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### A SHORT EVALUATION ON THE ESTABLISHMENT, FUNCTIONING, AND TRIAL PROCEDURES OF THE EASTERN INDEPENDENCE COURT

### ŞARK İSTİKLAL MAHKEMESİNİN KURULUŞU, İŞLEYİŞİ VE YARGILAMA USULLERİ ÜZERİNE KISA BİR DEĞERLENDİRME

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#### ABSTRACT

The Independence Courts, which carried out trials within the framework of ensuring the authority of the Grand National Assembly of Turkey (GNAT) during the years of the War of Independence, continued their activities to ensure the establishment of the Turkish Revolution after the adoption of the Republican regime. As a matter of fact, in an environment where conflicts about developments such as the abolition of the Sultanate, the proclamation of the Republic and the abolition of the Caliphate deepened, the Sheikh Said Rebellion, which led to the establishment of the Eastern Independence Court, broke out. Fethi (Okyar), who was criticized for being passive in taking measures against the rebellion, resigned and İsmet (İnönü) Pasha was appointed to form the new government. On March 4, 1925, when the new government was formed, the Takrir-i Sükûn Law which gave extraordinary powers to the government, was passed by the Parliament. After the approval of the Takrir-i Sükûn Law, the government's proposal to establish two separate Independence Courts, one in Ankara and the other in the rebellion zone, was also accepted. On March 7, 1925, the election of the president, prosecutor and member was held for both Independence Courts by the Turkish Grand National Assembly. As a result of the election, Hacim Muhiddin (Çarıklı) became the President of the Eastern Independence Court, Ahmed Süreyya Örgöevren became the Prosecutor, Ali Saib (Ursavaş) , Avni (Doğan) and Lütfi Müfid (Özdeş) set off to Diyarbakır on 12 April 1925 and started their work. The court, according to the Law of Takrir-i Sükûn, was going to make judgements about reaction, rebellion, movements and publications that wanted to disrupt the peace and security of the country. The Eastern Independence Court, which continued its duty by travelling around the region, especially in Diyarbakır, Elazığ, Malatya and Urfa, had the authority to implement its decisions. The task of the Eastern Independence Court, which continued its activities for around two years with six-month extensions, was terminated with the Assembly Decision dated March 7, 1927.

**Keywords:** Independence Courts, Eastern Independence Court, Takrir-i Sükûn Law, Mustafa Kemal Atatürk, İsmet İnönü.

#### ÖZ

Kurtuluş Savaşı yıllarında TBMM'nin otoritesini sağlama çerçevesinde yargılamalar gerçekleştiren İstiklal Mahkemeleri, Cumhuriyet rejiminin benimsenmesinden sonra da Türk Devrimi'nin yerleşmesini sağlama yönünde faaliyetlerini sürdürmüştür. Nitekim Saltanatın kaldırılması, Cumhuriyetin ilanı ve Hilafetin kaldırılması gibi gelişmelere bağlı fikir ayrılıklarının derinleştiği bir ortamda, Şark İstiklal Mahkemesinin kurulmasına neden olan Şeyh Said İsyanı patlak vermiştir. İsyanı karşı önlem alma konusunda pasif kaldığı gerekçesiyle eleştirilen Fethi (Okyar) istifa etmiş ve yeni hükümeti kurmak üzere İsmet (İnönü) Paşa görevlendirilmiştir. Yeni hükümetin kurulduğu 4 Mart 1925'te, hükümete olağanüstü yetkiler tanıyan Takrir-i Sükûn Kanunu Meclis tarafından kabul edilmiştir. Takrir-i Sükûn Kanunu'nun kabulünden sonra hükümetin, biri Ankara'da, diğeri de isyan bölgesinde olmak üzere iki ayrı İstiklal Mahkemesi kurulması yönündeki önerisi de kabul edilmiştir. 7 Mart 1925'te de her iki İstiklal Mahkemesi için TBMM'de başkan, savcı ve üye seçimi yapıldı. Seçim sonucunda Şark İstiklal Mahkemesi Başkanlığına Hacim Muhiddin (Çarıklı), Savcılığa Ahmed Süreyya (Örgöevren), üyeliğe Ali Saib (Ursavaş), Avni (Doğan) ile Lütfi Müfid (Özdeş) yola çıkmak suretiyle 12 Nisan 1925'te Diyarbakır'a ulaşarak çalışmalarına başlamıştır. Mahkeme, Takrir-i Sükûn Kanunu'na göre irtica, isyan ve memleketin güvenliğini bozmak isteyen hareketler ve yayınlar konularında yargılamalar yapacaktı. Diyarbakır, Elazığ, Malatya ve Urfa başta olmak üzere bölgede dolaşarak görevini sürdüren Şark İstiklal Mahkemesi, verdiği kararları uygulama yetkisine sahipti. Altışar aylık uzatmalarla iki yıl civarında faaliyetlerini sürdüren Şark İstiklal Mahkemesinin görevine, 7 Mart 1927 tarihli TBMM kararı ile son verilmiştir.

**Anahtar Kelimeler:** İstiklal Mahkemeleri, Şark İstiklal Mahkemesi, Takrir-i Sükûn Kanunu, Mustafa Kemal Atatürk, İsmet İnönü.

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## Introduction

The Grand National Assembly of Turkey (GNAT), which was inaugurated in Ankara on April 23, 1920, not only had to contend with the Istanbul government that refused to recognize its existence, but also with the military units of occupying states and the rebellions supported by these states. In response, to establish the existence and authority of the Assembly, the Treason to the Homeland Law was adopted on April 29, 1920.<sup>1</sup> With this law, the GNAT announced that it would consider any attack against itself as treason to the homeland and would punish those who engaged in such attempts with the death penalty.<sup>2</sup>

During the period following the opening of the GNAT, one of the important agenda items was to strengthen the army. Effective measures needed to be taken for soldiers who were called to join the army but did not come or deserted with their weapons. As a result, the draft prepared by the Ministry of National Defense was accepted by the Assembly on September 11, 1920, under the name "Law on Deserters." Consisting of nine articles, the Law also provided for the establishment of Independence Courts to prosecute deserters, those who aided deserters, or those who failed to fulfill their duties. Accordingly, it was decided that members of the Independence Courts must be members of parliament and elected by the Assembly, their number should be three, the number and areas of the courts to be established should be determined by the Government, court decisions should be final, and executions should be carried out on the spot.<sup>3</sup>

Following this development, General Staff Minister İsmet (İnönü) proposed the establishment of 14 Independence Courts in a proposal he presented to the Grand National Assembly of Turkey on September 19, 1920. With the acceptance of the proposal, it was decided to establish Independence Courts in the regions of Kastamonu, Eskişehir, Konya, Isparta, Ankara, Kayseri, Sivas, Maraş, Elazığ, Diyarbakır, Bitlis, Refahiye, Erzurum, and Van.<sup>4</sup>

The purpose of the courts should not be to punish and instill fear, but rather to prevent desertions and ensure security. Therefore, instead of punishing every desertion with death penalty, efforts should be made to investigate the reasons behind them. By imposing a minor penalty on the deserter and giving them a new chance to join the army, and by assisting them in disciplining themselves, an opportunity to strengthen the National Struggle should be created. Only revolutionary courts, composed of independent and unaccountable members who grasp the importance of the National Struggle, could carry out this task. Indeed, the Independence Courts, whose jurisdiction was expanded by a new law dated September 26, 1920,<sup>5</sup> were established following the example of the Revolutionary Courts established in France in 1793.<sup>6</sup> Established on March 10, 1793, after the French Revolution, the Revolutionary Tribunals had the authority to "prosecute any attempt against the revolution, liberty, equality, unity, the indivisibility of the republic, and any plot against the internal and external security of the state, as well as all conspiracies aiming to restore the monarchy." The decisions of the Revolutionary Tribunals could not be appealed, and their members were appointed by the Assembly.<sup>7</sup> While there was a jury system in the French Revolutionary Courts, there was none in the Independence Courts. While it was a requirement in Turkey for judges to be members of parliament, such a requirement did not exist in France.<sup>8</sup>

<sup>1</sup> Şerafettin Turan, *Türk Devrim Tarihi*, 2. Kitap, Ankara: Bilgi Yayınevi, 1998, 171.

<sup>2</sup> Sabahattin Selek, *Anadolu İhtilali*, C. I, İstanbul: Kastaş Yay., 1987, 349-350.

<sup>3</sup> TBMMZC, Devre: 1, Cilt: 4, 11.09.1336 (1920), 93-101.

<sup>4</sup> TBMMZC, Devre: 1, Cilt: 4, 19.09.1336 (1920), 192-193.

<sup>5</sup> Kılıç Ali, *İstiklal Mahkemesi Hatıraları*, İstanbul: Sel Yay., 1995, 7.

<sup>6</sup> Ergun Aybars, *İstiklal Mahkemeleri*, Bilgi Yayınevi, Ankara, 1975, 13, 60.

<sup>7</sup> Albert Soboul, *1789 Fransız İnkılâbı Tarihi*. Çeviren: Şerif Hulûsi, İstanbul: Cem Yayınevi, 1969, 326.

<sup>8</sup> Mete Tunçay, "İstiklal Mahkemeleri", *Cumhuriyet Dönemi Türkiye Ansiklopedisi*, Cilt 4, İstanbul, 1983, 938.

In this way, the Independence Courts, which would undertake significant tasks both during the wartime and in the early years of modern Turkey, began their activities. Therefore, the Independence Courts can be broadly examined in two periods. The first period covers the courts that operated between 1920 and 1923, while the second period encompasses the courts that served between 1923 and 1927. During the first period, the Independence Courts not only tried deserters but also prosecuted crimes considered treason to the homeland. They continued their activities in the early years of the Republic and worked towards establishing the new regime.

In other words, the basis for dividing the Independence Courts into pre-Republic and post-Republic periods lies in their functional differences. These judicial bodies, established during the years of the War of Independence, generally assumed significant roles in the liberation of Anatolia from occupation and in establishing the authority of the Grand National Assembly of Turkey. The courts established during the Republic period, on the other hand, seem to have operated within the framework of addressing disagreements among the leadership of the War of Independence and countering initiatives arising from the new era.<sup>9</sup>

### 1- Sheikh Said Rebellion and Takrir-i Sükûn Law

As is known, following the victory of the War of Independence, significant developments such as the abolition of the Sultanate, the proclamation of the Republic, and the abolition of the Caliphate led to serious opposition in the Grand National Assembly of Turkey.<sup>10</sup> The Sheikh Said Rebellion erupted on February 13, 1925, in the village of Piran in Diyarbakır, during a period of deepening divisions in the Assembly.<sup>11</sup> At first glance, the Sheikh Said Rebellion, which initially appeared as a religious movement against the revolutions, also bore traces of Kurdish nationalism supported by the British. The British, along with the Caliphate Committee and those who sought to foment rebellion, deemed it necessary to enlist influential figures like Sheikh Said into their organizations, believing that they could succeed with a reactionary movement and bring the entire country under their control. They also declared the Government's incompetence and weakness through their propaganda.<sup>12</sup>

Meanwhile, Sheikh Said and his supporters attempted to expand the rebellion by seizing Darahini after Piran. Interior Minister Cemil, in a detailed speech on the rebellion during the Cabinet meeting on February 16, 1925, stated that necessary measures had been taken. The General Staff Headquarters also deemed it appropriate for the military operation to be conducted solely by the Army Inspector General Kazım Pasha, in an order issued to the 3rd Army Inspectorate.<sup>13</sup> However, Sheikh Said and the rebels, on February 19, 1925, turned towards Diyarbakır, seizing control of Hani.<sup>14</sup>

Noticing the rapid spread of the uprising, the Government declared martial law on February 21, 1925, in the provinces of Muş, Ergani, Dersim (Tunceli), Diyarbakır, Mardin, Urfa, Siverek, Siirt, Bitlis, Van, Hakkâri, and the districts of Kiğı and Hınıs in Erzurum.<sup>15</sup> Prime Minister Fethi (Okyar) began to face criticism in the Assembly for being late in taking the necessary measures.<sup>16</sup> During this time, a motion was submitted to the Grand National Assembly of Turkey demanding the protection of the Republican regime, the maintenance of social order, and the government's determination to fulfill its duties in achieving these goals. In the vote on this motion, Fethi (Okyar),

<sup>9</sup> Abdülhekim Koçin, *İstiklal Mahkemeleri*, Cilt 1, Ankara: TBMM Basımevi, 2015, XIII.

<sup>10</sup> Hakan Uzun-Şakire Çimenli, "Çizginin Dili Üzerinden Cumhuriyet'in İlk İstiklal Mahkemesi", *Tarih Eğitiminde Bir Ekol: Prof. Dr. Mustafa Safran'a Armağan*, Ed. Necdet Hayta vd., Ankara: Berikan Yayınevi, 2023, 407.

<sup>11</sup> <https://ataturkansiklopedisi.gov.tr/bilgi/seyh-sait-ayaklanmasi/?pdf=3350> Erişim Tarihi: 16.06.2023.

<sup>12</sup> Feridun Kandemir, "Şeyh Sait İsyanı", *Tarih Konuşuyor Aylık Tarih Mecmuası*, Cilt VII, No: 37 (Şubat 1967), 3035; *Türkiye Cumhuriyeti'nde Ayaklanmalar (1924-1938)*, Ankara: Genelkurmay ATASE Başkanlığı Yay., 1972, 77.

<sup>13</sup> *Türkiye Cumhuriyetinde Ayaklanmalar (1924-1938)*, 94.

<sup>14</sup> Kandemir, "Şeyh Sait İsyanı", 3035-3036.

<sup>15</sup> <https://ataturkansiklopedisi.gov.tr/bilgi/takrir-i-sukun-kanunu/> Erişim Tarihi: 18.06.2023.

<sup>16</sup> Mahmut Goloğlu, *Devrimler ve Tepkileri (1924-1930)*, Ankara: Başnur Matbaası, 1972, 101.

receiving 94 red votes against 60 white votes, resigned from the prime ministry after losing the confidence of his party, and İsmet (İnönü) Pasha was tasked by the president Mustafa Kemal to form a new government.<sup>17</sup>

At the Republican People's Party Group meeting convened on March 4, İsmet Pasha, announcing the government members, stated that in order to suppress the uprising, a special law needed to be enacted and Independence Courts needed to be established for the speedy trial of the criminals.<sup>18</sup> İsmet Pasha, supported by the party group on these issues, presented the government program to the Grand National Assembly of Turkey on the same day. The new government received a vote of confidence from the GNAT on March 4, 1925, with 154 affirmative votes, 29 negative votes, and 2 abstentions.<sup>19</sup>

In the government program, Prime Minister İsmet Pasha, announcing that special measures would be taken to suppress the uprising, requested the immediate discussion of the draft law they had prepared after receiving the vote of confidence. İsmet Pasha explained the rationale behind the law as ensuring public order and peace throughout the country, taking necessary measures against attempts to disrupt order, and strengthening the influence, power, and principles of the Republic. Subsequently, the draft, referred to the committee, was discussed in the Grand National Assembly of Turkey and then put to a vote, resulting in the adoption of the Takrir-i Sükûn Law (Law on the Maintenance of Order).

Takrir-i Sükûn Law consisted of three articles:

- The Government, with the approval of the President, is authorized to directly and administratively take measures against all organizations, provocations, incentives, initiatives, and publications that would lead to religious extremism, rebellion, disruption of the country's social order, peace and tranquility, and internal security. The Government can refer those who commit these acts to the Independence Courts.
- This law is valid for a period of two years.
- The Execution Council of Ministers is responsible for enforcing this law.<sup>20</sup>

## 2- Determination of the Establishment and Members of the Eastern Independence Court

After the enactment of the Takrir-i Sükûn Law, Prime Minister İsmet Pasha's proposal regarding the establishment of the Ankara and Eastern Independence Courts was also considered, and this proposal was overwhelmingly accepted. The proposal is as follows:

"Based on the authority granted by the first article of the Independence Courts Law dated July 31, 1338, your government sees fit to immediately establish and activate an Independence Court in accordance with the procedures in the military operations zone. Furthermore, your government requests permission for the execution of death sentences issued by this court without the need for approval by the Assembly, in accordance with the fifth article of the same law, due to the urgency and exceptional circumstances of the situation. In addition, due to extraordinary circumstances arising from the declared mobilization, aimed at ensuring the security of the nation and the Republic, and for the prevention and elimination of subversive propaganda, attempts, and activities, it is proposed and requested, sir, that another Independence Court be immediately established, subject to the approval of the Assembly, to operate in Ankara and encompass provinces outside the military operations zone."<sup>21</sup>

<sup>17</sup> İhsan Sabri Balkaya, *Ali Fethi Okyar (29 Nisan 1880-7 Mayıs 1943)*, Ankara: TTK Yay., 2005, 227-235.

<sup>18</sup> Ali Fuat Cebesoy, *Siyasi Hatıralar-Lozan'dan Cumhuriyete*, Cilt II, İstanbul: Temel Yayınları, 2002, 152-153.

<sup>19</sup> Tevfik Çavdar, *Türkiye'nin Demokrasi Tarihi (1839-1950)*, Ankara: İmge Kitabevi Yayınları, 1999, 278.

<sup>20</sup> TBMM Zabıt Ceridesi, Devre: II, Cilt: 15, 127-131.

<sup>21</sup> TBMM Zabıt Ceridesi, Devre: II, Cilt: 15, 149.

After the discussion of the proposal, on March 4, 1925, it was decided to establish the Ankara Independence Court and the Eastern Independence Court. Accordingly, it was stipulated that death sentences issued by the Eastern Independence Court could be implemented without the approval of the Assembly.<sup>22</sup>

The selection of members for the court was conducted on March 7, 1925. Through a secret ballot, one president, one prosecutor, and three members, one of whom was a reserve, were elected for each court. As a result of the voting, Hacim Muhiddin (Çarıklı) was elected as the President of the Eastern Independence Court, Ahmet Süreyya (Örgeevren) as the Prosecutor, and Ali Saip (Ursavaş), Avni (Doğan), and Lütfi Müfid (Özdeş) as members.<sup>23</sup>

However, Hacim Muhiddin (Çarıklı), who was elected as the President of the Court, resigned from his position due to health issues, and in his place, Mazhar Müfit (Kansu) was elected in a vote held on March 16. Additionally, during its approximately two-year operation, the members of the Eastern Independence Court underwent changes. The members who served on the Eastern Independence Court were as follows:

- Denizli Deputy Mazhar Müfit (Kansu) (President)
- Giresun Deputy Hacim Muhiddin (Çarıklı) (President)
- Kozan Deputy Ali Saip (Ursavaş) (Member-President)
- Karesi Deputy Süreyya (Örgeevren) (Prosecutor)
- Erzincan Deputy Abdülhak (Fırat) (Prosecuting Attorney)
- Bozok Deputy Avni (Doğan) (Member)
- Kırşehir Deputy Lütfi Müfid (Özdeş) (Member)
- Kocaeli Deputy İbrahim Hakkı (Tolon) (Member)<sup>24</sup>

### 3- The Duties and Jurisdiction of the Eastern Independence Court

The legal foundations of the Eastern Independence Court were the Treason Act, the Law Concerning Deserters, the Independence Courts Law, and ultimately the Takrir-i Sükûn Law. Indeed, the Court was envisaged to conduct trials related to religious extremism, rebellion, and actions or publications aimed at disrupting the peace and security of the country according to the Takrir-i Sükûn Law. In this context, within the first six months of its term, the Court submitted four separate Prime Ministry Resolutions to the Grand National Assembly. The resolutions are as follows:

1. A Prime Ministry Resolution regarding the extension of the term of activity for the two Independence Courts, which were elected for a period of six months, for an additional six months.
2. A Prime Ministry Resolution regarding the extension of the tenure of the customary administration declared in the rebellion area and surrounding provinces for an additional seven months.
3. A Prime Ministry Resolution regarding granting the authority to issue death sentences to the Ankara Independence Court until the reconvening of the Grand National Assembly.
4. A Prime Ministry Resolution regarding granting authority to the government for the implementation and application of amendments in the organization of the civil administration in the rebellion area during the recess of the Grand National Assembly, while reserving the right of the Grand National Assembly for amendment or approval."

<sup>22</sup> TBMM Zabıt Ceridesi, Devre: II, Cilt: 15, 154.

<sup>23</sup> *Şark İstiklal Mahkemesi*, Cilt: 1, (Yay. Haz. Mehmet Şahin, Kerim Akar vd.), Ankara: TBMM Basımevi, 2016, 5.

<sup>24</sup> Eyüp Ertüren, *Şark İstiklal Mahkemesi: Şeyh Said İsyanı*, Doktora Tezi, Ankara: Yıldırım Beyazıt Üniversitesi Sosyal Bilimler Enstitüsü, 2018, 52.

With the acceptance of the fourth resolution, the term of the Eastern Independence Court was extended, and the court continued its work in six-month intervals. The crimes falling within the jurisdiction of the Eastern Independence Court were also announced by the court. According to the announcement dated June 18, 1925, trials would be conducted concerning the following offenses, as outlined below, and shared with the public:

**"A)**

1. Those who are conscripted or volunteer soldiers and desert.
2. Those who cause desertion.
3. Those who show negligence in the apprehension and transfer of deserters.
4. Those who aid, shelter, or supply deserters with clothing.
5. They shall impose the penalties prescribed by the Penal Code and the Military Code, and if necessary, they shall impose additional penalties according to their discretion and in accordance with the law.

**B)**

1. The penalties prescribed in the substituted first article of the Treason to the Homeland Law, dated April 15, 1339.
2. The acts prohibited by the substituted first article of the Treason to the Homeland Law and by the law dated February 25, 1341.
3. The acts prohibited by the Law of Maintenance of Public Order dated March 4, 1341.

**H)**

The provisions of the first and second chapters of the first section of the first chapter of the Penal Code that violate internal and external security, and the additional provisions in articles 48, 49, 50, 51, 52, 53, 54, and their sub-provisions, as well as articles 55, 56, 57, 58, and their sub-provisions, 59, 60, and their sub-provisions, 62 and their sub-provisions, 63, 64, 65, and 66.

1. The penalties for military and political espionage, and acts of political and military aggression against families, as provided by the Military Temporary Law dated August 21, 1330, and the law dated March 2, 1331, which is substituted for the first article of the Military Temporary Law.
2. Those who engage in corruption, accept bribes, whether civilian or military officials, and those who participate in any class thereof.

3. Pursuing, investigating, and prosecuting civilian and military officials who abuse their authority and commit criminal acts through the abuse of their official positions is the exclusive responsibility of the Independence Court."<sup>25</sup>

#### 4- Methods of Operation, Characteristics, and Activities of the Eastern Independence Court

The preparation of the members of the Eastern Independence Court and their journey to the rebellion zone took about a month. Indeed, İsmet Pasha, due to the delay, requested the members to promptly proceed to the rebellion zone in a letter to the Presidency of the Assembly on March 26. Following this event, preparations were accelerated, and the members of the court set out from Ankara towards the rebellion zone on April 4, 1925. According to the plan, it was anticipated that Avni (Doğan) would join the convoy in Konya, and Ali Saip (Ursavaş) in Adana. The delegation reached Adana on April 6, where they stayed for three days before departing on April 10 and arriving in Diyarbakır on April 12.<sup>26</sup>

The delegation requested the allocation of the Government Mansion instead of the Judiciary building prepared by the Independence Court for the trials.<sup>27</sup> Subsequently, they sent letters to the Military Tribunals, Judicial Courts, and Governorships, informing them of the crimes that the Eastern Independence Court would be dealing with and requesting that those detained for these crimes be sent to the Independence Court. As a result, documents began to arrive as of April 14, 1925. Trials in the Eastern Independence Court were conducted openly, and verdicts were clearly communicated. Interpreters were provided for those who did not speak Turkish among the defendants. The Court made its decisions based on both evidence and the testimonies of defendants and witnesses. Defendants in the Eastern Independence Court were given the opportunity to be defended by lawyers. According to Ertüren's findings:

"Before the defendants in the Eastern Independence Court were tried, they were brought before the Court Panel in accordance with Article 248 of the Criminal Procedure Code for preliminary questioning and identification. Then, in accordance with Articles 249 and 350 of the same Law, each defendant was asked whether they had appointed a lawyer, and if they hadn't, they were informed to appoint one. However, as evident from the court files, most defendants did not appoint lawyers and represented themselves. Nevertheless, there were defendants who did appoint lawyers. Despite Ahmed Süreyya stating that none of the defendants in the Sheikh Said case had appointed a lawyer, it is observed that Sheikh Shemseddin, who was among the defendants, had indeed appointed a lawyer. Sheikh Shemseddin had appointed two individuals, namely İzzet Kemaleddin Efendi and Şekib Hüseyin Hasib Efendi, as his attorneys, and these individuals presented their power of attorney to the court, which accepted their request. There is no record of these lawyers intervening during Sheikh Shemseddin's interrogation in the minutes, but during the final hearing, Sheikh Shemseddin's defense was conducted by his attorney, İzzet Efendi."<sup>28</sup>

Instead of bringing the detainees from distant places to where the Court was located, they were taken to centers such as Elazığ, Diyarbakır, Malatya, and Urfa, awaiting the arrival of the Court members. Consequently, the Eastern Independence Court continued its duties by traveling around the region, primarily in Elazığ, Diyarbakır, Malatya, and Urfa.<sup>29</sup>

Initially composed of three members and a prosecutor, later expanded to four members with extraordinary powers, the decisions of the Eastern Independence Court were final, and there was no possibility of appeal or review regarding these decisions. The implementation of the decisions was within the jurisdiction of the Court. The Court was directly subordinate to the Grand National Assembly and exercised its powers on behalf of the Assembly. The

<sup>25</sup> *Şark İstiklal Mahkemesi*, Cilt: 1, 9-10.

<sup>26</sup> Ahmet Süreyya Örgüven, *Şeyh Said İsyanı ve Şark İstiklal Mahkemesi*, İstanbul: Temel Yay., 2002, 89-90.

<sup>27</sup> Ertüren, *Şark İstiklal Mahkemesi*..., 59.

<sup>28</sup> Ertüren, *Şark İstiklal Mahkemesi*..., 113-114.

<sup>29</sup> *Şark İstiklal Mahkemesi*, Cilt: 1, 10-11.

trial procedure was simple, transparent, and expeditious. The members of the Court were not held accountable for their decisions.<sup>30</sup>

In addition, according to the thirteenth article of the "Law on the Independence Court", the Eastern Independence Court was obliged to send to the Parliament every month the summaries of the judgments and the timetables of the cases it had dealt with. In a way, this meant that the work of the Court was supervised by the Parliament. These reports included the number and names of defendants convicted, the nature of the offence, the summary of the verdict and the decision. In addition, the work carried over from the previous month, the work that came before the court in that month and the work carried over to the next month were reported".<sup>31</sup>

Kılıç Ali, who took part as a member various time in the Independence Courts, provides the following important information about the working methods of the courts:

"The first investigation of the incidents and cases that concerned the Independence Courts was first conducted by the government; afterwards, they were submitted to the court in a regular file, and after the submitted file was examined and the deficiencies were completed by the court committee, the public trials of those involved in the incident would begin. The proceedings were held in public in absolute terms. There was not a single secret judgement; all civilian and military officials were obliged to immediately execute the judgements of the Independence Courts. The judgements of the courts could not be appealed. Since the judgements were executed immediately, the case was scrutinised in the face of this heavy responsibility, and for this reason, the trials were held openly before the public with great care. There are many examples to show that the Independence Courts, in the course of their duty for the country and out of concern for the security and independence of the homeland, did not recognise any heart and mind when passing the harshest judgements, were not under the influence of anyone, but used the measures at their disposal with sensitivity, care and meticulousness, avoided cruelty in the exercise of their powers, but acted ruthlessly against those whom they judged to be harmful and corrupt to the country."<sup>32</sup>

After arriving in their mission areas, the Independence Courts would establish communication with the military and civilian authorities of the region and take over the files of cases related to their own matters held by other courts. The courts would specify their objectives and powers through the publication of statements via the press and officials, granting the possibility of amnesty to criminals if they surrendered within a specified period.<sup>33</sup>

Upon reaching Diyarbakır, the Eastern Independence Court immediately issued a statement on April 13th, stating that those who were innocent or forced to participate in the rebellion would be subject to the court's justice and mercy, while those who consciously and intentionally supported the rebellion or were involved in it would not escape trial.<sup>34</sup>

In the meantime, as a result of the measures taken, Sheikh Said and around four hundred suspected rebels, who had suffered defeat, were intercepted at the Abdurrahman Pasha Bridge on the Murat River while attempting to seek refuge towards Iran.<sup>35</sup>

## 5- Trials carried out by the Eastern Independence Court

The Eastern Independence Court, acting as a mobile judicial body, conducted trials in various settlements within its jurisdiction at different time intervals. The locations and time periods where the court operated are as follows:

<b>Diyarbakır</b>	<b>April 12, 1925 - June 30, 1925</b>
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<sup>30</sup> Aybars, *İstiklal Mahkemeleri*, 213.

<sup>31</sup> Ertüren, *Şark İstiklal Mahkemesi...*, 123.

<sup>32</sup> Kılıç Ali, *İstiklal Mahkemesi Hatıraları*, 13.

<sup>33</sup> Aybars, *İstiklal Mahkemeleri*, 213.

<sup>34</sup> Ertüren, *Şark İstiklal Mahkemesi...*, 60-61.

<sup>35</sup> *Türkiye Cumhuriyeti'nde Ayaklanmalar (1924-1938)*, 138; İsmet İnönü, *Hatıralar*, 2. Kitap, İstanbul: Bilgi Yayınevi, 1992, 200-202.



<b>Urfa</b>	<b>July 1, 1925 - July 7, 1925</b>
<b>Elazığ</b>	<b>July 11, 1925 - April 24, 1926</b>
<b>Malatya</b>	<b>April 24, 1926 - April 28, 1926</b>
<b>Diyarbakır</b>	<b>May 10, 1926 - July 18, 1926</b>
<b>Elazığ</b>	<b>July 21, 1926 - March 1, 1927</b>

Source: Ertüren, *Şark İstiklal Mahkemesi...*, 68-73.

The Eastern Independence Court held its first trials in Diyarbakır. Between 16 April and 30 June 1925, the court adjudicated 70 case files and sentenced 183 people to various penalties. In addition to Sheikh Eyüb and Doctor Fuat from Siverek, Fethi, Urfa Clerk of the Progressive Republican Party, Seyyid Abdülkadir, the leader of the Kurdish Theological Society, and Sheikh Said,<sup>36</sup> who was captured by the security forces and sent to Diyarbakır after being captured on Abdurrahman Pasha Bridge, were among those who were tried during this period.<sup>37</sup>

After completing its work in Diyarbakır, the court travelled to Urfa in early July, but returned to Diyarbakır only for the trial of Hodja İbrahim Edhem. On 11 July, the court moved to Elazığ, where it worked for a long period of time, hearing 540 case files and deciding on 438 cases. As a result of the trials, 187 people were sentenced to death, 621 people were sentenced to various penalties and 1780 people were acquitted.<sup>38</sup>

Among the activities of the Eastern Independence Court in Elazığ, the most prominent ones were the trials of members of the press. Within this framework, Sebilü'r-Reşad writer Eşref Edib, Tevhid-i Efkâr writer Walid Ebuzziya, Sayha newspaper writer Gündüz Nadir, Toksöz newspaper writer Abdulkadir Kemalî, Son Telgraf writers Sadri Edhem and Fevzi Lutfi, Vatan newspaper owner Ahmed Emin and one of its writers Ahmed Şükri, İleri newspaper writer Subhi Nuri, İstiklal newspaper writer İsmail Müştak were tried in Elazığ. As a result of the trials, the journalists were acquitted by following the advice given to them and confirming this in the telegrams they sent to Mustafa Kemal Pasha; only Abdulkadir Kemalî was sent to the Ankara Independence Court to be tried.<sup>39</sup>

Meanwhile, Mazhar Müfit (Kansu), the President of the Court, resigned due to health problems and Hacim Muhiddin (Çarıklı) was elected by the Grand National Assembly of Turkey and arrived in Elazığ on 24 April 1926.<sup>40</sup>

After completing its work in Elazığ, the Court travelled to Malatya for a short period of time and then to Diyarbakır again. The Court, which worked here for two months, concluded 83 case files between 18 May and 18 July 1926, and on 21 July, it moved back to Elazığ, its last stop. This was because the Eastern Independence Court did not change its location after its second visit to Elazığ. Between 2 August 1926 and 1 March 1927, 309 indictments and 900 defendants were referred to the Court, and the verdicts of execution for 28 people, various penalties for 436 people, acquittal for 346 people and execution in absentia for 131 fugitive defendants were issued.<sup>41</sup>

## 6- The Termination of the Mission of the Eastern Independence Court

Established on 4 March 1925 and started its activities on 12 April 1925, the Eastern Independence Court served for around two years with six-month extensions. Prime Minister İsmet (İnönü) Pasha submitted a bill to the Parliament on 2 March 1927, stating that the Takrir-i Sükûn Law, which had been put into effect for two years and would expire

<sup>36</sup> <https://ataturkansiklopedisi.gov.tr/bilgi/seyh-sait-ayaklanmasi/?pdf=3350> Erişim Tarihi: 25.07.2023

<sup>37</sup> *Şark İstiklal Mahkemesi*, Cilt: 1, 11; Atatürk, *NUTUK*, Cilt II, Ankara: TTK Yay., 2006, 188.

<sup>38</sup> Ertüren, *Şark İstiklal Mahkemesi...*, 68-69.

<sup>39</sup> *Şark İstiklal Mahkemesi*, Cilt: 1, 11.

<sup>40</sup> Ertüren, *Şark İstiklal Mahkemesi...*, 69-70.

<sup>41</sup> Ertüren, *Şark İstiklal Mahkemesi...*, 72-73.

on 7 March 1927, should be extended for another two years, and that there was no need to extend the Independence Courts. With the acceptance of the proposal by the Parliament, it was decided that the Takrir-i Sükûn Law would remain in force for two more years.<sup>42</sup>

The term of the Eastern Independence Court was extended three times. With the last decision, the term of the court was to expire on 7 March 1927. While the Parliament decided to extend the term of the Takrir-i Sükûn Law, no extension was made for the Eastern Independence Court, and the Court returned the case files received as of 7 March 1927 and suspended its activities. The Court issued a declaration on 13 March 1927 stating that its jurisdiction had ended as of 7 March 1927 and requested that no documents be sent to the court.<sup>43</sup>

In the letter sent by the Court to the Grand National Assembly of Turkey on the same date, it was stated that 5010 people were tried, 1811 people were sentenced to various penalties, 2779 were acquitted, 207 people were sentenced to death in person and 213 in absentia, and 420 people were sentenced to death and the executions were carried out in person.<sup>44</sup>

## Conclusion

The Eastern Independence Court was established as a judicial body with extraordinary powers, carried out its activities within this framework and conducted various trials for around two years. As a travelling court, the Eastern Independence Court conducted trials in Diyarbakır, Urfa, Elazığ and Malatya. Elazığ was the place where it stayed the longest and conducted the most trials. The most prominent trials were the trials of Sheikh Said and his supporters and the trials of journalists for their publications on the rebellion. The extraordinary trial principles of the Independence Courts stemmed from the conditions of the era. Indeed, the necessity to resort to such methods arose for the establishment of the revolutions.

Although the court allowed the defendants to have a lawyer, the number of defendants who exercised this right is quite small. It is an undeniable fact that the Court judged according to its conscience. However, it does not seem possible to argue that the element of evidence was not taken into consideration by the Court. Because those whose participation in the rebellion was conclusively established through letters, confessions or wounds received during the clashes could not escape conviction. There were also those who were convicted without such evidence but on the basis of reports by military and civilian authorities and various denunciations. A significant number of the defendants who were denounced and sentenced claimed that they had been slandered and that the persons who had denounced them had enmity with them.

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