

# AFTER THE RELOCATION

(TEHCİR SONRASI)

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***Abstract:** Being one of the significant incidents that took place in our recent history, the Armenian issue, the relocation and the return of Armenians, should be investigated from all aspects. The investigation of this issue should absolutely be realized in an objective manner that abstains from emotional approaches. The involvement of political ideas and parliaments taking sides in this issue cause it to shift from academic research to different areas. Such a situation causes an increase in resentment and hatred rather than contributing to the resolution of the issue.*

*The relocation of Armenians, which is an important aspect of the Armenian issue, is a matter that is going remain on the agenda despite the fact that a century has passed since that time. This matter will continue to remain on the agenda so long as national parliaments keep taking political decisions regarding it.*

*While investigating the relocation matter, the current events and situations of that time and the geopolitical positions of countries must especially be taken into consideration. Without investigating why the relocation law was put into effect, in which conditions it was applied, and what happened after the relocation, it will not be possible to make a healthy assessment of the relocation. Attempting to make an assessment of the relocation without taking into account the details mentioned above will be akin to an extrajudicial execution.*

*This article discusses the developments that took place after the relocation. Based on archive documents and research done on this subject, this article attempts to explain the post-relocation period. The return of Armenians, the decrees issued for their return, the investigations, the trials, the punishments, and the exiles are all discussed in this article and the assessment of this relocation matter is left to the discretion of the readers and researches.*

**Keywords:** *Relocation, Return, Trial, Talat Pasha, Union and Progress Party.*

**Öz:** *Yakın tarihimizde meydana gelen önemli olaylardan Ermeni meselesi, Ermenilerin tehciri ve geri dönüşleri, çok yönlü araştırılması gereken bir konudur. Bu meselenin mutlaka duygulardan uzak, tarafsız olarak araştırılması gerekmektedir. Bu konuya siyasi fikirlerin ve parlamentoların taraf olması, meselenin akademik araştırmadan başka alanlara kaymasına neden olmaktadır. Bu durum, meseleye çözüm getirmediği gibi kin ve nefretin artmasını sebep olmaktadır.*

*Ermeni meselesinde önemli bir yer işgal eden Ermenilerin tehciri olayı, aradan geçen yüzyıllık zamana rağmen gündemde kalmaya devam etmektedir. Ülke parlamentoları siyasi kararlar aldıkça bu durum devam edecektir.*

*Tehcir meselesi araştırılırken özellikle o dönemdeki olayların, gelişmelerin ve ülkelerin jeopolitik konumlarının göz önünde bulundurulması gerekmektedir. Tehcir yasasının neden çıkarıldığı, hangi şartlarda tehcirin uygulandığı, tehcir sonrası neler yaşandığı konuları araştırılmadan tehcir hakkında bir karar vermek sağlıklı olmayacaktır. Sıralanan detaylar incelenmeden tehcir hakkında karar vermek, yargısız infaz olacaktır.*

*Bu makalede tehcir sonrası gelişmelere yer verilmiştir. Arşiv belgelerine, bu konuda yapılan araştırmalara dayanarak tehcir sonrası anlatılmaya çalışılmıştır. Ermenilerin geri dönüşleri, geri dönüş için yayınlanan kararnameler, yapılan tahkikatlar, yargılamalar, cezalandırmalar, sürgünler ele alınmış, konu okuyucuların ve araştırmacıların takdirine bırakılmıştır.*

**Anahtar Kelimeler:** *Tehcir, Geri Dönüş, Yargılama, Talat Paşa, İttihat ve Terakki Fırkası.*

## INTRODUCTION

The Armenian relocation matter still preserves its topicality despite the time passed since then, and I am of opinion that it will remain to be so. In order for this issue to fall off the agenda, parliaments need to avoid taking biased political decisions, and the matter should be investigated in detail by allowing researchers to enter archives and encouraging impartial scholars. Otherwise, this subject will become a festering wound.

In this study, it is aimed to elucidate and document a two and a half year period, namely, events that took place between the Relocation Decision (27 May 1915) and the Decree of Return (31 December 1918), and post-relocation developments.

### 1. THE ARMENIAN RELOCATION

The invasion of Van by Armenian gangs on 17 May 1915 and by Russian troops on May 20 of the same year compelled the Ottoman government to take new precautions. The burning of Van, the expulsion of its people to Bitlis under cruel treatment, and pressures had a significant effect on forthcoming relocation decision.

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As a response to these developments, Talat Pasha requested the evacuation of Armenians from Erzurum, Van, and Bitlis and their resettlement into southern Mosul, the District (Tr. *Sancak*) of Zor, and the rural areas of the District of Urfa through his encrypted text sent to 4<sup>th</sup> Army Command in 23 May 1915. He also asked for the resettlement of Armenians from nearby areas of Adana, Aleppo and Maras into eastern Syria, and east and southeast of Aleppo.<sup>1</sup>

After the Armenian issue gained an international status, Talat Pasha sent an official message on 26 May 1915, to the Prime Ministry/Grand Viziership (Tr. *Sadaret*) in order for the relocation to have the force of law.<sup>2</sup>

The next day, on 27 May 1915, the “Provisional Law on the Measures to be

1 Bengi Kümbül, *Tercüman-ı Hakikat Gazetesine Göre Osmanlı Ermenileri (1914-1918)*, Yüksek Lisans Tezi, Eskişehir Osmangazi Üniversitesi Sosyal Bilimler Enstitüsü, Eskişehir 2005, p. 3

2 Yusuf Hikmet Bayur, *Türk İnkılabı Tarihi*, C. I, ks. II (Ankara: Türk Tarih Kurumu Yayınları, 1991), p. 30.

Taken by the Military Regarding Those Who Refuse to Comply With the Government's Actions In Times of War" (Tr. *Vakt-i seferde icraat-ı hükümete karşı gelenler için cihet-i askeriyece ittihaz olunacak tedabir hakkında Kanun-u Muvakkat*) was adopted. On 1 June 1915, the law came into force after its publication in the official gazette *Takvim-i Vekâyi*. With this law, it was decided to relocate on a single basis or en masse those withstanding the orders of the government and security related implementations, and those who were found to be engaged in armed assaults, resistance, espionage, or treason.<sup>3</sup> Thus, the Armenian relocation was officially begun with this law.

Shortly after, on 14 June 1915, in an encrypted text sent to the Provinces (Tr. *Vilayets*) of Erzurum, Diyarbakır, Elazığ, and Bitlis, it was requested to secure the lives of Armenians, and to avoid any incidents between Muslims and Armenians that could result in killings and that also could seem flagrant abroad.

Armenians to be relocated in new settlement areas were gathered in certain centers such as Konya, Cizre, Diyarbakır, Birecik, and Halep (Aleppo). Those who were dispatched from Kayseri and Samsun were sent to Mosul through Malatya; those from Sivas, Elazığ, and Erzurum and nearby regions sent to Mosul through Diyarbakır-Cizre; those dispatched from Urfa through Nusaybin were sent to the District of Zor through Siverek; those from Western Anatolia were sent to the District of Zor through Kütahya-Karahisar-Konya-Karaman-Tarsus by way of Kars-ı Maraş-Pazarcık.<sup>4</sup>

Ultimately, with the relocation decision, an Armenian population ranging from 400,000 to 600,000 were relocated and resettled to the southern provinces of Ottoman Empire.<sup>5</sup>

Right after the relocation, the below regulation was issued to preserve the lands, possessions, and properties left behind by Armenians who were subjected to obligatory relocation and resettlement.

*Regulations to be applied to the properties and real estates of the Armenians who were subjected to relocation due to state of war and extraordinary political circumstances.*<sup>6</sup>

3 *Takvim-i Vekâyi*, nr. 2189, 18 Recep 1333 ve 19 Mayıs 1331 (1 Haziran 1915)

4 ŞFR. nr. 54-A/157; nr. 56/280; nr. 56/387 – ŞFR. nr. 56/278; nr. 56/280; nr. 56/308

5 Kemal Çiçek, *Ermenilerin Zorunlu Göçü 1915-1917* (Ankara: Türk Tarih Kurumu, 2005), p. 247 ; Yusuf Halaçoğlu, *Ermeni Tehciri ve Gerçekler (1914-1918)* (Ankara: Türk Tarih Kurumu, 2001), p. 76.

6 T.C. Genelkurmay Başkanlığı *Arşiv Belgeleriyle Ermeni Faaliyetleri 1914-1918*, Cilt I, Genelkurmay Atase Ve Genelkurmay Denetleme Başkanlığı Yayınları (Ankara: Genelkurmay Basım Evi, 2005), p. 139-142. (KOLEKSİYON KLASÖR NO; E. DOSYA NO; Y. DOSYA NO; FİHRİST NO; BDH 361 1030 1445 1-3)

*Article 1. Specially designed committees, whose duties and authorities are set in the statutes, are responsible for the management and administration of the real estates, abandoned fields, and other related properties belonging to Armenians under the regulations listed below.*

*Article 2. After the evacuation of a village or a town, all the properties and the belongings will be taken under protection by locking up and affixing a seal by a specially appointed official or by a special commission immediately.*

*Article 3. The type, amount, and estimated value of the goods as well as the names of the owners will be recorded in detail; and they will be sent to suitable storage places such as churches, schools, and inns to be kept in utmost care in order of owners; a records book showing the places where the goods are taken, their numbers and qualities along with their owners shall be prepared; the original shall be given to the local administration and a signed copy shall be given to the Derelict Property Committee.*

*Article 4. Movable goods, whose owners are not known, will be taken under protection by registering them to the village where they were found.*

*Article 5. A specially appointed committee, to be formed by the commission, will sell any goods that will spoil in a short period, and livestock by a public auction. The money shall be entrusted in the owner's name; and if the owner is not known, the money will be entrusted to village's or town's savings commission. The type, amount, estimated value, the name of the owner, as well as the name of the buyer, and the price at which they are sold will be registered in detail in a book, and after having had signed by the auction committee the original shall be given to the local administration and a signed copy shall be given to the administration of the Derelict Property Commission.*

*Article 6. The sacred books, paintings, and the properties found in the churches shall be registered in a book, and shall be protected with care at the site in attachment to the minutes, and shall later be sent to their places of relocation by the administrators.*

*Article 7. The type, amount, and value of all the estates shall be registered in the name of the owner, and charts pertaining to the abandoned fields of the villages and towns shall be drawn and given to the administrative committee.*

*Article 8. If there are crops on the abandoned fields, the committee will appoint a committee to sell the crops by public auction, and the money gained shall be transferred to the savings commissions on behalf of the owners, and the original minutes shall be given to the local administration and an approved copy shall be given to the administration committee.*

*Article 9. If a buyer cannot be found for the crops, a surety shall be found, and the crops shall be shared in half with the purchaser upon a contract to be devised. The money to be gained from these sales shall be transferred to the savings commissions on behalf of the rightful owners.*

*Article 10. No further procedures shall be followed for the writs pertaining to the usage of the estates drawn after the relocating of the owners [without the presence or prior to the permission of the owner].*

*Article 11. The lands and the houses in the evacuated villages will temporarily be distributed among the immigrants in proportion to their needs and agricultural abilities of each family with temporary documents.*

*Article 12. All the information related to the immigrants settled in the villages – such as their names, place of origins, date of settlement, place of settlement, as well as the types, amount, value of the properties – shall be registered in the books, and each immigrant shall be given an official certificate stating the amount of the estates he received after settling.*

*Article 13. As the immigrants are all responsible for the keeping of the trees that have been previously planted any damage to trees will be paid by the all the members of the village regardless of the doer. Those who give damage to the trees shall be removed from the village immediately and shall lose all their privileges given by law.*

*Article 14. After the settlement of the immigrants, Nomadic tribes shall be settled in the remaining villages and they shall have the same privileges with the immigrants.*

*Article 15. The immigrants coming from towns and cities shall be settled in the houses evacuated in the towns and cities, and shall be given adequate amount of fields in relation to their economic status and abilities in development.*

*Article 16. As for the places that are not suitable – shops, large commercial buildings, public baths, and stores – for the settlement of the immigrants and the remaining buildings; or the places mentioned in Article 18, and the fields that remain after the distribution of lands in proportion to immigrants' abilities in development and their economic means, may be subjected to sale through public auction by the local administrative committees appointed under the control of civil and financial administrators.*

*Article 17. All the information related to the immigrants settled in the towns and cities – such as their names, ages, place of origins, date of settlement, place of settlement, as well as the types, amount, value of the properties – shall be registered in the books.*

*Article 18. The vineyards, gardens, orchards, olive groves and the like around the towns and cities shall be distributed among the immigrants, on condition that they provide written certificates and guarantors, in proportion to their abilities in development; after having registered in the books they will be given certificates stating the reasons for approval, and the amount of property given. The remaining properties shall be sold through public auction in accordance with Article 16.*

*Article 19. Excluding the immigrants, coming from the other cities, who are holding permits of the local administrators or of the Ministry of Interior; all the people who are to be settled in the evacuated villages as immigrants should demonstrate their official documents certifying that they are immigrants, that they were not settled in any other region or that they were not sent to another place for settlement but to their place of arrival given by the administrators.*

*Article 20. The properties that were not sold can be rented, for not more than two years, to the people provided that they shall guarantee the development and protection of the property by a written contract and by providing a strong guarantor.*

*Article 21. Charts showing the buyers, tenants, the amount of money received from the sales and the rents, and the type, amount, and place of the sold or rented estates, as well as the shared properties shall be drawn.*

*Article 22. The money received from the sales and from the rents will be invested on behalf of the owners in the savings commissions and will be given to the owners in accordance with the announcements to made.*

*Article 23. Derelict Property Administrative Committees are directly responsible for the governance of all the properties in the evacuated villages and towns in accordance with the regulations stated here by.*

*Article 24. Administrative committees shall be liable directly to the Ministry of Interior on the issues pertaining to the derelict property; and shall act upon the orders of the Ministry, and shall inform the local administrators about the practices and decisions to be put in effect.*

*Article 25. Derelict Property Administrative Committees are responsible for the formation of the necessary committees and boards that will aim at the protection and administration of the derelict property, as well as for the appointment of the paid officials prior to the orders of the Ministry of Interior, and to issue regulations and the declarations. Copies of the regulations and declarations shall be sent to the governors' offices.*

*Article 26. Although the immigration committees and officials are charged with the duty of reporting the movements of the immigrants in detail; Derelict Property Administrative Committees are responsible for realization of the settlement of the immigrants, inspection of the development procedures, and for taking measures together with the local administrators for the implementation of the decisions taken.*

*Article 27. Committee shall report all the decisions and implementations performed after the inspections and observations to the ministry and to the office of the governor, at least in every 15 days.*

*Article 28. Local administrative officials shall abide by the rules and procedures issued by the Derelict Property Administrative Committees on the administration of the properties in the scope of these regulations.*

*Article 29. The members of the Derelict Property Administrative Committees are equally responsible for the keeping of the financial books pertaining to the administration and protection of the available property as well as the abandoned fields in the regions where they are assigned.*

*Article 30. Derelict Property Administrative Committees are composed of a specially appointed chairman, and of two officials: one being an administrative officer, the other being a financial officer. Article 31.*



*Correspondences are made by the chairman or by his deputy on his behalf.*

*Article 32. The president of the Derelict Property Committee may appoint a member of his choice for the inspection or control of an issue under the scope of these regulations.*

*Article 33. The presidents of the Derelict Property Committees are allotted 1.5 liras, and the members are allotted 1 lira daily to be met by the immigrants' subsidies. They are also allotted extra money from the special subsidy for their travels in relation to their duties.*

*Article 34. In places where no Committee is appointed, local administrative councils shall be responsible for the application these regulations.*

10 June 1915 (27 Receb 333 / 28 Mayıs 331)

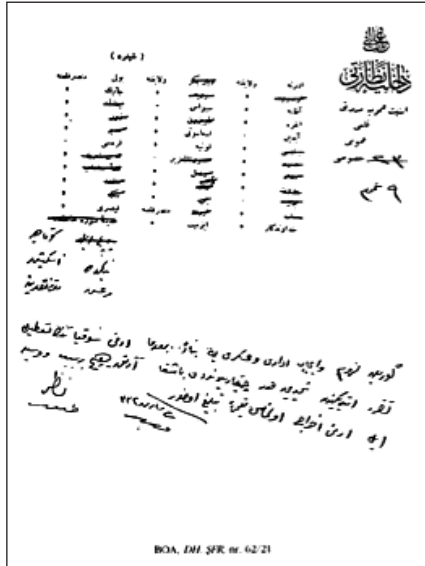


*Regulations to be applied to the properties and real estates of the Armenians who were subjected to relocation due to state of war and extraordinary political circumstances (Tr. Ahvâl-i Harbiyye ve zarûret-i fevkalade-i siyasiyye dolayısıyla mahall-i âhere nakilleri icra edilen Ermenilere aid emvâl ve emlak ve arazinin keyfiyyet-i idaresi hakkında talimatnamedir)*

## 2. ARMENIANS AFTER THE COMPLETION OF THE RELOCATION

The accumulation of people during the relocation was steadily increasing. Harsh climate conditions also led to occasional stoppages in the transfer of people. With orders sent to all provinces, it was notified that starting from 25 November 1915, transfers had been stopped temporarily due to harsh winter conditions.<sup>7</sup> This temporary order that was conveyed to all provinces indicated that the transfer of Armenians would end on 21 February 1916. However, harmful individuals would not benefit from this order; on the contrary, those who associated with revolutionary committees would be immediately gathered and transferred to the District of Zor.

As a result of administrative and military needs, the Ottoman government, twenty days after the initial order, on 15 March 1916, issued a second general order to provinces and districts, informing that the transfer of Armenians was stopped and that henceforth transfers should not be conducted for any reason or occasion.<sup>8</sup> Therefore, it was ordered that Armenians who had not yet reach their destination and who were still on the road should be settled within the provinces in which they were at.<sup>9</sup>



*The Cessation of the Relocation of Armenians*

7 ŞFR., m. 57/273; m. 58/161; m. 59/123; m. 60/190

8 ŞFR., nr. 62/21.

9 Yusuf Halaçoğlu, *Ermeni Tehciri ve Gerçekler (1914-1918)*, p. 82.

20 months after these orders, a decree of return was issued for Armenians who were subjected to the obligatory resettlement. With this decree, the relocation was completely ended and Armenians who wanted to return were allowed to do so.

### 3. PERMISSION FOR THE RETURN OF ARMENIANS

On 7 September 1918, Talat Pasha resigned, and Ahmet İzzet Pasha was appointed as Prime Minister/Grand Vizier (Tr. *Sadrazam*) on September 13.

One of the issues that Ahmet İzzet Pasha government dealt with immediately after it came to power with was the Armenian issue. On 18 October 1918, the government issued a notice that allowed the return of Armenians to their original places of residence. The notice foresaw allowing Armenians to travel, avoiding the settlement of abandoned properties, and emptying of houses used by soldiers and civil servants. However, upon receiving news that some of the Muslim immigrants/muhajirs (Tr. *muhacir*) who were temporarily settled in homes abandoned by Armenians had panicked and attempted to ruin

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these housings, the government issued a second decree. In this new decree, it was stated that immigrants would be resettled again, the return of Armenians' properties would be conducted gradually, and therefore, there was no need to panic. It was also notified that new immigrants would not be left out, either by means of their accommodation with relatives or several families living together if necessary. It was also announced those among immigrants and refugees who disturbed the peace and safety would be punished.

Furthermore, sending an encrypted message to provinces on 22 October 1918, the Ahmet İzzet Pasha government declared that Armenians were allowed to return by the decision of Council of Ministers (tr. *Meclis-i Vükela*); however, due to food shortages in the Provinces of Erzurum, Trabzon, Van, Bitlis, Diyarbakır, and Mamûratülaziz, and the District of Erzincan, they would be permitted to settle gradually in order for them to not experience any difficulties.<sup>10</sup>

10 Feridun Ata, *İşgal İstanbul'unda Tehcir Yargılamaları* (Ankara: Türk Tarih Kurumu, 2005), p. 19.

The Ministry of Interior, in the below coded telegram (given here in Ottoman Turkish with Latin alphabet), informed that Greeks and Armenians who were transferred to other locations due to war were now allowed to return in safety, and that they should be provided with food and settlements.<sup>11</sup>

*Bâb-ı Âlî*

*Dâhiliye Nezâreti*

*Aşâyîr ve Muhâcirîn Müdüriyyet-i Umûmiyyesi*

*İskân Şu'besi*

*Dâhiliye Nezâretinden İstanbul, Adana, Hüdâvendigâr, Konya, Ankara, Kastamonu, Haleb, Ma'mûretü'l-azîz, Diyârbekir, Sivas, Edirne, Aydın vilâyetleriyle, İzmit, Bolu, Kütahya, Karesi, Kayseri, Niğde, Menteşe, Antalya, Urfa, Canik, Eskişehir, İçel, Mar'aş livâlarına keşide edilen 21 Teşrin-i Evvel sene [1]334 târîhli şifre sûretidir.*

*1- Ahvâl-i harbiyye dolayısıyla karâr-ı askerî ile bir mahalden çıkarılarak diğer mahalle sevk edilmiş olan bi'l-umûm ahâlinin çıkarıldıkları mahallere avdetlerine müsâ'ade edilmesi Meclis-i Vükelâca takarrur etmiş olduğundan avdete tâlib olanlara müsâ'ade edilecektir.*

*2- Erzurum, Trabzon, Van, Bitlis, Diyârbekir, Ma'mûretü'l-azîz vilâyetleriyle Erzincan Mutasarrıflığı dâhilinde vesâ'it-i i'âşenin âdemo kifâyesine binâ'en işbu mahaller ahâlîsinden avdet etmek isteyenler için evvel-i emrde mahalleriyle bi'l-muhâbere selâmet-i seyr ve seyâhatleri ve i'âşe ve iskânları esbâbı te'mîn edildikçe pey-der-pey azîmetlerine müsâ'ade edilmesi muktezîdir.*

*3- Bu karâr menâfi'-i âliye-i memleket nazar-ı i'tibâra alınarak ittihâz edilmiş olduğundan emr tatbîkâtında kat'iiyen ta'allül ve te'ahhura meydân verilmeyecektir.*

*Aslına Muvâfıktır.*

*(Mühür)*

*Dâhiliye Nezâreti Aşâyîr ve Muhâcirîn*

*Müdüriyyet-i Umûmiyyesi*

*(16 M. 1337 / 22 Ekim 1918)*

11 HR. MÜ, 43/34



*Permission for the Return of Armenians*

Such steps taken by the Ahmet İzzet Paşa government was well-received and welcomed. In fact, following the decision allowing the return of Armenians and the return of their properties, the Armenian Patriarch, in a letter he sent to the Ministry of Justice (Tr. *Adliye ve Mezâhib Nezareti*) on 25 October 1918, wrote the following: “All subjects will no doubt be in indebted gratitude for the just decision of the Ottoman government that always has infinite compassion and affection for its loyal subjects” (Tr. “*Tebaa-ı sâdıkası hakkında merhamet ve şefkati her zaman bîpâyan olan hükümet-i Osmaniyyenin şu kararı âdilânesine bilumum tebaanın medyûn-ı şükran olacağı şüpheden varestedir*”).<sup>12</sup>

15 days after the above coded telegram, a second coded telegram was sent to the Ministry of Interior. In this telegram, it was requested that Greeks and Armenians who were transferred to other locations due to war be allowed to travel without travel documents, that they be provided food free of charge, that

12 Ata, *İşgal İstanbul’unda Tehcir Yargılamaları*, p. 20.

their other needs be met, and that they be able to safely reach their destination.<sup>13</sup> The coded telegram was as follows (given here in Ottoman Turkish with Latin alphabet):

*Bâb-ı Alî*

*Dâhiliye Nezâreti*

*Aşâyir ve Muhâcirîn Müdüriyyet-i Umûmiyyesi*

1- Yerlerine avdet edecek Ermenilerin seyâhat vesîkası istihsâline mecbûr tutulması ve mezkûr vesîkaların da bir takım mu'âmelât netîcesinde verilmekte olması yüzünden ahâlinin hayli müşkilâta dâcâr olduğu anlaşılmıştır. Bunlar taraf-ı Hükûmetden gönderilmekte olduğu cihetle vesîka istihsâline hâcet olmadığından trene irkâblarında bir liste tanzîmiyle seyyâre tevdi'î ile iktifâ olunması.

2- Seyâhat vesîkası i'tâsı akîbinde hükûmet-i mahalliyece Ermenilerin yedindeki ekmek vesîkalarının istirdâd edilmekte olduğu ve hâlbuki tren bulunamamak yüzünden bunların günlerce ekmeksiz kaldığı bildirildiğinden bunlara orada ve yolda kifâyet edecek mikdârda ekmek i'tâsı ve güzergâhda da it'âm edilmeleri.

3- Seyâhat edecek Ermenilere haftada iki def'a tren tahsîsi için Harbiye Nezâreti'nden hat komiserliklerine emir verildiğinden vilâyât ve elviye ve kazâlarda bu teblîğâtдан istifâde edilerek sevkîyâtın a'zamî dereceye iblâğ olunması.

4- Ermenilerin yol masrafları Harbiye tahsîsâtından te'mîn ve ta'ahhüd edilmiş olduğundan mesârif-i seferiyyelerinin tahsîsât-ı mezkûreden tesviyesi.

5- Cebr ve tazyîk ve hayf ile ihtidâ edenler hakkındaki teblîğât-ı sâbika mücebince kendilerinin serbest bırakılmaları hakkındaki ahkâmın kemâl-i ehemmiyetle tatbiki ve peyderpey buraya da ma'lûmât i'tâsı.

6- Ermeni cemâ'atine hemân kilise tedârîki için Hükûmetçe mu'âvenet-i mü'essire îfâsı (Yalnız Konya'ya).

7- Ermenilerin esnâ-yı seyâhatlerinde hiç bir gûnâ ta'arruz ve tecâvüze ma'rûz kalmamalarının te'mîni ve âsâyiş ve inzibât-ı mahallînin muhâfazası husûslarına son derece i'tinâ edilmesi.

13 HR. MÜ, 43/34.

*Husûsât-ı muharrere hakkındaki tebliğât-ı adîdeye rağmen şikâyatın tevâlîsi vazifeye karşı lâkaydâne hareket edilmekte olduğunu göstermekte olduğundan ba'de-ez-în bu bâbda vukû'a gelecek şikâyâtdan dolayı me'mûrîn-i mülkiyyenin şahsen mes'ûliyyetleri muhakkak bulunduğu ta'mîmen ve kemâl-i ehemmiyyetle tebliğ olunur.*

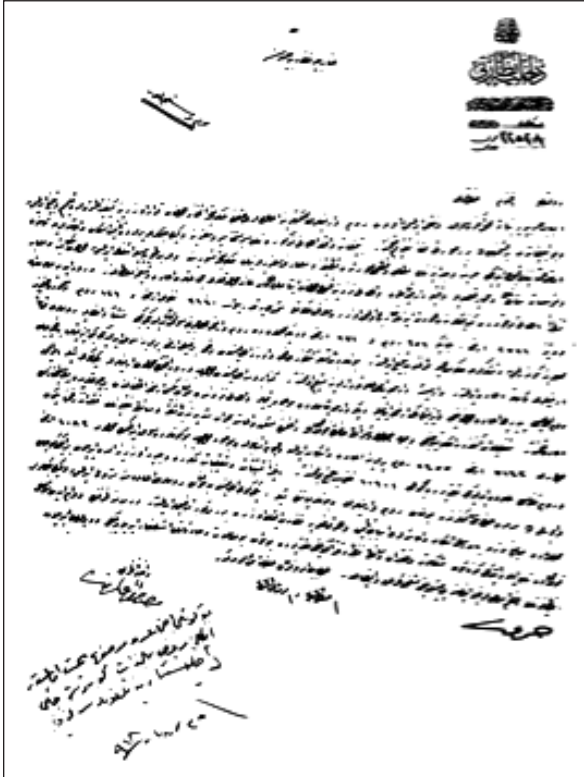
*Aslına Mutâbıkdır:*

*(Mühür)*

*Dâhiliye Nezâreti Aşâyir ve Muhâcirîn*

*Müdüriyyet-i Umûmiyyesi*

*30 M. 1337 5 Kasım 1918*



*Assisting the Return of Armenians and Meeting Their Needs*

A commission under the chairmanship of Deputy Director of the General Directorate for the Settlement of Tribes and Refugees (Tr. *Aşair ve Muhacirin Müdüriyeti Umumiyesi Muavini*) Sabri Bey, which also included members from the Armenian Patriarchate, was established with a view to inspect the return of Armenians, to provide their settlement, and to ensure that they were not homeless. This commission also had given orders to relevant authorities for the provision of the needs of Armenian immigrants in the places they went to.<sup>14</sup>

Beginning from December, Armenian immigrants began to return to their original places of residence. The commission convened at the Ministry of Justice under the chairmanship of Undersecretary Kemal Bey asked the Director for the Settlement of Immigrants (Tr. *Muhacir İskân Müdürü*) Sabri Bey to provide information with regard to the return of movable and immovable properties to relocated Armenians. Since it would take the Council of Ministers too long to finalize a law to regulate of the return of properties, the commission tried to find faster solutions with regard to the return of properties to their owners.<sup>15</sup>

The above commission decided to return movable and immovable properties to Armenians and keep its records, and wrote to the Sublime Porte (Tr. *Bab-ı Âli*) in this regard.

The commission, which was convened under the chairmanship of the Undersecretary of the Ministry of Justice Yusuf Kemal Bey, demanded the swift implementation of a law on the return of movable and immovable properties to those relocated.<sup>16</sup>

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14 Bengi Kümbül, *Tercüman-ı Hakikat Gazetesine Göre Osmanlı Ermenileri (1914-1918)*, Yüksek Lisans Tezi, Osmangazi Üniversitesi Sosyal Bilimler Enstitüsü Tarih Anabilim Dalı, Eskişehir 2005, p. 88.

15 *Tercüman-ı Hakikat*, 3 Kanun-i Evvel 1334 (3 Aralık 1918), nr. 13557.

16 Kümbül, *Tercüman-ı Hakikat Gazetesine Göre Osmanlı Ermenileri (1914-1918)*, p. 90.





Measures taken with regard to returning Armenians (DH. ŞFR., 93-57)

#### 4. DECREE FOR RETURN

Shortly after the above coded telegrams, the Ottoman government issued a decree on the return of relocated Armenians to their original places of living. In a letter sent by Minister of Interior Mustafa Pasha to the Prime Ministry on 22 December 1918, it was stated that necessary instructions with regard to the transfer of Armenians who wished to return to their original places of residence were communicated to relevant places, and that necessary measures were taken. Following this telegram, the government completed necessary preparation and issued the decree for return on 31 December 1918.<sup>17</sup> According to this decree:

17 BOA, Bâb-ı Âli Evrak Odası, No. 341055.

- 1- Only those who wished to return would be returned; the rest would not be touched.
- 2- Necessary measures would be taken in order to prevent returning individuals from falling into miserable conditions on their journey and facing problems with regards to food and housing; the process of transfer and return would begin after necessary correspondences with the local administrations of the places they were going to return were made and necessary measure were taken.

*In a letter sent by Minister of Interior Mustafa Pasha to the Prime Ministry on 22 December 1918, it was stated that necessary instructions with regard to the transfer of Armenians who wished to return to their original places of residence were communicated to relevant places, and that necessary measures were taken.*

- 3-Houses and lands of those who returned under these conditions would be returned to them.
- 4-Immigrants living in the houses of those who returned would be evacuated.
- 5-In order for no one to be left homeless, several families would be settled in the same house.
- 6-Buildings of institutions such as churches and schools, as well as revenue-yielding properties of these institutions would be returned to the communities they belonged to.
- 7- Orphans, if requested, would be returned to their guardians or communities after a careful examination.
- 8- Those who had previously converted to Islam were free to return to their original faith.
- 9- Armenian women who had converted to Islam and married to Muslim men were free to return to their original faith. In such a case, the marriage would be considered automatically void. Issues of those who did not want to return to their original faith and divorce their husband would be solved by the courts.
- 10- Properties of Armenians that were not under the possession of others would be returned to them. The return of properties whose ownership had been transferred to the Treasury would be subject to the approval of local officials of the Treasury. Descriptive documents would be prepared with regard to such properties.

- 11- Properties previously sold to immigrants would be returned to their original owners as they returned. Regarding these properties, the provisions of the Article 4 would be strictly implemented.
- 12- If properties such as houses and shops, which were to be returned to their original owners, had been repaired or enlarged or if the lands and olive groves had been cultivated by the immigrants, the rights of both the original owners and the immigrants would be protected.
- 13- The travel and food expenses of Armenians who were in need would be met from the funds of the Ministry of War.
- 14- The total number of Armenians transferred to their homes, and the number of Armenians transferred on the fifteenth and final day of each month would be reported.
- 15- Armenians who went beyond the Ottoman borders and wanted to return would not be accepted until further notice.

Provisions of this decree covered not only Armenians, but also Greeks who were obliged to leave their homes.



The Decree for the Return of Armenians and its Articles

## 5. ARMENIANS WHO RETURNED TO THEIR HOMES

The Ottoman government gave instructions and requested all necessary measures to be taken for the return of relocated Armenians to their homes. The expenses and catering of returning Armenians were met by the government. Their return was gradually permitted after the approval of authorities based on the circumstances of their destination.

A commission was established for the return of schools, churches, and other establishments that were occupied due to war to their relevant communities, as well as for the return of movable and immovable properties of Armenians.

Despite all measures taken by the government, several inconveniences took place. The fact that transfers were made only through the railways and the fact that this process coincided with return of soldiers as a result of the armistice caused this process to lag. Although some of Armenians were able to return to their homes free of problems, others inevitably perished in the journey back. Some also did not want to return to their homes. The houses of some returning Armenians were destroyed. The government tried to meticulously solve these problems.<sup>18</sup>

*Different numbers are given in various sources with regard to how many Armenians returned with the decree for return. From these sources, it is understood that there was a substantial amount of Armenians who stayed and did not emigrate from Anatolia after the signing of the Armistice of Mudros, and that there was a significant amount of Armenians who returned to their homes from the relocation areas.*

Different numbers are given in various sources with regard to how many Armenians returned with the decree for return. From these sources, it is understood that there was a substantial amount of Armenians who stayed and did not emigrate from Anatolia after the signing of the Armistice of Mudros, and that there was a significant amount of Armenians who returned to their homes from the relocation areas. Moreover, it is seen that the number of Armenians who returned to regions occupied by Allied Powers were higher than number of Armenians in those regions before 1914. This was especially the case in Kilikya (Cilicia). A British intelligence report indicating that this situation was also confirmed by the Armenian Patriarchate states the following:

*Istanbul Armenians and Armenians from Kütahya and Aydın were not forced to migrate. Armenians from İzmit and Bursa, Kastamonu, Ankara,*

18 Kumbül, *Tercüman-ı Hakikat Gazetesine Göre Osmanlı Ermenileri (1914-1918)*, p. 93.

*and Konya were forced to migrate but have currently returned back. There are many Armenians in Kayseri and Sivas, Harput, Diyarbakır and especially in Kilikya and İstanbul who have returned but cannot make their way back to their villages. The remainder of all Erzurum and Bitlis Armenians are in Kilikya.*

However, since it was not possible to exactly determine how many of those who returned were Armenians who were not forced to migrate and those who had returned from migration, the determination of the Armenian population in Anatolia was given a particular importance from 1919 onwards.<sup>19</sup>

That said, it is certain that there was a substantial increase of the number of Armenians who returned to Anatolia with the publication of the decree for return at the end of 1918. As a matter of fact, a chart prepared by the Armenian Patriarchate in early 1921, which shows locations inhabited by Armenians, indicates the number of Armenians in Anatolia and Ottoman territories in the Middle East, or the number of Armenians that returned to their homes, as being 644,900.<sup>20</sup>

## 6. MEMORIES AND OPINIONS ON THE RELOCATION

### 6.1. Opinions of Cemal Pasha

Cemal Pasha, indicating that he was at the Palestinian Front during the Armenian relocations and was not informed about it, stated:

*I am certainly firmly convinced that the Armenians planned insurrections which endangered the rear of our Army in the Caucasus and which might under certain circumstances have completely destroyed it. Consequently, my friends held it more expedient to transfer the whole Armenian people to another region where they could do no harm, rather than to expose the whole Ottoman Empire to a catastrophe which would have involved Russian occupation of the whole of Anatolia. [...] These must be ascribed to 60-70 years of friction between Turks and Armenians. May Allah curse the Muscovite policy which made enemies of these peoples who for centuries had lived together in peace.*

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19 Hikmet Özdemir, Kemal Çiçek, Ömer Turan, Ramazan Çalık, Yusuf Halaçoğlu, *Ermeniler; Sürgün Ve Göç* (Ankara: Türk Tarih Kurumu, 2004), p. 116-117.

20 Yusuf Halaçoğlu, *Ermeni Tehciri ve Gerçekler (1914-1918)*, p. 120.

*Let us assume that the Ottoman government relocated a million and a half Armenians from the East Anatolian Provinces, and that 600,000 of them died, some murdered, some collapsing on the way from hunger and distress (yet, in that period, the Armenian population in the said locations was not a million and a half). But does anyone know how many Turkish inhabitants of the Provinces of Trabzon, Erzurum, Van, and Bitlis were barbarically massacred by the Armenians and how many were perished after the invasion of these provinces by Russians? Then let it be stated that the number of Turks killed on this occasion far exceeded one and a half millions. If the Turks are to be made responsible for the Armenian massacres, then why not the Armenians for the massacres of the Turks? Or are the Turks of no more value in the eyes of politicians than flies?<sup>21</sup>*

## 6.2. Memories and Opinions of Talat Pasha

Talat Pasha, who was a member of the Union and Progress Party (UPP) and the Minister of Interior of the Ottoman government during Armenian relocation, and who is held as being primarily responsible for the relocation, had defended himself with the following statements at the final congress of the UPP on 1 November 1918, before leaving for Germany in the evening of the same day:

*The relocation of the Armenians, in some localities of the Greeks, and in Syria of some of the Arabs, was used inside and especially outside the empire as a source of attack on the [Ottoman] war cabinet. First of all, I wish to inform the public that the rumors of relocation and assassination were exceedingly exaggerated. The Armenian and Greek propaganda, being aware that stories of atrocities would influence the American and European public, which knows little or nothing of the Turks, excessively overstated things and caused quite a stir.*

*In saying this, I do not mean to deny the event. However, I desire to speak the truth and eliminate the exaggerations. Leaving the exaggerations aside, I admit that there were a fair sum of incidents that took place during the relocation. However, the Sublime Porte never acted in this matter upon a previously prepared scheme. The responsibility for these acts falls first of all upon those who committed intolerable acts. Of*

21 A. Alper Gazigiray, *Osmanlılardan Günümüze Kadar Vesikalarla Ermeni Terörünün Kaynakları* (İstanbul: Gözen Kitabevi, 1982), p. 345-347 ; M. Törehan Serdar, *Bitlis'te Ermeniler ve Ermeni Mezalimi*, Bitlis Valiliği Kültür Yayınları No: 14, Bitlis 2006, p. 336.

*course, entire Armenians or entire Greeks cannot be to blame. However, in a war which would determine the fate of our country, it was natural and necessary to show no tolerance towards rebellious activities in the rear hampering the army's freedom of movement and endangering its safety and well-being of the country.<sup>22</sup>*

*Armenian bands endangering our Army's maneuverings in Erzurum were being assisted and protected by Armenian villages. When they needed help, the Armenian peasants, taking out their arms hidden in their churches, were running to their aid. It was impossible to shut our eyes to the continuous acts endangering the army's line of retreat and rear guard support. Consistent information from the administrators of provinces and army's proved the necessity to take drastic measures.*

*Relocation was a measure taken due to the such necessities of war.*

*What I mean is that the relocation was conducted in an orderly fashion and to the extent that it was necessary. In many places, this also caused long-accumulating hostilities to burst out, leading to completely undesired misconducts. Some of the officials misbehaved and engaged in cruelty and violence. In many places, a set of innocent people unjustly were also victimized. I admit this.*

Talat Pasha, during the days he had taken refuge in Germany, in an interview he gave to a British author shortly before his assassination, had said the following:

*... Can any nation go through a war and acquiesce when it is stabbed in the back? ... Even if all the Armenians who had been driven into the Caucasus were to return, they would represent only a small fraction of the population, who are mainly non-Armenian.<sup>23</sup>*

Talat Pasha, who was assassinated in Berlin in 1921 by an Armenian with a shot to the back, stated the following on the topic of the Armenian relocation:

*A law with regard to the relocation of Armenians was prepared in the general command and was submitted to the Council of Ministers. The gendarmerie was fully and the police was partially taken to military service, and they were replaced by militias. Thinking ahead, I insisted that this law should not be implemented, and I delayed the law's entry into force.*

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22 Hasan Babacan, *Mehmed Talat Paşa 1874-1921* (Ankara: Türk Tarih Kurumu, 2005), p. 138.

23 Babacan, *Mehmed Talat Paşa 1874-1921*, p. 139.



*Sometime later, Van was occupied by Russians, or rather, by Armenian gangs. It was found out later that these voluntary gangs were under the command of Pastirmadjian and Papazian of the Dashnak Committee, both of who were deputies in the Ottoman general assembly. From the testimonies of those who managed to save their lives, it was understood that Muslims who could not escape during the occupation of Van were killed, that women were subjected to dishonor, and that the young, married women and girls were gathered in houses, and that these houses were regarded as brothels. Those who escaped consisted of thousands of women, men, and children, and these unarmed people were attacked with machine-gun fire by the Armenians.*

*These events in Van were followed by events in the interior. Soldiers who were sent to join their units were killed by these gangs. According to reports sent to the general command by the commanders, massacres and assaults against the Muslims in cities, villages and roads had negative effects on soldiers deployed in the Russian front.*

*The military command once again insisted on the implementation of the Relocation Law. I once again opposed the adoption of this law. Several past tragic events had shown me that in Europe, while atrocities committed by Christians against Muslims were met with leniency and silence, even the smallest move by Muslims was overly exaggerated. Therefore, I knew beforehand that the disorder to be caused due to Russians being by the side of Armenians would be exploited against us.*

*During negotiations, some of my friends went as far as accusing me of indifference and disloyalty to the homeland. Indeed, the army was in grave danger.*

*The army had the opportunity to take necessary measures before passing a law about this matter. Therefore, there was no point in delaying the law. This law was giving army and corps commanders the authority to move insurgent people to other regions individually or en masse. Since martial law was declared all over the country, civil administration was given over to the military.*

*Atrocities and murders committed during the occupation of Van, Bitlis, Muş, and Erzurum and admitted by the Russians themselves were conducted so brutally that Muslims did not dare to go to their houses and were obliged to migrate hungry and bare. Thus, 600,000 Muslims died. The Armenian issue, which is utilized by the Armenian committee*

*members in favor of their plans, and which puts all the blame on the government, has transpired as I have explained.*

*In case an impartial court is set up, without defending the incidents, I can sincerely attest that it was Armenians themselves who caused these events.<sup>24</sup>*

In another memoir, Talat Pasha states the following:

*If this obligatory relocation had not been made, Armenians would have been condemned to death for treason by the Court Martial (Tr. Divan-ı Harp), because they, while being Ottoman subjects, in collaboration with our enemies, were doing all possible misdeeds for the country's invasion and occupation. Even though some were involuntary, a crime was a crime. The existence of the country was unmercifully and unscrupulously being ravaged. They had renounced the centuries-old blessings and compassion for the sake of a bloody fantasy. Although it was difficult and challenging for us, sending them away from the warzone as far as possible was the most humanitarian service. Were there any incidents during its implementation? Of course there were. However, the reason for these incidents were again the Armenian committee members. Among those [the Muslims] whose honor and dignity had been attacked, the ones who survived may have overcome the state's protection [for the relocation convoys] and settled the score with these treacherous and disloyal criminals who had committed these horrible crimes without any moral reason. However, I will put it very clearly and point-blank; these retaliations do not amount to even one percent of those crimes in terms of the numbers, incidents and outcomes.<sup>25</sup>*

### 6.3. Opinions of Foreign Researchers

While European states condemned the Ottoman government due to the relocation, several researchers, especially European researchers, stated that the Armenian had revolted before the relocation and that the Ottoman government had taken the decision to relocate after the revolt.

To prove that the rebellion by Armenians had broken out before their exile, Leo states:<sup>26</sup>

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24 A. Alper Gazigiray, *Osmanlılardan Günümüze Kadar Vesikalarla Ermeni Terörünün Kaynakları*, p. 352, 354, 358-359.

25 Cemal Kutay, *Talat Paşa'nın Gurbet Hatıraları*, Cilt III (İstanbul 1983), p. 1202.

26 Esat Uras, *Tarihte Ermeniler ve Ermeni Meselesi* (İstanbul, 1976), p. 617.

*7000 Armenians were armed in Muş and in the valley. They were dispersed over several villages. Many escaped to not serve in the Turkish army. Sasun contributed neither soldiers nor any other help. Moreover, they killed officers sent for this purpose. The Armenian youth trained in Muş raised the standard of revolt when the Russian army approached.*

Towards the end of June, the Ottoman army corps under Cevat Pasha, fighting in the area north of Muş near the Euphrates, suffered defeat and had to withdraw. The Russian communique issued in connection with this event described the situation in the following words: *“The Armenian rebellion is raging with all its violence and fury in Muş, or rather in the villages around. In the region of Bitlis, the rebellion also continues with all its fury.”*

This revolt was organized to showcase Rupen (a famous Dashnak ringleader nicknamed “Pasha”), who directed activities in Muş and Sasun for the Russian army, and his deeds to the commander of the Caucasian army.

When Rupen managed to escape safe and sound from the deserted and ruined valley of Muş, the newspaper Horizon published in block letters the following telegram: *“Rupen and Vahan arrived here with thirty of their comrades. They are telling that there are still 30,000 rebels in Sasun and that it would be possible to save them since they could last out for another month.”*<sup>27</sup>

Afterwards, Rupen went to Moscow and delivered a speech in which he stated that the incidents of Muş and Sasun were, in fact, revolts.

The Armenian author Vaspuragan said the following:

*It is possible to explain the uprisings in Muş and Bitlis with the fact that these provinces had become battlefields. But how can we explain the revolts in such distant places as Şebinkarahisar or Zeitun (Maraş)? What cause for hope could these Armenians, who were very few in number in these regions, have had in taking up arms against the state? It must, however, be remembered that those who led the rebellion here were the Hunchaks. In that case the situation becomes clear. The reason*

***While European states condemned the Ottoman government due to the relocation, several researchers, especially European researchers, stated that the Armenian had revolted before the relocation and that the Ottoman government had taken the decision to relocate after the revolt.***

<sup>27</sup> Uras, *Tarihte Ermeniler ve Ermeni Meselesi*, p. 617.

*that lies behind the revolts was the rivalry between the Hunchaks and the Dashnaks. We have seen this happen so often. Both these revolts were suppressed. Zeitun, where revolts had become a customary affair, was violently punished this time. The experiences of Şebinkarahisar sufficed for applauses. The bravery of the insurrectionists was praised in books and newspaper articles.*<sup>28</sup>

## 7. DEVELOPMENTS WITH REGARDS TO THE RELOCATION

### 7.1. During the Relocation

Neurath, who was the Councilor at the German Embassy in İstanbul, in his report dated 26 June 1915, expressed his opinions on the relocation as follows: “*The relocation of the Armenian population in East Anatolia was decided upon by the Turkish government mainly for military reasons, to prevent the insurgency of those districts heavily populated by Armenians.*”<sup>29</sup>

Although necessary measures to execute the safe transfer of Armenian convoys were taken, adverse conditions brought by the war and the necessity to complete the relocation in a short span of time made the conditions worse. Therefore, contagious diseases and attacks by Arab and Kurdish tribes led to the death of many Armenians. In the fact of diseases, the government sent medical officers to treat Armenian convoys. Furthermore, regional authorities were ordered by the government to not let any convoy set off without policemen (Tr. *zaptiye*), to increase the number of policemen, and to apprehend and punish those who attacked the convoys. Upon news of wrongful treatments and misconducts towards Armenian convoys during relocation, inquiry commissions consisting of members of the Court of Appeal (Tr. *Mahkeme-i Temyiz*) and the Council of State (Tr. *Şuray-ı Devlet*) and judges of criminal courts were sent to Anatolia.<sup>30</sup>

İsmail Hakkı Bey, a member of Council of State, was appointed to the commission chaired by the President of the Court of Appeal, Hulusi Bey. The government was especially laying emphasis on the safety of life and property, and continuously gave instructions for necessary precautions to be taken. Those who failed to show necessary diligence and those who committed crimes were brought before courts. A large part of the 1397 people, who were found guilty

28 Uras, *Tarihte Ermeniler ve Ermeni Meselesi*, p. 618.

29 Özdemir ve diğerleri, *Ermeniler; Sürgün Ve Göç*, p. 67.

30 Kümbül, *Tercüman-ı Hakikat Gazetesine Göre Osmanlı Ermenileri (1914-1918)*, p. 79.

and brought into court, received various kinds of sentences including the death penalty.<sup>31</sup>

## 7.2. After the Relocation

After the Allied Powers' victory in World War I against the Ottoman State and the occupation of the capital İstanbul by these Powers, in 1918, press institutions in the Ottoman State began to report developments with regard to the relocation. These press institutions mostly gave coverage to comments by newspapers in Armenian and Turkish language that followed an anti-Union and Progress Party policy.

The 10 December 1918 issue of the newspaper *Vakit*, which saw the relocation of the Armenians as a disaster and considered its results more disastrous than the hardships of the war, wrote the following:

*If these murders and the crazy policy in Syria had not happened, even though being defeated, we would not have been in such deplorable position in the face of world civilization and humanity. We have been living with Armenians for about five centuries. If these deplorable events that we saw in the past couple of years had taken place back then, there would not have been any Armenians or Turks left in this country by now. Yet, for centuries, we have lived with Armenians as two brothers, or, at least, as two friends, two neighbors. We have helped and trusted each other. Turks have relied on Armenians more than any other countryman and entrusted them duties that required trust. History does not show one individual among Armenians who undertook such duties that committed treason or at least, that committed malfeasance.*<sup>32</sup>

The Armenian language newspaper *Janamak* of the same date, asked its readers what kind of a punishment Enver and Cemal Pasha deserved – the newspaper believed that Enver and Cemal played a major role in the events suffered by Armenians - and gave place to answers from readers. One reader answered as such:

*These three butchers should be publicly exhibited and everyone should watch them for 5 kurush and the proceeds should be endowed to orphans. 75 dirhams of bread should be given to these three monsters for every 24 hours.*

31 Kamuran Gürün, *Ermeni Dosyası*, 2001, p. 228.

32 Kümbül, *Tercüman-ı Hakikat Gazetesine Göre Osmanlı Ermenileri (1914-1918)*, p. 81 (*Tercüman-ı Hakikat*, 10 Kanun-i Evvel 1334 [10 Aralık 1918], nr. 13564.)

Another reader said, “*These three butcher of Armenians should be chained in Beyazıt and each should be given 50 dirhams of bread per day.*”<sup>33</sup>

After the relocation, the Western press, as usual, began to make adverse publications, and the Ottoman government and the Turkish people were unjustly accused through the distortion of actual events. Countries such as the United States, Russia, and United Kingdom and the Western media used these events against the Turks without researching and questioning. Reports from the U.S. Consul in Mersin, Edward Nathan, to the U.S. Ambassador in İstanbul, Henry Morgenthau, were falsely reported to the U.S. by the Ambassador. Biased, false, unfounded reports deliberately sent by Morgenthau were used against the Turks by the American press.

In accordance with U.S. President Wilson’s instruction to find incidents to legitimize US’s entry to war and to create a public opinion for this, Morgenthau, who at the time served as the American Ambassador to the Ottoman State, used the Armenian relocation issue. Identifying the Armenians as a Christian people that was being “oppressed and exterminated”, Morgenthau turned developments with regard to Armenians and several incidents of death during the forced migration of Armenians into a successful propaganda of massacre. A scenario that flagrantly contradicted with Morgenthau’s actual reports was prepared by the Morgenthau’s Ottoman Armenian translator and consultant, Arshag K. Schmavonian, journalist Burton J. Hendrick and U.S. Foreign Minister Robert Lansing, and was published in New York in 1918 under the name of “*Ambassador Morgenthau’s Story*”.

Lord James Bryce, who mostly got his information from Morgenthau, Johannes Lepsius, a German Protestant priest who was far away from the incidents, and Arnold Toynbee, who was a young historian at the time, also joined this propaganda bandwagon. Arnold Toybee, who would play a major role in creating public opinion, being employed by British Foreign Ministry’s War Propaganda Bureau, was at the forefront of the anti-Ottoman campaign. It was Toynbee, in his propaganda booklets, who first put forward the thesis that some 1.5 million were killed from a population of 1.8 million Armenians that allegedly lived within Ottoman territories.<sup>34</sup> In later years, such propaganda publications became treated as serious reference materials.

While partial newspapers and especially the Allied Powers were putting pressure on the newly formed government to accept the Western propaganda

33 Kumbül, *Tercüman-ı Hakikat Gazetesine Göre Osmanlı Ermenileri (1914-1918)*, p. 81.

34 Özdemir ve diğerleri, *Ermeniler; Sürgün Ve Göç*, p. 68.

related to Armenians and to punish the alleged criminals, the Ottoman government took a decision that surprised everyone and asked for the establishment of an inquiry commission with regard to the relocation.

The government requested the establishment of an inquiry commission and asked for the participation of impartial lawyers in the commission. In order for this to happen, on 13 February 1919, the government sent notes to the governments of Sweden, Holland, Spain and Denmark. These four were countries that did not participate in the war. The Allied Powers, however, and especially the UK, prevented the four countries to send lawyers to the commission.

Below is the note sent by the Ottoman government, originally written in French.<sup>35</sup>

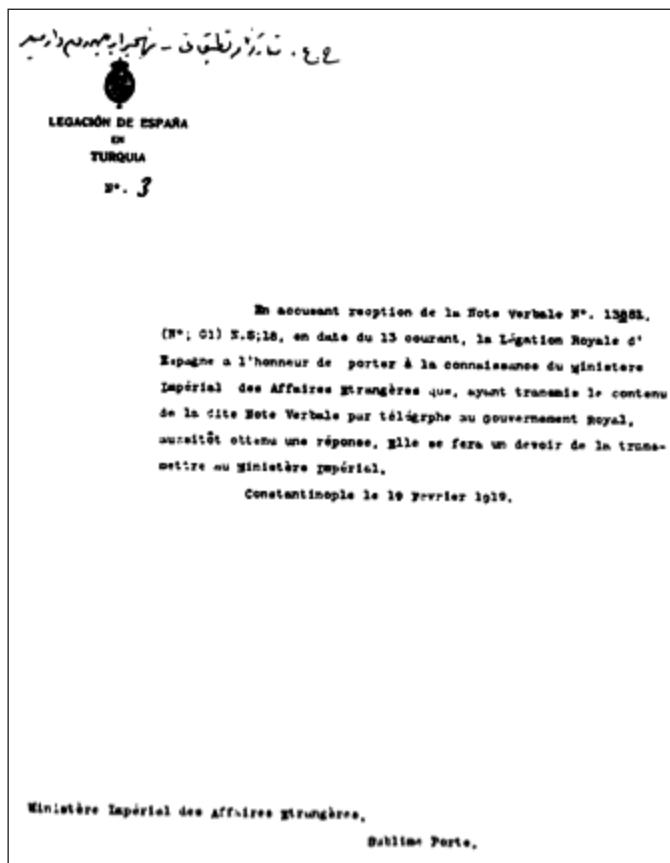
*While partial newspapers and especially the Allied Powers were putting pressure on the newly formed government to accept the Western propaganda related to Armenians and to punish the alleged criminals, the Ottoman government took a decision that surprised everyone and asked for the establishment of an inquiry commission with regard to the relocation..*

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35 BOA. HR. MÜ, 43/17.







*The note sent to the governments of Sweden, Holland, Spain and Denmark with regard to participation of impartial lawyers to inquiry commissions to be established with the aim of identifying the reasons of the relocation*

## 8. THE INVESTIGATION CONDUCTED REGARDING THE RELOCATION

Furious over the fact that the relocation law was put into effect, Armenians continuously produced propaganda that put forth unbelievable numbers about the relocation. The United States and the United Kingdom began to investigate the Armenian claims. In this respect, the British mobilized all the members of their consulates and embassies after the occupation of İstanbul and began a serious investigation. The British brought experts from the UK for this investigation. Additionally, Greek and Armenian experts and translators were hired and they worked day and night for this investigation.

The British seized all documents related to the relocation. Additionally, live witnesses were gathered and were questioned for months. The British had already occupied all state offices. They expended great effort to place the Ottoman State into the position of a suspect. In the end, the British failed to find any evidence that could be used to incriminate the Ottoman State. Despite this, they arrested 144 high ranking military personnel and civilian Turks and exiled them to the Island of Malta. Though the British questioned these individuals for months, they failed to produce any results.

*Actually, the previous UPP government, which had given the orders to have the Armenians relocated and resettled to different parts of the Ottoman State, had already opened investigations against those who had engaged in wrongful conduct or those who had gone against their orders by behaving in wrong ways.*

The British thus asked the Americans for help, who were conducting their own investigation in the region. The United States, through its embassies, consulates, missionaries working in the schools set up by the US, and Major General James G. Harbord, carried a serious investigation. Despite the fact that they had carried out a long investigation in the region, the Americans too could not find any incriminating evidence and regrettably informed the British about this.<sup>36</sup>

## 9. PROSECUTIONS REGARDING THE RELOCATION

### 9.1 The Establishment of Investigation Committees

The Ottoman government that newly came to power was put under pressure from all sides to investigate the past actions of the Union and Progress Party government and punish the perpetrators of some misconducts. Among the misconducts that were demanded to be investigated were the ones that took place during the relocation of Armenians.

Actually, the previous UPP government, which had given the orders to have the Armenians relocated and resettled to different parts of the Ottoman State, had already opened investigations against those who had engaged in wrongful conduct or those who had gone against their orders by behaving in wrong ways. In fact, in order to uncover such misconducts, special commissions constituted of the heads of the Council of State, Court of Appeal, and High Criminal Courts (Tr. *Yüksek Ceza Mahkemeleri*) had gone to various provinces in Anatolia and

36 Azmi Süslü, *Ermeniler ve 1915 Tehcir Olayları*, Yüzüncü Yıl Üniversitesi, Yayın No: 5, Ankara 1990, p. 145.

had conducted investigations. As a result of this investigation, many state officials had been sentenced to various punishments (including capital punishment) at a Court Martial (Tr. *Divan-ı Harb-i Örfi*) while the war was ongoing. The fact that those whose crimes were firmly established had already been subject to various punishments was affirmed by Sami Bey as well, who was the prosecutor at the first hearing of the Yozgat Relocation lawsuit. Sami Bey explained the numbers related to those who had been sentenced by the Court Martial upon the report of the Investigation Committees (Tr. *Tahkik Heyetleri*) as follows: 19 civil servants and civilians from the Sivas Province; 28 civil servants, 11 gendarmerie officers, 69 gendarmerie privates, and 111 civilians from Mamüratülaziz (Elazığ) Province; 69 people from Bitlis; 16 from İzmit; 29 from Nallıhan; and in total, 377 people were sentenced to various punishments.<sup>37</sup>

Furthermore, although UPP was being accused of encouraging and supporting the misconduct that had taken place during the relocation, the UPP had in fact expelled its own members that had gotten involved in the aforementioned cases of misconduct.

Moving back to the time after the war ended, when the need arose for Investigation Committees to be sent to regions outside of İstanbul, the necessary decision was decided upon in the Council of Ministers meeting held on 11 December 1918. When the decision was taken, what was aimed was to accelerate the pace of the investigation, and ensure the tranquility and the security of the country. Due to the importance and the scale of the task at hand, it was deemed appropriate to divide the country into various zones. The Committees were to be constituted of civil servants from the Ministry of the Interior and the judiciary. It was decided that the civil servants to be appointed would be paid daily an additional three liras on top of their normal salaries. The regions that the Committees were to go to were as follows:<sup>38</sup>

Provinces of Ankara and Kastamonu, and District of Bolu,  
 Province of Trabzon and Shire (Tr. *Liva*) of Samsun,  
 Provinces of Bursa and Edirne, and District of Çatalca,  
 Province of Aydın, and Districts of Çanakkale and Karesi,  
 Province of Konya, and Districts of Eskişehir, Karahisar (Afyon),  
 Kütahya, and Antalya,

37 Ata, *İşgal İstanbul'unda Tehcir Yargulamaları*, p. 63.

38 BOA., MV. 213/60; BOA., BEO., 340885

Province of Sivas, and Districts of Kayseri and Yozgat,  
Provinces of Erzurum, Van, and Bitlis,  
Provinces of Diyarbakır and Mamûratülaziz (Elazığ),  
Province of Adana and District of Maraş,  
Districts of Urfa, Zor, and Antep.

Council of Ministers' decision dated 12 December 1918, which was sent to the Ministries of Interior, of Justice and of Finance, to dispatch committees for the inquiry of those who committed crimes during the relocation and mobilization period, and to finance these committees from the treasury, is as follows (given here in Ottoman Turkish with Latin alphabet):<sup>39</sup>

*Meclis-i Vükelâ  
Müzâkerâtına Mahsûs Zabıtname  
Sıra numrosu: 490  
Târîhi 7 Rebî'ü'l-Evvel sene [1]337  
11 Kânûn-ı Evvel sene [1]334*

*Tebliğ olunduğu devâ'ir:  
Mâliye, Dâhiliye, Adliye  
Târîh-i tebliği: 12 Kânûn-ı  
Evvel [1]334*

*Karârı:*

*Seferberlik esnâsında vukû' bulan mu'âmele-i tehçiriyyeden bi'l-istifâde icrâ edilen eyâ makâsıd-ı ihtilâliyye ile irtikâb olunan ta'addiyât ve tecâvüzâtâ â'id cerâ'imde aslen ve fer'an zî-medhal olanlar hakkında tahkîkât ve ta'kîbât-ı serî'a icrâsını te'mîn ve memleketin muhtâc olduğu emn ve huzûru takrîre müte'allik tedâbîrin ittihâz ve îfâsı muktezî olduğuna ve bu işin ehemmiyet ve vüs'ati cihetiyle tahkîkât-ı mezkûrenin tecâvüzât ve ta'addiyâtın cereyân etmiş olduğu vilâyât ve elviyenin menâtik-ı müte'addideye taksîmi ile her bir muntakaya ayrı ayrı ta'yîn ve i'zâm olunmak üzere dâhiliye ve adliye me'mûrîninden münâsib zevâtdan mürekkeb birer hey'ete tevdi'i muktezâ-yı hâl ve maslahat görüldüğüne mebni mezbûr muntakalardan biri Ankara ve Kastamonu vilâyetleriyle Bolu sancağı ve ikincisi Trabzon vilâyeti ile Sâmşun livâsını ve üçüncüsü Bursa ve Edirne vilâyetleriyle Çatalca sancağını ve dördüncüsü Aydın vilâyeti ile Çanakkal'a ve Karesi sancaklarını ve beşincisi Konya vilâyeti ile Eskişehir ve Karahisâr ve Kütahya ve Antalya sancaklarını ve altıncısı Sivas vilâyeti ile Kayseri ve Yozgad livâlarını ve yedincisi Erzurum ve Van ve Bitlis vilâyetlerini ve sekizincisi Diyârbekir ve Ma'mûretü'l-azîz vilâyetlerini ve dokuzuncusu Adana vilâyeti ile Mar'aş sancağını ve onuncusu Urfa ve Zor ve Ayıntab*

39 BOA. Meclis-i Vükelâ Mazbataları, 213/60.



The tasks of the Investigation Committees were determined in the 14 December 1918 meeting of the Council of Ministers according to the points stated in the eight article of the 1 September 1910 (Rumi calendar: 19 August 1326) dated enactment concerning the “*banishment of armed gangs*” (Tr. *müsellâh çetelerin tenkîli*). According to this, Investigation Committees could carry out investigations regarding criminals whose misdeeds were notified and documented by deduction (Tr. *istidlal*) commissions and as well as civil servants. The Investigation Committees were also authorized (contingent upon a decision to be taken by the majority of their members): to have suspects arrested, to have suspects discharged with or without bail, to reclaim suspects’ arrest warrants, to send suspects to be tried by the Courts Martial upon the result of an investigation or to have them discharged upon being deemed that there was no need for a prosecution. Besides these, it was indicated that the verdicts of the Investigation Committees could not be appealed.<sup>40</sup>

The places that the Investigation Committees were to go to were from time to time subject to change according to need or circumstance. Such changes occurred due to; the need for the setting up of Courts Martial in regions subject to martial law (Tr. *İdare-i Örfiye*), the country being more and more subject to occupation, the Ottoman State’s loss of control over the administration of certain regions, or the failure to civil servants who could go to such regions.<sup>41</sup>

## 9.2 The Establishment of Courts Martial

Taking as base the Martial Law Enactment (Tr. *İdare-i Örfiye Kararnamesi*) of 2 October 1877 (Rumi calendar: 20 September 1293), the government decided on 14 December 1918 for the establishment of the Court Martial. In the decision, it was indicated the Court Martial would punish (in the legally appropriate manner) those who, through taking advantage of the relocation process carried out during the mobilization, were involved in crimes related to the injustice and transgressions committed with revolutionary intentions. Moreover, based on the examination of the Investigation Committees, there were criminals who committed misdeeds during relocation (relocation criminals) and who as such needed to stand trial in criminal courts. It was expressed that there was a need for a speedy verdict mechanism due to these criminals’ trials’ “*need for time*” (Tr. *vakte muhtaç*).<sup>42</sup>

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40 BOA., MV. 213/62

41 Ata, *İşgal İstanbul’unda Tehcir Yargılamaları*, p. 69.

42 Ata, *İşgal İstanbul’unda Tehcir Yargılamaları*, p. 74.

Like the Investigation Committees, the Council of Ministers determined the structure and the working principles of the Court Martial according to the enactment dated 1 September 1910 concerning the “*banishment of armed gangs*”. According to the 24<sup>th</sup> Article of the aforementioned enactment, the Courts Martial’s verdicts were to be implemented by the order of the commander of the military administration (set up by Martial Law/*İdare-i Örfiye*), while death sentences were to be approved by the Ottoman sultan. According to the 25<sup>th</sup> Article, a Court Martial was to be constituted of one chief and four members and also one prosecutor. The chief and two of the members were to be members of the military and appointed by the Ministry of War, while the other two members were to be from the judiciary and appointed by the Ministry of Justice. Trials in the Court Martial were to be carried out openly and in a transparent manner. The verdicts of the courts were to be given with an absolute majority and without the right of appeal, however, the justification for the verdicts were the based on a present law.<sup>43</sup>

The jurisdiction of the court immediately became a subject of dispute when the court was established. The issue of the jurisdiction of the court was to frequently come up during the trials in the forthcoming years, and became even more pronounced with the arrest of the members of the UPP. In opposition to the circles who viewed the arrest of UPP members as being unjust and unlawful, the anti-UPP press was defending UPP members’ arrests by stating that there was a martial law in place and that such courts were congruent with the Constitution (Tr. *Kanun-i Esasi*) of the Ottoman State. In fact, in an article published in *Türkçe İstanbul* and addressed to the Minister of the Interior, it was expressed that the government could not even be a factor within the framework of a civil law such as the Constitution, let alone be a factor within the framework of Criminal Procedures (Tr. *Ceza Muhakemeleri Usulü*). It was indicated that UPP members had no right to talk about procedures, and that it was not possible for them talk about procedures either politically or administratively. There was even a request to have the martial law enforced more strictly.

As a result, it was decided that Martial Law would be applied for relocation criminals outside of İstanbul and that Courts Martial would be set up in the provinces. In an official message sent from the Prime Ministry to the Ministries of War and Justice on 8 January 1919, it was notified that six Courts Martial, one each in Bursa, Tekfudağı, Edirne, Samsun and Antep had been established and that these courts would be formed by the appointments from high ranking administrators (*bey*s and *emir*s) (Tr. *ümera*), and members of the military and

43 BOA., Mv, 213/62; BOA., BOE., 340905.

the judiciary (the members from the judiciary's primary duties would be kept intact). In 14 January 1919, the members of the courts that were set up in the aforementioned provinces were appointed.<sup>44</sup>

The courts that were formed on 20 January 1919 or which were planned to be formed and their area of jurisdiction are as follows:<sup>45</sup>

İstanbul Court Martial: Province of İstanbul and Shires of Çatalca and İzmit,

Tekfurdağı Court Martial: Province of Edirne and Shire of Kale-yi Sultaniye,

İzmir Court Martial: Province of İzmir and Shires of Antalya and Menteşe,

Antep Court Martial: Province of Adana and the Shires of Urfa and İçel,

Bursa Court Martial: Province of Bursa and Shire of Karesi,

Van Court Martial: Province of Van,

Beyazıt Court Martial: Shire of Beyazıt,

Samsun Court Martial: Shire of Samsun.

The Edirne Court Martial and the Bandırma Court Martial that had been established on 8 January 1919 were dissolved upon the changes made on 20 January.

Upon the orders of Prime Minister Damat Ferit Pasha, new arrests were initiated on 10 March 1919. Excluding those from the time of ex-Prime Minister Tevfik Pasha, 22 people were arrested in the first wave of arrests. Among those arrested were individuals who had served in important positions of the state such as prime-ministership, *şeyhülislamlık* (supreme religious official of the Ottoman State), ministership, and deputyship in the general assembly, and also high ranking members of the UPP. Among those arrested were also the owner and lead columnist of the *Vakit* Newspaper Ahmet Emin (Yalman), the owner and lead columnist of *İleri* Newspaper Celal Nuri (İleri), and also two other journalists. Journalists Yunus Nadi and Cavid Bey

44 *Takvim-i Vekâyi*, 14 Kanun-ı Sani 1335 (14 Ocak 1919), nr. 3445.

45 BOA., BEO., 341346; BOA., MV., 214/25.



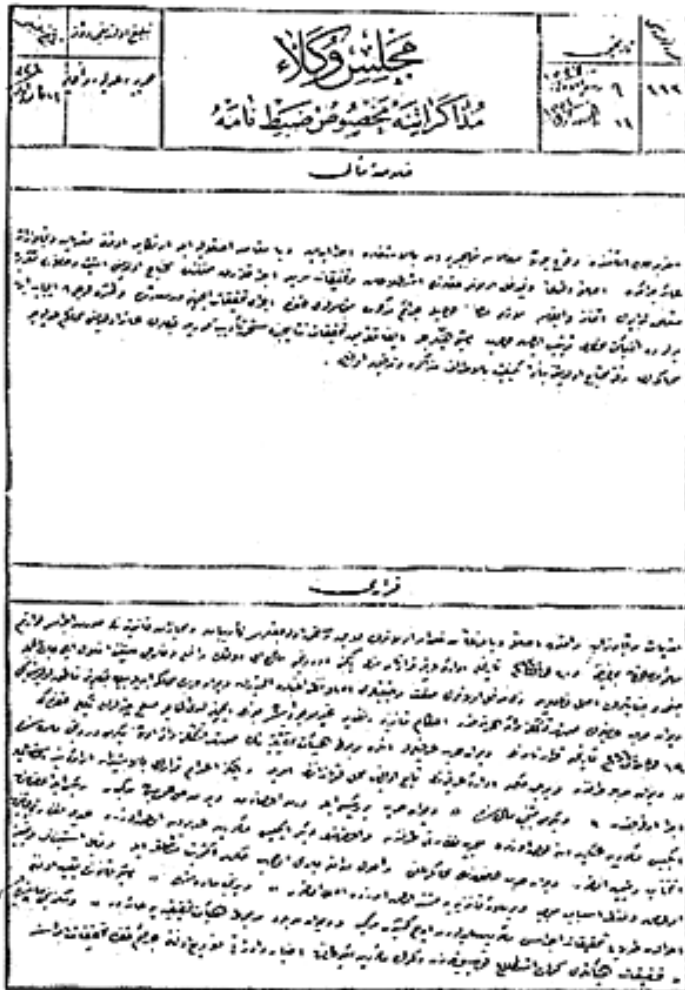
meanwhile hid themselves to avoid arrest. In reality, Celal Nuri and Ahmet Emin did not have organic ties with the UPP members. Their arrest had more to do with the fact that they had criticized the Freedom and Agreement Party (Tr. *Hürriyet ve İtilaf Fırkası*), which was Damat Ferit Pasha's party, and had reacted against the arrests of UPP in the beginning of January during the prime-ministership of Tevfik Pasha. Some were arrested due similarity in name and were released once they were considered not to have committed any crimes.

Starting on 20 March 1919, including the ones who were arrested during the time of Tevfik Pasha, the number people who were kept under arrest at the Bekirağa Division (Tr. *Bölük*) had reached 106 and those who were arrested were accused for the Armenian relocation, mistreatment of the prisoners of war, and dragging the county into war.

On 4 April 1919, Halil Pasha (Enver Pasha's uncle and the former Commander of the Sixth Army), Atıf Bey (who had served as governor in various provinces), and Cemal Oğuz Bey were found in their place of hiding and arrested. The arrests were made in line with both the wishes of the Damat Ferit Pasha's government and the list given by the British. In fact, the British Deputy High Commissioner Webb had given between 15 March and 7 April 1919 a list of 61 people and demanded their arrest. These people were being accused of having carried out a "massacre" against Armenians. Meanwhile, not all people on the lists given by the British were arrested, and some of arrests were not included in the lists.<sup>46</sup>

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46 Ata, *İşgal İstanbul'unda Tehcir Yargılamaları*, p. 136-137.



The decision dated 14 December 1918 regarding the establishment and structure of the Courts Martial (MV, 213-62-1)

### 9.3 The Trials

The first case the Courts Martial handled was the trial regarding the Yozgat relocation. The trial was taken up by Court on 16 December 1918 under the leadership of retired general Mahmut Hayret Paşa, and the participation of two members from the military, and two members of the judiciary in the Extraordinary Court Martial formed in İstanbul.

Suspects accused of engaging misconduct during the relocation of people from Yozgat began to be arrested from the middle of the December 1918. Among the accused were Kemal Bey (District Governor [Tr. *Kaymakam*] of Boğazlıyan), Feyyaz Bey (civil servant for foundations in Yozgat), Major Mehmet Tevfik Bey (Commander of the Yozgat Gendarmerie Battalion), and three police officers.

The Yozgat Relocation trial that began in the Court Martial on 5 February 1919 was concluded with the deliverance of the verdict on 8 April 1919. In the verdict of the Court Martial headed by Mustafa Nazım Pasha, it was indicated that District Governor Kemal Bey and Major Mehmet Tevfik Bey did not carry out the relocation in accordance with their orders and that they had not respected the rights of Armenians for their own personal benefit. Furthermore, it was indicated in the verdict that the defendants had appointed irresponsible individuals as heads of the relocation convoys to realize their ill intentions, and that the defendants' guilt had been understood from the testimonies of the witnesses in the court.

Consequently, Kemal Bey and Tevfik Bey were deemed to be guilty according to the 45<sup>th</sup> Article of the Civil Criminal Code (Tr. *Mülkiye Ceza Kanunu*). However, because he was the highest ranking civil official of the district and alleged to be the organizer of the killings and the pillage that had taken place, Kemal Bey was deemed to be the main culprit, while Tevfik Bey was deemed to be a partner to the crimes that were committed. Thus, Kemal Bey was sentenced by the Court Martial to death according to the 171<sup>st</sup> Article of the Military Penal Code (Tr. *Askeri Ceza Kanunu*) and the 170<sup>th</sup> Article of the Civil Penal Code, while Tevfik Bey, who was considered to be guilty in the secondary degree, was sentenced to 15 years of temporary hard labor according to the 2<sup>nd</sup> Paragraph of the 45<sup>th</sup> Article of the Penal Code.

One day after the verdict, on 9 April 1919, Prime Minister Damat Ferit Pasha went to the palace to meet with Sultan Vahdettin, and put in a special effort to have the Court's decision urgently signed.<sup>47</sup>

The Trabzon Relocation Trial began after the conclusion of the trial in Yozgat. This trial regarding the Trabzon relocation was concluded after the depositions and pleas of the sides and the verdict was delivered on May 28.

In the decision, former Trabzon Governor was found guilty of issuing secret orders, while Trabzon Union and Progress Ranking Clerk (Tr. *Kâtib-i Mesul*)

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47 Ata, *İşgal İstanbul'unda Tehcir Yargılamaları*, p. 167, 169.

Nail Bey was found guilty of adhering to the secret orders and taking a number of measures to have Armenians killed in line with his secret order while seemingly implementing the relocation law. Both men were sentenced to death in absentia according to the 171<sup>st</sup> Article of the Military Penal Code and the 170<sup>th</sup> Article of the Civil Penal Code.

Amongst the defendants, Director of Taxation (Tr. *Rüsûmat Müdürü*) Ali Bey was found guilty of being a party to Governor Vali Azmi's crimes and serving for the furtherance of his corruption and was thus sentenced to 10 years of hard labor. Meanwhile, Chief of Police Nuri Bey was found guilty of not protecting Armenians and their properties enough despite being tasked with maintaining order in the city. He was sentenced to one year in prison and two years of being barred from civil service. The verdicts given were approved by the sultan on 29 May 1919, the text of the verdicts for published in *Takvim-i Vekayi* (official gazette) on 1 June 1919.

*However, it must be noted here that the operating principles of these Courts Martials were legally flawed.*

On the other hand, in the meeting of the Council of Ministers on 10 December 1919, it was expressed that the people who had been sentenced should be pardoned because the sentences had been delivered without taking heed of the statutory limitation. In response, Nuri Bey and Acente Mustafa Efendi's sentences were pardoned on 27 December 1919, however, according to the Council of State (Tr. *Şura-yı Devlet*) decision on 27 July 1920, the sentence regarding them being barred from civil service was excluded from the scope of the pardon.

Cemal Azmi, who had been sentence to death in absentia during the Trabzon relocation trial, was assassinated when he was on the run in Berlin by two Armenians on 17 April 1922.<sup>48</sup>

These trials were followed by other trials in other Courts Martial and many people were sentenced to various punishments.

However, it must be noted here that the operating principles of these Courts Martials were legally flawed.<sup>49</sup> As stated earlier, there was no chance to appeal

48 Ata, *İşgal İstanbul'unda Tehcir Yargılamaları*, p. 174-183.

49 Feridun Ata, "Divân-ı Harb-i Örfî Mahkemelerinde Ermeni Tehciri Yargılamalarına İstatistiksel Bir Bakış (1919-1921)", *T.C. Başbakanlık Atatürk Kültür, Dil ve Tarih Yüksek Kurumu – Atatürk Araştırma Merkezi*, <http://www.atam.gov.tr/dergi/sayi-62/divan-i-harb-i-orfi-mahkemelerinde-ermeni-tehciri-yargilamalarına-istatistiksel-bir-bakis-1919-1921> (date of access: 10.08.2016). Also see; Pulat Tacar and Maxime Gauin, "State Identity, Continuity, and Responsibility: The Ottoman Empire, the Republic of Turkey and the Armenian Genocide: A Reply to Vahagn Avedian", *The European Journal of International Law*, Vol. 23 No. 3, 2012, p. 828-829.

against the Courts' verdicts. Furthermore, the Courts did not employ cross-examination of witnesses and, even worse, false witnesses were employed for the accusation of the defendants. In April 1920, Prime Minister Damat Ferit Pasha had even banned the defendants from hiring lawyers. In essence, these trials carried out by the Courts Martials were politically motivated in nature. They reflected the animosity between the Union and Progress Party (the party of the former government) and the Liberty and Agreement Party (the party of Damat Ferit Pasha's government). They were carried out under the behest of Damat Ferit Pasha's government that was keen to be in good terms with Allied Powers that had invaded the Ottoman State, and these Powers were pressuring the Ottoman government to punish Ottoman officials of the war. When Damat Ferit Pasha's government was replaced, the individuals that had been sentenced by these Courts Martials appealed against the verdicts and were subsequently "*acquitted of all or most of the charges [sentences]*".<sup>50</sup>

#### 9.4 Malta Exiles and Trials

Besides the other Ottoman officials of lower ranks, members of the Union and Progress Party began to be arrested with great enthusiasm as if there was a witch hunt and subsequently the trials in the Court Martial began. However, as days went by, no concrete verdicts emerged from the courts. The reason for this was that the alleged crimes put forth in the courts were not substantiated with clear evidence. Furthermore, disputes about the legal methods of the courts had continued for quite a long time. Having already suspected that no serious verdict would come out of the courts to the aforementioned disputes, the Allied Powers, upon seeing that the process of the trials was slowing down, began to lose hope that the UPP members would receive the punishment desired by the Allied Powers. The UK, upon seeing that the UPP members would not get punished by the extraordinary courts that it had pressured the Ottoman government to set up, moved to enact a plan to have UPP members taken to the Island of Malta.

UPP members began to be put on trial in Court Martial on 27 April 1919. In the session on May 4, the part of the trial regarding to the UPP pashas who were on the run was decided to be separated from the trial, since documents relevant to them could not be compiled. The trial of the other members continued until May 25. While the trial was still continuing, on May 28, the UPP members under arrest were taken away from the Bekirağa Division by a major tasked by the British Command.

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50 Tacar and Gauin, "State Identity, Continuity, and Responsibility...", p. 829.

Around six o'clock in the morning, three British officials arrived to the prison with transport cars and handed the prison's warden District Governor Ali Bey two lists containing names. In this event during which Custodian of İstanbul (Tr. *İstanbul Muhafızı*) Seyid Paşa was present, the individuals that were requested by the British were ones who had served in the highest positions of the Ottoman State. These individuals were taken outside and first made to line up, and were then boarded onto five transport cars (each carrying six of the individuals) under the escort of French and British soldiers. With no opportunity to sit down and thus forced to stand for the entire journey, these individuals were first taken to the Arapyan Inn (Tr. *Han*) and were later on exiled to the Island of Malta via a merchant ship. According to the list given to the Undersecretary (Tr. *Müsteşar*) of the Ministry of War Fevzi Paşa, the number of exiled individuals was first indicated to be 20, but a second list given later notified that the number of exiled individuals was 67.<sup>51</sup>

*However, the questionable manner in which these Courts Martial operated was considered be problematic during the Malta Trials. The British prosecutors of the Malta Trials refused to use the evidence and proceedings of the Courts Martials.*

The Court Martial that had been established with extraordinary powers to give heavy sentences to the leading figures of the UPP and the those responsible for the war, failed to

bring the trial to an end due to the fact that the defendants were taken away from the Court. Upon this development, the Court Martial notified that of the former administrators Prime Minister Said Halim Pasha, Ministers of Public Works Abbas Halim Paşa and Ali Münif Bey, *Şeyhüislam* Hayri Afendi, Minister of Foreign Affairs Ahmed Nesimi Bey, Ministers of Justice Halil Bey and İbrahim Bey, Minister of Interior İsmail Canbolat, Minister of Education Şükrü Bey, and Minister of Provisions Kemal Bey were among the 67 individuals who were taken away to Malta, and that it was not possible for them to come to court. As such, the Court notified that it had decided that the part of the trial involving these individuals would be concluded later on from where it had been left off, and that “*for the time being*”, this part would be separated from the rest of the trial.<sup>52</sup>

However, the questionable manner in which these Courts Martial operated was considered be problematic during the Malta Trials. The British prosecutors of the Malta Trials refused to use the evidence and proceedings of the Courts Martials. The trials of the former UPP ministers in the Court Martial was in

51 Ata, *İşgal İstanbul'unda Tehcir Yargılamaları*, p. 203-204.

52 Ata, *İşgal İstanbul'unda Tehcir Yargılamaları*, p. 206.

fact null and void, since the Ottoman Constitution stated that the ministers “*could be tried only by the High Court for crimes committed in the exercise of their responsibilities*”.<sup>53</sup> Beyond this, as alluded to earlier in Section 8 of this study, the British, despite their allies’ and their own extensive investigation, failed to find incriminating evidence against the exiled Ottoman officials, and these officials were eventually released by the British after two years.<sup>54</sup>

## CONCLUSION

The main topic of this study is about the relocated Armenians’ experiences after the relocation, the Ottoman government’s decisions regarding these people, and the return of these relocated people to their former place of residence. This study also looks into the measures that were taken to alleviate the difficulties that might have been experienced by the returning Armenians and the investigations regarding the relocation.

During these investigations, unfair trials had been conducted under the pressure from the Allied Powers and the Armenian Patriarchate, resulting in for example the hanging of an Ottoman district governor and a 15-year heavy sentencing for the *Şeyhülislam*.

The trials should have been conducted in an objective manner, Armenians that had been guilty of various crimes too should have been put to trial, the law should have been upheld during the trials. Not only were these not done, but all of the decisions that the Ottoman government had taken to the benefit of Armenians concerning orderly implementation of the relocation and the return of Armenians were disregarded, and the entire empire was placed into the position of the suspect.

The Courts Martial that had been established in various provinces had delivered unfair verdicts, and had portrayed innocent people as if they were murderers. With such decisions, the Ottoman State, which had co-existed with the Armenians for 600 years, had acted as the guardians of the Armenians, and had viewed them as the loyal people, was branded by these unfair Courts as a criminal.

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53 Tacar and Gauin, “State Identity, Continuity, and Responsibility...”, p. 829.

54 Ata, “Divân-ı Harb-i Örfî Mahkemelerinde...”; Tacar and Gauin, “State Identity, Continuity, and Responsibility...”, p. 829.

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