



## ELCEZİRE İSTİKLÂL MAHKEMELERİNE YANSIYAN RÜŞVET OLAYLARI

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### Özet

*Mondros Mütarekesinden sonra Osmanlı Devleti'nin toprakları İtilaf ordusu tarafından işgal edildi. Başlangıçta bu işgallere yeterince tepki vermeyen halk, İzmir'in işgal edilmesiyle ölü toprağını üstünden attı ve yurdun pek çok yerinde ayaklanma başlatıldı. Bu proseste Gazi Mustafa Kemal ayaklanma başlatanlara önderlik yaptı. Ancak ülke yıllarca dışarıda ve içeride verilen savaşların etkisiyle yıprandı. Yoksulluk, asker kaçakları ve ekonomik sorunlar Milli Mücadele'nin başarıya ulaşmasını zorladı. Milli Mücadele önderleri bu sorunları aşabilmenin yolu olarak sadece sert gücü yeterli görmediler. Bu sert gücü kullanabilmenin aracı olan ordu da asker kaçakları üç yüz bini bulmuştu. Öncelikli olarak bu soruna çare bulabilmek için caydırıcı bir güç olan İstiklâl Mahkemelerini kurdular. İstiklâl Mahkemeleri'nin iki evresi var. Ben birinci evrede kurulan on dört İstiklal Mahkemesinden biri olan ElCezire İstiklâl Mahkemelerinde askerden kaçmak için yaşanan rüşvet olaylarını ele alacağım. Çalışmadaki amacım Milli Mücadele verilirken yaşanan zorluklara değinebilmek ve ElCezire İstiklâl Mahkemesinde yaşanan rüşvet olaylarının boyutunu ortaya koyabilmektir. Yöntemsel olarak ise pek çok akademik yayın ve arşiv belgelerinden faydalanarak makalemi kaleme aldım.*

**Anahtar Kelimeler:** El Cezire İstiklal Mahkemeleri, Urfa, Nusaybin, Cumhuriyet, Milli Mücadele

### Abstract

*The lands of the Ottoman Empire were occupied by the Entente army after the Armistice of Mondros. The people, who did not react sufficiently to these occupations at the beginning, blew away the cobwebs with the occupation of Izmir and uprisings were started in many parts of the country. In this process, Gazi Mustafa Kemal led those who started the uprising. However, the country was worn out by years of external and internal wars. Poverty, desertions and economic problems made it difficult for the National Struggle to succeed. The leaders of the National Struggle did not consider only hard power sufficient to overcome these problems. The number of deserters in the army, which was the means to use this hard power, had reached three hundred thousand. In order to find a solution to this problem in the first place, they established the Courts of Independence as a deterrent force. The Courts of Independence had two phases. In the first phase, the incidents of bribery to evade military service in the Independence Courts of Al-Jazeera, one of the fourteen Independence Courts, will be discussed. The aim of this study is to address the difficulties experienced during the National Struggle and to reveal the extent of the bribery incidents in the Al Jazeera Independence Court. Methodologically, this article was written by utilizing many academic publications and archival documents.*

**Keywords:** Al-Jazira Independence Courts, Urfa, Nusaybin, Republic, National Struggle

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## 1. Introduction

The idea of ensuring authority within the group or state and punishing individuals who tend to disrupt the order started with the emergence of human communities and states. In this framework, while crimes such as theft and manslaughter concerned individuals, new searches were made for crimes that concerned society. The crime of "treason" emerged in this process. (Dülger, 2017: 103).

When the Republic was first established, the "Law on Treason" was enacted to punish crimes committed against the state. The law on treason remained in force until 1991. The first article of this law was as follows:

*“Those who engage in verbal, written or active opposition and mischief aimed at rebelling against the legitimacy of the Grand National Assembly shall be considered traitors.”* (Dülger, 2017: 132)

The concept of betrayal is a concept that has existed since the first human communities. While the first reflections of this concept manifested itself in crimes committed against the family, later crimes committed against the state were also included in the scope of treason. Today, "treason" is included in the criminal code in the constitutions of most states (Dülger, 2017: 138).

The decisions given in the Independence Courts have been a controversial issue from past to present. While some historians in the country argue that the Independence Tribunals conducted fair trials, those who do not think so claim that exaggerated decisions were made in these courts. As a matter of fact, when the Parliament Minutes were read, it was seen that these discussions took place among the deputies between 1920 and 1923. For example, it was discussed in the Parliament that confiscating the property of executed fugitives was an exaggerated decision. Ali Şükrü Bey was one of the deputies against this law. According to him, the crime committed by one member of the family should not bind the others (İstiklâl Mahkemeleri, 2015: 129). However, it should be noted that the Independence Courts generally did not issue death sentences for deserters. Deterrent measures such as beating, imprisonment and confinement in a fortress were taken. Since there was a shortage of soldiers, deserters were captured and sent back to their units after being given a small punishment. It can be said that this practice was successful. One of the problems caused by deserters was the security of the civilian population; because deserters also engaged in looting and banditry when they returned to their hometowns.

The Independence Courts were a court with extraordinary powers and there was no appeal. Harsh decisions could be taken when the other side was deemed guilty. Their powers were similar to the courts established during the French and Soviet Revolutions. These courts cannot be compared to those in civilian life; however, it is necessary to evaluate them without falling into anachronism.

The Courts of Independence were revolutionary courts. The purpose of their establishment was to ensure the establishment of a regular army and to solve the problem of deserters. Shortly after its establishment, its powers were expanded to include crimes such as treason, corruption, robbery, assault, espionage, subversion and insurrection (Aybars, 2006: 1).

Fourteen Courts of Independence were established during the War of Independence (Aybars, 2006: 2). One of these was the Al Jazeera Independence Court. This court dealt with cases related to military desertion in the Eastern and Southeastern regions of Anatolia. The court's declaration generally touched upon this issue (Elcezire İstiklâl Mahkemeleri, 2015: 9-10)



When the minutes and decisions of the cases heard in the Al Jazeera Independence Court were examined, the intensity of the cases of evading military service in return for bribes stood out. Some people, especially those living in the region, avoided military service by bribing their acquaintances who served in the military or the soldiers with whom they later established relationships. Testimonies were also at issue in court. As a matter of fact, while there were people who were acquitted by the court, there were also those who were punished. Those who were punished generally did not face penalties such as death penalty or confiscation of their property. On the contrary punishments resulted in sub-disciplinary punishments such as beating, imprisonment and confinement in a fortress. In the following stages of the article, the issue will be clarified by giving examples from the minutes of these bribery incidents.

## 2. The First Stage in the Establishment of Independence Court : Law on Treason

Governments all over the world prefer to take drastic measures in times of emergency. The Turkish Grand National Assembly adopted the Law on Treason with Resolution No. 2 on April 29, 1920, during the most difficult periods of the National Struggle (Özüçetin-Dağıstan, 2011: 251). The number of participants in the parliamentary vote was 150. There were 119 votes in favor, 20 votes against and 11 abstentions. Since there were 170 people in the Assembly, 20 people did not participate in the vote (İstiklâl Mahkemeleri, 2015: 183).

The first motion regarding this law was made by Karahisarısahip Deputy Mehmet Şükrü Bey. However, a group of deputies did not want this law to be enacted and wanted to carry out this work with the laws inherited from the Ottoman Empire (Özüçetin-Dağıstan, 2011:257). Mehmet Şükrü Bey's proposal occupied the Parliament for a long time. During this process, rioters in Beypazari rebelled against the Turkish Grand National Assembly, which was enough to show how serious the situation was (Şengül, 2020: 156).

Afyon Deputy Mehmet Şükrü Bey made the following offer::

*“Since the purpose and formation of the Grand National Assembly is known, there is no need to repeat the purpose of its purpose. However, all members of Ottoman Empire must agree to the regulations to be adopted by the Grand National Assembly in order to achieve the desired goal. Therefore, those who oppose or do not comply with the instructions of the National Assembly can only be traitors to the country, and such people should also be accused of treason.. ARTICLE ONE - Those who do not obey the decisions of the National Assembly, which aims to liberate our Caliph and Sultan and the Ottoman Empire from the seven foreigners, will be charged with treason. ARTICLE TWO - The law on high treason shall be applied to such persons.”* (TBMM Zabıt Ceridesi, 1920: 63)

The Treason Law is important as it is the first revolutionary law enacted by the Turkish Grand National Assembly. It was necessary to resolve the issue of desertion from military service in order to fight against the enemy at the front, and this law was enacted for this situation. One of the issues that the Turkish Grand National Assembly dealt with the most were the fatwas given by Sheikh al-Islam Dürrîzade Mehmet Efendi against those who carried out the War of Independence. In the fatwa dated April 11, 1920 by Sheikhulislâm Dürrîzâde Abdullah Efendi, which was also signed by the Sultan and Caliph, it was stated that "the murder of Mustafa Kemal, who was defined as a rebel (bagi), and the members of the National Forces was obligatory". In these fatwas, the supporters of the *Turkish Revolutionaries* were accused of killing innocent people and extortion. In the fatwas, those who opposed the sultan-caliph were accused of irreligionness. The Grand National Assembly of Turkey, Rifat Börekçi and 153 muftis issued fatwas against these defamations. (Özüçetin-Dağıstan, 2011: 254-



255). The Law on Treason was adopted under these extraordinary circumstances. The articles of the Law on Treason were as follows:

*“ARTICLE ONE- Any person who engages in opposition or subversion, either verbally or actually, or in writing, which amounts to rebellion against the legitimacy of the Grand National Assembly, which was formed for the purpose of liberating the office of the supreme caliphate and the sultanate and the homeland from the seven fronts and repelling attacks, shall be deemed a traitor to the homeland. ARTICLE TWO - Those who actually commit treason shall be executed. Those who are instrumental in the commission of treason, and their accomplices, shall be punished in accordance with the forty-fifth and forty-sixth articles of the Penal Code. ARTICLE THREE — Those who publicly incite and encourage various persons to commit the crime of treason by means of oration and oratory, or secretly and verbally incite and encourage them to commit the crime of treason, and those who commit such incitement and encouragement by means of various means and instruments, either verbally or in reverse, will be sentenced to temporary imprisonment. If material mischief occurs due to provocation and encouragement, the promoters and encouragers will be executed.. ARTICLE FOUR— The trial of the accused of high treason shall be conducted by the first instance criminal court in the place where the crime was committed. In cases of urgency and exigency, the court of the place where the accused is taken is also authorized to conduct the trial and render a verdict. ARTICLE FIVE— The trial of the accused of high treason shall in any case be carried out by deprivation of liberty upon a warrant of indefinite detention issued by the first instance criminal court. ARTICLE SIX— The preliminary investigation documents prepared by the police and judicial officers shall be submitted to the highest local civil servant without being submitted to the department of investigation. It is also brought to court by him, through the public prosecutors, within twenty-four hours. ARTICLE SEVEN— The prosecution of those accused of treason will be concluded within a maximum of twenty days, unless there is a compelling reason. The local police and the court committee who violate this deadline for unjustifiable reasons shall be sentenced by the local court to be punished according to the degree of the crime in accordance with the addendum to Article One Hundred and Second of the Penal Code and shall be sentenced within a maximum of twenty days after the trial by the local court. ARTICLE EIGHT— The decisions of the courts in accordance with this law are final and shall be executed in the places where they are ratified by the Grand National Assembly. If not ratified, action shall be taken in accordance with the decision to be taken by the Assembly. ARTICLE NINE— The person requested by the courts for the prosecution of this criminal order shall be issued with a writ of judgment, without the need for a summons or invitation: ARTICLE TEN— Those who make false accusations against individuals who did not participate in the rebellion are punished with the penalty of the crime they are accused of. ARTICLE ELEVEN— Persons against whom a judgment has been rendered in absentia shall, upon their arrest, be tried again and vicariously in accordance with this law. ARTICLE TWELVE— This law shall be communicated by the chief administrative officer of each locality by summoning the district, provincial and village councils of elders, and the minutes of the notification shall be kept by the administrative councils with the signatures of the members of the said councils and shall be kept by the administrative councils, and shall also be published in accordance with the*



*law on the publication and announcement of laws. ARTICLE THIRTEEN- The Grand National Assembly is responsible for the execution of this law. ARTICLE FOURTEEN— This law shall become effective eight hours after the date of its notification and promulgation in each place.”(Ceride-i Resmîye, 1921: 2-3)*

With the enactment of the Law on Treason and Deserters, important steps were taken in the transition to a regular army. In addition, the transition to the Republic was accelerated (Şengül, 2020: 159). The establishment of the Courts of Independence was legally based on these two laws. Gazi Mustafa Kemal stated the following about these laws:

*“Gentlemen, the Parliament fulfilled the natural requirements of the Revolution by enacting the Law on Treason on April 29, 1920 and the Law on Independence Courts in the following months.”* (Kemal Atatürk, 2011: 302; Şengül, 2020: 159)

### **3. Establishment, Structure and Functioning of Independence Courts**

By the end of the First World War, the number of deserters had reached 300,000 (Aybars, 2006: 33). Deserters were looting and disrupting public order in the places they went. In order to take measures against all these, the "Law on Treason and Patriotism" was enacted. However, since there was no court to enforce this law, no success was achieved. The parliamentary minutes show that there was no serious opposition among the deputies to the adoption of this law. The issues that the deputies objected to were generally against heavy penalties. After the law was passed, Tevfik Rüştu Aras and Mustafa Necati Bey proposed the idea of establishing Independence Courts. Minister of National Defense Fevzi Çakmak also supported the idea. When this proposal was approved by Gazi Mustafa Kemal, it was decided to establish these courts. Thus, it was decided to establish Courts of Independence with three members to be elected from the Parliament. On September 11, 1920, this proposal was discussed in the Assembly and the establishment of the Courts of Independence was accepted with a majority of votes (Kocakahya, 2022: 52-53).

The purpose of the establishment of the Independence Courts was initially to consolidate the power of the Turkish Grand National Assembly, to prevent desertions and to strengthen the Turkish army and ensure security in the region. The court consisted of a president and members and there was no prosecutor. Defendants defended themselves because there were no lawyers. When the courts were successful in preventing crimes, their powers were expanded. They began to deal with cases such as treason, espionage, corruption, banditry, rebellion, assault and subversion (Aslan-Dündar, 2014: 28-29)

The government would conduct the initial investigation of the cases to be tried before the Independence Courts. After conducting the investigation, the government would submit the file to the court committee, which would review the file and complete any deficiencies. Trials and executions were held in public. The court took its authority directly from the Parliament. Defendants were tried individually or collectively (Akdoğan, 2019: 14).

The Independence Courts can be divided into two periods. The first one is the period between 1920-1923, which was created to prevent deserters and harmful activities. The second one is the period between 1923-1927, when efforts were made to establish the Republican Revolutions (Savran, 2006: 10-11; Çelik, 2007: 598 ).

The Courts of Independence were established because normal courts could not fulfill their duties. The Nizamiye Courts left over from the Ottoman Empire could not respond to extraordinary circumstances. As a matter of fact, extraordinary courts were established to try those responsible for



the Armenian deportation, and Vahdettin V gave his approval. In other words, the Ottoman Empire and Turkey were familiar with such courts. The purpose of these courts was not to instill fear but to keep the army alive by winning over deserters (Savran, 2006: 6).

On September 11, 1920, the "Law on Fugitives" was adopted. Great debates broke out in the parliament over this law. According to some deputies, the execution of deserters or the confiscation of their property, which was introduced in the Law on Treason and Deserters, was too harsh. The deputies who objected were not against this law. However, they objected to some problems in implementation. Generally, execution or confiscation procedures were not applied to deserters. Decisions were made in the courts that they should be punished only with beatings, imprisonment and confinement in a fortress. However, the punishment for such a crime, even theoretically, would seem naturally harsh, such as death or confiscation.

The "Law on Fugitives", which was the legal basis for the establishment of the Independence Courts, was as follows:

### Law on Fugitives

*1) Courts of Independence, composed of members of the Grand National Assembly, have been established to independently adjudicate and execute the provisions of the civil and military laws and any other penalties that may be imposed upon those who are in active and voluntary military service and who have deserted or who have caused desertion by any means, who have shown negligence in the arrest and transfer of fugitives and those who have neglected, harbored and sheltered fugitives..*

*2) The number of members of these courts shall be (three) and shall be elected by a majority vote of the Grand National Assembly and one of them shall be considered as the head by them.*

*3) The number and districts of these courts shall be determined by the Grand National Assembly upon the proposal of the Committee of Deputies.*

*4) The decisions of the Independence Courts are final and their execution is subject to all forces and non-militia of the State.*

*5) Those who fail to execute the orders and decisions of the Independence Courts, or who show delays in execution, shall be brought to trial by these courts.*

*6) The salary of each independence court clerk and employee shall not exceed one hundred liras per city.*

*7) At the time of its commissioning, each Revolutionary Court shall use all means of notification to ensure that deserters and absconders appear within a certain period of time.*

*8) This law is effective from the date of its publication.*

*9) The Grand National Assembly is responsible for the execution of the law (Ceride-i Resmiye, 1921:22) September 11, 1336 and 28 Dhul Hijjah 1338*

While there were those in the parliament who did not tolerate heavy penalties for deserters, there were also deputies who wanted harsh measures to be taken. One of them was Ferik Fevzi, Deputy of



National Defense. Ferik Fevzi Bey stated the following in the petition he presented to the Parliament on September 2, 1336:

*“The frequency of desertions in the army has taken a form that endangers the peace and independence of the country. The time has come to prevent this issue from happening with drastic measures. As a matter of fact, the number of desertions increased towards the end of the war and this desertion was encouraged and incentivized by political influences following the armistice. The reason why these people have the courage to escape constantly is that they have been exempt from punishment due to many general pardons. The current Military Code's punishment for deserters consists of a few months' imprisonment, with the exception of the enemy, and the punishment of retrial and beating. These penalties seem to have no immediate effect. Therefore, all members of the nation have developed a strong belief that there is no punishment for desertion. If this suspicion and belief is not eliminated with a severe punishment, the situation and future of the army is in great danger. Many examples can be given regarding this issue. It has been understood that punishments such as beating, imprisonment and shackles are not effective in preventing escape. Although the death penalty can be very effective, it should be reserved for rare cases as it is an irreparable loss. It has been proven by experience that desertion can be prevented by announcing the imposition of penalties such as the confiscation of the property of deserters, the destruction of their houses or deportatşon by the Law Committees around the front. The implementation of this in the form of a law is proposed from almost all sides as a useful measure.” (İstiklâl Mahkemeleri, 2015: 114-115)*

İbrahim Ülker gave the following information according to the figures determined in the Independence Courts, which were established in various centers while the War of Independence was continuing and operated from October 1, 1920 to May 11, 1923: “A total of 59,164 people were tried and 4,124 people were sentenced to death. 243 of these were death sentences given in absentia and 2827 were postponed death sentences. Those whose sentences were executed immediately were 1,054. Taking into account the incomplete lists of some courts, it is estimated that the number of death sentences in absentia was higher, the number of postponed death sentences was over 5,000 and the number of executed death sentences was around 1,450 - 1,500. The total of those who were sentenced to confinement in a fortress and penal servitude was 1,786. The total number of those sentenced to other penalties was 41,678. ” (Ülker, 2015: 185)

While there were those who supported the establishment of the Independence Tribunals, there were also those who opposed it. Ali Şükrü and Hüseyin Avni Bey were against the establishment of the Independence Courts and giving the court the authority to impose the death penalty from the very beginning. Hakkı Hami Bey suggested that the Nizamiye Courts conduct trials. Salahaddin Bey also suggested that the parliament be closed temporarily. Rauf Bey, on the other hand, stated that there were differences of opinion in the Parliament regarding the Independence Courts. However, the parliament decided in favor of the Independence courts with a difference of 3 votes. (TBMM Gizli Celse Zabıtları, 1922, 607-616; Özbeyli, 2015: 50-51).

#### **4. Bribery in the Al Jazeera Independence Courts**

Al Jazeera Independence Tribunal documents, nicknamed T4, located in the Grand National Assembly of Turkey Archives, consist of 77 files in 12 folders. In addition, there are a total of 10

books belonging to the Court in the Grand National Assembly of Turkey Archives, including the main book, the main complainant book, the main record book, the decision book, the printed verdict book, the decision record book, the income and purse books (2), the embezzlement book, and the password book. The decision book, which has been transferred to today's letters, contains 90 summaries of decisions made between March 16 and May 13, 1923. However, the court minutes and files of the decisions numbered 1, 2, 3, 4, 5, 5, 6, 7, 8, 8, 9, 10, 20, 23, 27, 38, 55, 88, 90 are not available in the archive (*ElCezire İstiklal Mahkemeleri*, 2015: 3)

The Al-Jazira Independence Court was the last Independence Court established before the proclamation of the Republic. The court was responsible for the regions of Mardin, Urfa, Malatya, Siverek, Erganimadeni, Genç, Muş and Siirt. On March 10, a notice was sent to the military branches for deserters, stating that those who surrendered within 10 days would be pardoned. The court held trials in Diyarbakır, Urfa, Elaziz (Elazığ), Mardin, Siverek and Malatya and ended its activities on May 14, 1923. The following names were on the panel of the Al-Jazira Independence Court: "Hacim Muhittin Bey, Halil İbrahim Bey, Hakkı Pasha, Şevki Bey and Yasin Bey" (Halaçlı, 2019: 50-51).

The decision and the memorandum at the time of the establishment of the courts were as follows:

*“To the Presidency of the Grand National Assembly of Turkey,*

*Sir,*

*Upon the necessity shown by the Ministry of Defense and National Defense, the issue of sending an Independence Court to be headquartered in Diyarbakır, to be based in the region of the Al-Jazira Front and to be exclusively concerned with the treatment of military deserters was submitted to the Assembly of Experts at the meeting of the Executive Board of Deputies dated 9.1.1339, and I hereby request that you allow me to inform you of the result of its execution.*

*Grand National Assembly of Turkey*

*Chief of Executive Deputies*

*Hüseyin Rauf (El Cezire İstiklal Mahkemeleri, 2015:4)*

*“To the Presidency of the Grand National Assembly of Turkey,*

*Sir,*

*The following is the reply to the memorandum dated 11.1.1339 and numbered 2576/6372 of the Directorate of Minutes and Kavanin:*

*I have been informed by the Ministry of Interior that it is deemed appropriate for the Independence Court, which is to be established with its headquarters in Diyarbakır, to limit its activities to the provinces of Diyarbakır, Bitlis, Elaziz, and the provinces of Malatya, Urfa, Mardin, Siverek, Erganimadeni, Genç, Muş, and Siird, which comprise the area of the Elzazire Front, and I hereby request the appropriate action to be taken*





accordingly.

*Grand National Assembly of Turkey*

*Chief of Executive Deputies*

*Hüseyin Rauf (El Cezire İstiklal Mahkemeleri, 2015:4)*

*The declaration sent by the court to all Civil and Judicial units on March 10 was as follows:*

*“1) Those who have surrendered to the military branches to which they belonged as of the date of notification to each town will not be subjected to any proceedings and will be transferred directly to their respective units.*

*2) The deserters who are pending trial in the courts martial and whose convictions have not yet been ratified will also benefit from this amnesty and will be transferred to their troops after the necessary procedures are carried out.*

*3) Those who have committed shirk or other crimes during their desertion will not be able to benefit from this amnesty.*

*4) All draws will be notified within one week from the date of notification to each district. A notice will be received from the discretionary council of the district court that it has been notified and explained, and the list prepared with these notices will be sent to the Court.*

*5) Each province shall, on the day it receives this order, immediately notify the sub-districts and notify the Court by telegram, and the District Governor of each accident shall notify the Court of the date of notification.*

*6) In addition, the Civil Servants and Military Officers shall announce the necessity of benefiting from this amnesty to the public through announcements, newspapers or other means, and shall explain to the public the sanctity of the purpose and the fact that military service is a religious duty, and that no amnesty shall be declared in any other way, and on the contrary, they will be subjected to the harshest penalty of the law.*

*7) The President of the Military Office shall notify the Court of the activities of the branches in their territory every fifteen days.*

*8) The first report to be submitted will also show the military treatment during February..” (El Cezire İstiklal Mahkemeleri, 2015: 9-10)*

*The main purpose of the establishment of Al Jazeera Independence Courts was to reintegrate deserters into the army. Escaping from military service was a common occurrence, especially in the southeastern and eastern regions of Anatolia. Bribery incidents were also common in this military desertion incident. The purpose of establishing the Al Jazeera Independence Courts was to prevent these events. A certain portion of the people in this region saw it as a way out by receiving minor punishments and getting away rather than doing military service and losing their lives in the war.*



Research indicates that there are no death or confiscation sentences for those who desert the military, but prison, imprisonment in a fortress or beatings are imposed on deserters.

In the bribery cases reported in the Al Jazeera Independence Courts, which are the subject of this study, some civilians and military individuals were punished, while others were acquitted. By examining court decisions and minutes, the following case studies were reached: “Viranşehir Branch Officer Lieutenant Yahya Efendi was sentenced to five years of confinement in a fortress for causing a soldier to desert by taking a bribe.” (ElCezire İstiklâl Mahkemeleri, 2015: 19)

“Lieutenant-General Aziz and Mardin Mayor Kasım Çelebi Efendi, who took bribes to cause Hüseyin Ağa's son Cemil's desertion from the military, were punished. Aziz Efendi was sentenced to one week in prison, and Kasım Efendi was sentenced to three years in prison for abuse of office.” (ElCezire İstiklâl Mahkemeleri, 2015: 23)

“Nebi Sergeant, son of Sadullah from Siverek, was alleged to have accepted bribes by helping three people escape, and as a result of the trial, he was sentenced to confinement in a fortress for 3 years..” (ElCezire İstiklâl Mahkemeleri, 2015: 27)

“Şark District Director Ahmed Murad Bey was tried on the allegation of taking bribes, but was acquitted..” (ElCezire İstiklâl Mahkemeleri, 2015: 31)

“Davud and Şeyhmus Bey, who took bribes from the military from Mehmed, son of Nusaybinli Ali, born in 1314, and Ibrahim, son of Işo, born in 1308, and caused their escape, were sentenced to one year of shackling.” (ElCezire İstiklâl Mahkemeleri, 2015: 39)

“Haşim Çavuş, son of Mahmud from Erzurum, born in 1306, from the Gendarmerie Company, who was determined not to have arrested the fugitives on the grounds that they took bribes, and Mahir, son of Ali Naib, born in 1316, from the Gendarmerie of Savur District, Mehmed, son of Sadık from Savurlu, born in 1316, Mehmed Ali, son of Yusuf from Savur, born in 1309, Mahmud, son of Mehmed from Mardin, born in 1317, Mahir, son of Süleyman from Savur, born in 1315, Abdulhalim, son of Davud from Mardin, born in 1316, Şeyhmus, son of Abbas from Midyat, Halil from Mardin, born in 1314. Hasan, born in 1999, Abdurrezzak, son of Abdulcebbar of Baghdad, Hacı Mehmed, son of Hasan, born in 1293, Salih, son of Abdurrahman of Mardin, born in 1310, Ali, son of Mahmud of Mardin, born in 1312, and Faraç, son of Mehmed of Mardin, born in 1315 stated that they did not trust the court. Some of them were acquitted.” (ElCezire İstiklâl Mahkemeleri, 2015: 43)

“Müslim, son of Halil from Urfa, was sentenced to one year in prison on the grounds that he caused a person to desert the military by taking a bribe..” (ElCezire İstiklâl Mahkemeleri, 2015: 45)

“The Gendarmerie Company Commander of Nizib township, who allegedly took bribes from village guards, was tried for abuse of power, but was acquitted on the grounds that there was not enough evidence..” (ElCezire İstiklâl Mahkemeleri, 2015: 47)

“Abdülkadir and Emin Bey were each sentenced to six months in prison for causing a soldier to desert by taking a bribe..” (ElCezire İstiklâl Mahkemeleri, 2015: 55)

“Yunus Bey and Cevat Bey were sentenced to six months each due to the bribery incident..” (ElCezire İstiklâl Mahkemeleri, 2015: 57)



*“Mehmed, son of Osman Nebo, a member of the Siverek gendarmerie, and Abdulaziz, son of Halil, a member of the branch, were acquitted of the bribery incident..” (ElCezire İstiklâl Mahkemeleri, 2015: 59)*

*“Monla Halil Bey was sentenced to one year in prison for the bribery incident..” (ElCezire İstiklâl Mahkemeleri, 2015: 59)*

*“As a result of the trial, it was decided to acquit the Savur Gendarmerie Team Sergeant Kiramozade Hacı Nasir's son Şeyhmus from the Babussur neighborhood of Mardin, who was tried for the bribery incident..” (ElCezire İstiklâl Mahkemeleri, 2015: 65)*

*“Nuri Efendi and Selim Corporal were duly examined in the presence of the General Prosecutor for taking bribes from deserters..” (ElCezire İstiklâl Mahkemeleri, 2015: 67)*

*“Hilmi Efendi and İzzet Bey were sentenced for bribery. Hilmi Efendi was sentenced to five months in prison and İzzet Bey to two months in prison.” (ElCezire İstiklâl Mahkemeleri, 2015: 73)*

*“The following was decided against Palu gendarmerie Hüseyin's son Reşad, Hun Mukhtar Mustafa's son Reşid, Numan's son Hüseyin, Mustafa's son İbrahim, İsmail's son Mehmed, Hüseyin's son Haydar and Hüseyin's son Ömer, who were accused of abusing their duties by releasing the detained fugitives and other members in return for bribes. : Since there was insufficient evidence to confirm the abuse and involvement of the accused Reşad and his relatives, the acquittal of the sentence was made in absentia for Haydar, the son of Hüseyin, and Ömer, the son of Hüseyin, and the others were pronounced in the presence of the Public Prosecutor.” (ElCezire İstiklâl Mahkemeleri, 2015: 75)*

*“Rıza Bey was sentenced to three years of confinement in a fortress on the grounds that he caused the fugitives to escape by taking bribes..” (ElCezire İstiklâl Mahkemeleri, 2015: 77)*

*“Şevket Efendi, son of Arabgirli Cemal, the former director of Kuyucak district, was acquitted of charges of accepting bribes..” (ElCezire İstiklâl Mahkemeleri, 2015: 83)*

*“Abdulgafur Bey, who was tried for bribery, was acquitted.” (ElCezire İstiklâl Mahkemeleri, 2015: 85)*

*“İbrahim Hakkı Efendi, born in 1312, son of Perveri Platoon Commander Lieutenant Ahmed Ağa, was sentenced to 2 years in prison for turning a blind eye to escapes in return for bribes.” (ElCezire İstiklâl Mahkemeleri, 2015: 89)*

*“İbrahim Hakkı Efendi, born in 1312, the son of the Commander of the Perveri Platoon of the Behisni Battalion, Major Ahmed Agha, was sentenced to two months' imprisonment for turning a blind eye to desertions in exchange for bribes..” (ElCezire İstiklâl Mahkemeleri, 2015: 89)*

*“The documents concerning Mehmed, son of Cemil from Diyarbekir, a member of the Fourth Company of the former Fifth Amele Battalion, were reviewed and examined. İstiklal Since the crimes that occurred before the publication of the law dated September 11, 36 and 28 Dhu'l-Hijjah 38 on the formation of the courts cannot be tried by our court and since the crime occurred in the year 1334, there is no evidence for our court, it was decided to submit the documents to the General Prosecutor's Office of the Independence Court of Al Cezire for the return of the documents to the authorities..” (ElCezire İstiklâl Mahkemeleri, 2015: 17)*



## 5. Conclusion

*After the Armistice of Mondros, the Allied Powers divided the Ottoman lands with all their might. At the end of the First World War, people in the Ottoman lands were poor, tired and had a low will to fight. However, with the occupation of Izmir, the people of Anatolia blew away the cobwebs. The people, who showed relatively little reaction to the division of Anatolia by the Entente States, started to react when the Greeks started to occupy and started to plunder. With the Greek occupation of Izmir, riots and messages of protest began to pour in all over the country. In this situation, the sultan, who was in captivity of the British, could not do anything. In this process, Gazi Mustafa Kemal and his friends started to find solutions for independence. According to Gazi Mustafa Kemal and his friends, the War of Independence should have started in Anatolia, which was tired and impoverished. Realizing that they could not do anything in Istanbul, Ottoman officers went to Anatolia one by one and wanted to start the War of Independence in Anatolia. Mustafa Kemal and his friends tried to reactivate the National Forces organizations established during the Balkan Wars. They were successful because there was a certain potential in Anatolia to support the War of Independence. The Turkish Grand National Assembly was opened on April 23, 1920. A certain part of those who attended the parliament believed that the War of Independence was carried out on behalf of the sultan and the caliph. Supporters of Turkish Revolutionaries were in favor of the establishment of a new state. However, according to them, these issues should have been discussed after the War of Independence was won.*

*After the opening of the Parliament, two parties emerged in the country, the Istanbul Government and the Anatolian Government. Both sides wanted to be recognized in the world public opinion. The Istanbul Government issued various fatwas to eliminate the Anatolian movement. According to the Istanbul Government, the Anatolian Government was not legitimate because the supporters of the Turkish Revolutionaries were committing banditry and corruption and persecuting the people. The Anatolian Government issued counter fatwas under the leadership of Rifat Börekçi. However, all these efforts were not enough. Uprisings against the Anatolian Movement broke out in many parts of the country. The laws left over from the Ottoman Empire were not enough to remedy the extraordinary situation. The Anatolian Government was forced to enact the first revolutionary law, the "Law on Treason". According to this law, those who opposed the activities of the Anatolian Government and deserted from the military were considered traitors. This was followed by the "Law on Deserters". Thus, the legal infrastructure of the Independence Courts was formed.*

*The Courts of Independence were established to prevent desertion, to eliminate those who opposed the National Struggle and to put an end to espionage. The Courts of Independence took harsh measures and succeeded in preventing desertion. The harsh measures taken by the courts were also discussed in the Parliament. Especially prominent members of the opposition such as Ali Şükrü Bey and Hüseyin Avni Bey opposed these courts. However, since a certain section of the Parliament believed that the Courts of Independence were successful, they supported these courts with expanded powers.*

*The main subject of this study is specifically the Al Jazeera Independence Courts. The Al Jazeera Independence Courts were the last courts established during the transition to the Republic. The purpose of the courts was to prevent military desertion. Generally, cases were handled in places such as Mardin, Urfa and Siirt. Successful results were achieved in preventing draft evasion. When the verdicts and minutes are analyzed, it is seen that bribery to avoid military service was quite high. It was seen that some people in the region preferred to be tried and sentenced with minor penalties in*



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*order to avoid dying in the war. The high incidence of bribery in the region was important in terms of showing that corruption in the civilian and military spheres was also intense.*

*As a result, the Independence Courts were temporary courts. The subject of this study is related to the events that took place during the National Struggle. Fourteen Independence Courts were established between 1920 and 1923. Afterwards, the courts other than the Ankara Independence Courts were closed. In the second period of the Courts, more efforts were made to protect the Republican Revolutions . The Al Jazeera Independence Courts belong to the first period and these tribunals were established to prevent the flight of soldiers. This is clearly seen when the Declaration of the Court is analyzed.*

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