, these witnesses are hereby listed: (1) retired Major Ismail Hakkı; (2) the late Marshal Asaf Paşazade Cemal; (3) 9th Regiment Commander Colonel Hurşit; (4) Silifke Gendarmery Commander Major Mustafa Şerif (quoting Gendarmery Colonel İzzet); (5) Kastamonu Administrative Council (*Meclisi Idare*) Secretary Besim; (6) Kaymakam Celal; (7) Bolu deputy *mutasarrıf* Ali İlmi (dismissed for objecting to deportations); (8) War Office Memo regarding Abdül Gani’s offenses. Included among the Muslim citizens who also testified were: (1) Vahid; (2) Cevdet; (3) Salim; (4) Kastamonu notable Tevfik; (5) Medrese hoca Mehmet; (6) Attorney İzzet.

⁵²At the 4th sitting of the Cabinet ministers’ trials the presiding judge, addressing defendant Yusuf Rıza, stated, “We heard from the Defense Ministry that there were two kinds of Special Organization; one was run by the War Office, the other by İttihad” (*Teşkilatı Mahsusiyenin iki şekli olduğu, biri Harbiye Nazaretinin, diğeri İttihad ve Terakki fırkasının meshuf bulunduğu. . .*), *Takvimi Vekayi*, no. 3549, pp. 59–60. At the 5th sitting, Yusuf Rıza finally conceded that indeed there were two types of Special Organization, with the second having been engaged in direction of the affairs of deportation in the provinces (*İkinci bir Teşkilatı Mahsusu mevcut ki bunlar bazı vilayetlerde sancakların, kazaların bu tehcir işini idare etmek için . . .*), *ibid.*, no. 3553 (3554), p. 88. At the same sitting, another Special Organization leader Atif conceded the help received in this respect from provincial responsible secretaries, after he was confronted with a set of ciphers and communications in the possession of the court, *ibid.*, pp. 87–88. Informed of Yusuf Rıza’s admission, Küçük Talat, at the same sitting, declared, “The Special Organization was created to help execute the deportations,” *ibid.*, p. 90. At the next (6th) sitting, Atif, again confronting two ciphers produced by the court, went one step further from his earlier answer and admitted, “I sought Midhat Şükri’s help for the enlistment of İttihad’s provincial cells in the work of the Special Organization,” *ibid.*, no. 3557, p. 112.

⁵³*Tarihi Muhakeme* (Istanbul, 1919), p. 9. At the 6th sitting of the trial of the Special Organization leaders (May 14, 1919) an Interior Ministry cipher telegram was introduced in which the provincial authorities of Bursa were ordered to assemble within a week two hundred men who are not subject to military service but who may include “convicts and ordinary scums” (*mahkûmun ve sefaletle meluf olanların*), *Tavimi Vekayi*, no. 3557, p. 98. At the 16th sitting of Trabzon trials (May 5, 1919), Ordu merchant Hüseyin testified that Trabzon Prison Director Süleyman formed gangs of *çetes* from the ranks of convicts for the purpose of massacring the Armenians. In his testimony before the Fifth Committee of the Chamber of Deputies, wartime Justice Minister İbrahim Pirizade Saib declared that, as he tried to resist such an order, he was prevailed upon by the War Ministry to release from prisons convicts “whose number added up to a sizeable total” (*mühim bir yekûna balig*), with the argument that such a resource ought not be neglected, *Harp Kabinelerinin*, p. 537. An intelligence officer attached to Ottoman General Headquarters admitted to the carrying out of a general scheme to eradicate the Armenian question by eradicating the Armenians themselves—through the Special Organization *çete* units who, “after being released from prisons and undergoing a week’s training at the War Ministry’s grounds in Istanbul, were sent off to the east to carry out their mission,” Altınay, *İki Komite*, pp. 23–28, 36–38; *İkdam*, December 23–28, 1918 series of articles.

⁵⁴This cipher is itemized and indexed as “series” (*tertip*) 9 among the documents lodged with the bill of charges.

⁵⁵Extermination by mass drownings took place in all the rivers within the confines of Asiatic Turkey, particularly the rivers Euphrates and Tigris and their tributaries, running as they did through the numerous regions containing heavy concentrations of Armenians. But nowhere was the extent and pace of extermination as massive as in the high seas of the Black Sea skirting the littoral of the Trabzon province and beyond, involving the port cities Samsun, Trabzon, and the smaller coastal towns Giresun, Ünye, and Tirebolu. Cemal Azmi, the governor of Trabzon, is reported to have declared with relish at a social gathering in Berlin, where he had taken refuge after the war, that he contributed to the rich harvest of fresh anchovy by these drownings (*bu sene hamsi çoğalsın*). Trabzon is famous for its breed of anchovy, which also then constituted the staple food of the poor in the area. Arshavir Shiragian, *Gudagner Nahadagneru* (In Execution of the Testament of the Martyrs) (Beirut, 1965), pp. 262–64. In the abbreviated English version of these memoirs this quotation is supplanted by a general description of the gloom Huratch Papazian endured by listening to such accounts in the circle of Turkish families. He had penetrated this circle in the disguise of a Turkish student and as a close friend of the governor's son for purposes of tracking down the organizers of the Armenian massacres. Fluent in dialect Turkish, and masquerading as the wealthy son of a rich provincial Turk, he even had undergone circumcision to enhance the credibility of his pretended identity; *The Legacy* (Boston, 1976), pp. 156–57. In this series of trials, a host of military and civilian officials personally testified to the systematic acts of drowning, involving escort bands who were used for the end of killing the victims while on the high seas, and professional boatmen who were paid special fees for subsequently dumping the victims into the sea. But the testimony of three military officers stands out in terms of exposing the employment of code language in the orders issued for drowning operations. At the 9th sitting, Colonel Muhtar, chief of staff of Trabzon and Lazistan Forces, testified to having received strange coded telegrams ordering him to carry out the deportation to inland destinations of certain convoys “via the sea route” (April 10, 1919). At the 10th (April 12), a Lieutenant Ahmet declared that a particular convoy of Armenians was to be “transported to Sebastopol” for which the order specified that “two hours” should be enough to do the job. When he balked at this impossible order, considering the enormous distance and the location of the city in enemy territory, he was told bluntly that the euphemism meant that the victims were to be “towed to the high seas and drowned there.” At the 14th sitting (April 26, 1919), Colonel Arif, military commander at Giresun, testified to receiving an order involving the deportation of the victims “to Mosul in the Arabian desert via the Black Sea.” Trabzon's American consul Oscar S. Heizer in two long reports confirms these operations of drowning in high seas. In a July 26, 1915, report he writes, “a number of such caiques have left Trebizond loaded with men and usually the caiques return empty after a few hours.” In his April 11, 1919, report he speaks of the fate of “nearly 3000 children . . . many of [them] were loaded into boats and taken out to sea and thrown overboard. I myself saw where 16 bodies were washed ashore and buried by a Greek woman near the Italian Monastery”; *U.S. National Archives*, R.G. 59, 867.4016/411.

⁵⁶Apart from murder and plunder, the type of associated crime most common and widespread was rape. Whenever opportune, no female, young or old, with a modicum of attractiveness, was spared by the criminally inclined. In the Trabzon series in particular several witnesses as well as defendants testified to the recurrence of this kind of assault. At the 9th sitting (April 10, 1919), for example, the city's police chief Nuri admitted to having sent “5 or 6 young Armenian girls to the members of Ittihad's Central Committee as a gift from governor Azmi.” At the 16th (May 5, 1919), Customs Inspector Besim, after confirming the role of ex-convicts in the massacres, declared on the witness stand, “The Red Crescent building was not a hospital or a health center but a pleasure-dome for indulging in lasciviousness where the governor had been satisfying his lust and sexual appetites.” At the 10th (April 12, 1919), merchant Mehmet Ali described the regular rape of young girls in the Red Crescent Hospital, adding that the governor had kept there for his personal use 15 Armenian girls. In several reports Trabzon's American consul Oscar Heizer describes the patterns of sexual assaults and forcible prostitution. In his August 13, 1915, report he refers to a deportee convoy from which group “the women were first outraged by the officers of the gendarmerie and then turned over to the gendarmes to be disposed of. . . . The best looking of the older girls [from a group of children] are kept in the houses for the pleasure of members of the gang which seems to rule affairs here. I heard on good authority that a member of the Committee of Union and Progress here has ten of the handsomest girls in a house in the central part of the city for the use of himself and friends”; R.G. 59, 867.4016/210.

⁵⁷George Young, *Corps de droit ottoman*, 7 vols. (Oxford, 1905–6), vol. 7, p. 273 (in chapter 5, section 2).

⁵⁸F0371/4174/118392, folio 267, July 7, 1919 communication. With the exception of Dr. Nazım, all of the condemned men cited in the text who had fled to Germany and Russia were tracked down and were assassinated one by one by Armenian “avengers.” Talat was assassinated in Berlin on March 15, 1921, Dr. Şakir likewise in Berlin on April 17, 1922. Cemal was gunned down in Tbilisi (Tiflis) on July 21, 1922. Enver was tracked down by Agabekof, an Armenian operative of the Communist Secret Service in Emirate Bukhara, and was killed on August 4, 1922, during the ensuing fight.

⁵⁹(1) Ali Kemal, *kaymakam* of Boğazlıyan, and during the massacres interim *mutasarrıf* of Yozgat. He was condemned to death on April 8 and hanged on April 10. (2) Abdullah Avni, nicknamed Hayran Baba, was in charge of the Erzincan gendarmerie. He was the brother of Abdul Gani, a prominent İttihadist and the responsible secretary of Sivas and Edirne. Avni was condemned to death at the end of the Erzincan trial series and was hanged on July 22, 1919. (3) Behramzade Nusret, Bayburt *kaymakam*, later *mutasarrıf* of Ergani, and subsequently of Urfa. He was condemned to death on July 20, 1920 (*Takvimi Vekayi*, no. 3924), and was executed on the gallows on August 5, 1920. However, the military Appeals Court, after the debacle of the Damad Ferit regime and the ascendancy of Kemalism, overturned Nusret’s July 20, 1920, verdict on January 7, 1921. Both Kemal and Nusret were then declared “national martyrs” (*milli şehid*). On December 25, 1920, the Ankara regime by law no. 80 allocated a pension for Nusret’s family. After the execution of Kemal, on the other hand, 20,000 Turkish pounds were raised through public subscription initiated by the Turkish daily *Tasviri Efkâr* and were given to his family. In commenting on the spectacularly demonstrative procession of Kemal’s funeral, British High Commissioner Admiral Somerset Arthur Gough-Calthorpe wrote the following to London, “The perpetrator of crimes, the nature of which would send a shudder through any civilized community, was treated as a hero and martyr amongst Moslems; but then, his victims were Christians”; F0371/4173/72536, April 21, 1919, report. W. S. Edmonds, undersecretary in the Eastern Department of the British Foreign Office offered, when reacting to the same funeral, the following comment in the appended minutes, “Not one Turk in a thousand will think that any other Turk deserves to be hanged for massacring Christians”; F0371/4173/61185, April 22, 1919.

⁶⁰The proceedings were covered in varying degrees by Constantinople (Istanbul) newspapers in Turkish, Armenian, and French. Notable for their relatively detailed coverage of these proceedings were *İkdam*, *Sabah*, *Hadisat*, *Vakit*, *Peyam*, and *Alemdar* (Turkish); *Nor Giank*, *Ihamanag*, *Ihogovourt*, and *Djagadamard* (Armenian); *Renaissance*, *Le Courier de Turquie*, and *Moniteur Oriental* (French).

⁶¹Şükrü, *İmparatorluğun*, p. 62.

⁶²Okyar, *Üç Devirde*, p. 280.

⁶³The first pledge was made on March 10, 1921, by Ankara’s foreign affairs minister Bekir Sami; F0371/6499/E3110, folio 190; the second was made on behalf of the Ankara government by Safa, the foreign affairs minister of the Sultan’s government in Istanbul, F0371/6504/E9112, folio 47, p. 2; the third was made by Rafet Paşa, Ankara’s Interior Minister on September 14, 1921, F0371/6504/E10411, folio 130. Moreover, the secret 4th article of the Second Amasya Protocol, signed on October 22, 1919, between the Ankara government and Salih Paşa, the representative of the Sultan’s government (whose cabinet, however, later refused to ratify it), provided for the trial in Turkey of the İttihadists held in custody by the British in Malta on charges of wartime crimes, including massacres; Atatürk, *Speech Delivered by Mustafa Kemal Atatürk* (Istanbul, 1963), p. 208. Yalman, who was one of the Malta detainees, states that “Ankara government offered to put on trial in Turkey those responsible for Armenian deportations.” *Turkey in My Time*, p. 106.

⁶⁴Especially worth mentioning are the following: Atif Kamçil (Çanakkale), Pirincizade Feyzi (Diyarbakir), İlyas Sami (Bitlis), Ali Cenani (Gazianteb), Ahmed Şükrü (Izmit), Ali Feyyaz (Yozgat), and Erzincanlı Sabit (Harput and Sivas). In addition, Mustafa Reşad from the Political Section (*Kısmi Siyasi*) of Istanbul’s police department was appointed president of the Council of State (*Devlet Şurası Başkanı*), and Tevfik Hadi, head of the security section of the same police department (*Emniyeti Umumiye*) was appointed governor (*vali*) of Mardin. For the role of former İttihadists in the development of the Kemalist movement in Anatolia, see Şimşir, *Malta*, pp. 215–16.

⁶⁵Foremost among these are Mustafa Abdulhalik (Renda), Minister of Defense, Finance, Education and also president of the Grand National Assembly (following the death of Atatürk on November 10, 1938, for one day he also became President of Turkey); Şükrü Kaya (Interior); Pirincizade Feyzi

(Public Works), Ali Cenani (Commerce). As the British were insisting on exempting from the projected exchange of prisoners those Ittihadists believed to be seriously implicated in the organization of massacres against the Armenians, sixteen of these broke parole and escaped from Malta. Included in this group were army commanders Ali İhsan and Mahmud Kâmil; governors Muammer, Memduh, Tahsin and Sabit; *kaymakam* Faik (Merzifun); Responsible Secretary Abdul Gani (Sivas), military Governor Nevzad (Mosul); and Director of Deportations Şükrü (Kaya). See Şimşir, *Malta*, p. 439; Yalman, *Gördüklerim*, vol. 2, pp. 199–200; F0371/6509, folio 47, p. 2.

⁶⁶As in other similar cases, the oath against Ittihad was an expedient move to mollify the internal and external critics of the Kemalist movement that these were identifying with Ittihad; see Gökbilgin, *Milli Mücadele*, vol. 2, p. 8.

⁶⁷See Dadrian, “Genocide as a Problem of National and International Law,” *Yale Journal of International Law*, 14,2 (Summer 1989) 267–70.

⁶⁸Tark Zafer Tunaya, *Türkiyede Siyasi Partiler*, 3 vols. (Istanbul, 1984–89), vol. 3, *İttihad ve Terakki*, pp. 285–86. During the 2nd sitting of the trial series of the top Ittihadists (May 4, 1919), Colonel Cevad’s defense counsel introduced a document signed by the same Colonel Behiç. Dated November 25, 1914, and addressed to the directorate of the Special Organization, it let it be known that henceforth the *valis* in the eastern provinces will be able to participate in the work of the Special Organization since a law is being passed which authorizes the engagement of convicts. It appears that some eastern governors, anxious about the risks of their complicity, were hedging and were demanding some legal protection. The document ends with a request to return it after taking cognizance of its contents (*Takvimi Vekayi*, no. 3543, p. 28). In his testimony at the 6th sitting of the same tribunal (May 14, 1919), Colonel Atif admitted that eastern *valis* were involved in the work of the Special Organization. *Tarihi Muhakeme*, p. 31.

⁶⁹*Meclisi Ayan Zabıt Ceridesi*, Devre 3, Seneyi İntihabiye 5, 2ci and 3cü İçtima(338 [1918]).

⁷⁰In its key indictment and key verdict the military tribunal repeatedly referred to “the crime of massacres” (*taktıl cinayeti*) when describing the atrocities against the Armenians. Taking into account the aggregate nature of these massacres, Tunaya, the late dean of Turkish political scientists, in the discussion of the criminal proceedings against the Ittihadist leaders—which is contained in his 3rd volume on the Turkish political parties—saw fit to translate that Ottoman word “*taktıl*” into the modern Turkish equivalent of “genocide” (*soykırım*); Tunaya, *Türkiyede*, p. 281. Another prominent Turkish author, a close friend and a confidant of the principal founder of the Turkish Republic, Atatürk, went even further when he characterized these massacres against the Armenians as “genocide,” using in his text exactly this composite Greek–Latin term. In one of his weekly editorial reminiscences Atay had indeed ventured to tackle this topic while involving the memory of Atatürk, reflecting on the fate of the Armenians, and philosophically raising the question as to “why incur the risk of dishonor (*lekelenmek*) when there was an alternative remedy (*başka çare*)” after blaming the Armenian revolutionaries for incidental acts of sabotage and uprising. In the same vein Atay volunteered the information that “Mustafa Kemal too was against the genocide (*katliam aleyhinde idi*).” *Dünya*, “Düşünce Yorum:Pazar Konuşması” December 17, 1967. Atay himself was a Ittihadist in his youth, was a reserve officer during the war, and served as private secretary to both Talat (1912), and Cemal Paşa (1914–17) at his IVth Army headquarters (Department 11), as well as Deputy Director of the Special Secretariat at Cemal’s Marine Ministry during the last year of that war. For additional literature on this aspect of the problem see Vahakn N. Dadrian “The Documentation of the Armenian Genocide in Turkish Sources,” in Israel W. Charny, ed., *Genocide: A Critical Bibliographic Review*, vol. 2 (London, New York, 1991), pp. 86–138; Roger W. Smith, “Denial of the Armenian Genocide,” in *ibid.*, pp. 63–86; *idem*, “The Armenian Genocide: Memory, Politics, and the Future,” in Richard G. Hovannissian, ed., *The Armenian Genocide: History, Politics, Ethics* (London, New York, 1991), pp. 1–20; Vahakn N. Dadrian, “Ottoman Archives and the Armenian Genocide,” in *ibid.*, pp. 280–310.