

**THE DEPORTEES OF MALTA
AND THE
ARMENIAN ALLEGATIONS**

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INTRODUCTION

In the heated atmosphere of armistice days, immediately following World War I, when victorious British armies occupied Istanbul and other key parts of Ottoman Empire, hundreds of Turkish officials and officers were arrested in Turkey. Ottoman Sultan's zaptieh, hostile British military police and vindictive Armenian informers and spies, all, collaborated for hunting the partisans of war-time Turkish regime, ie. the Committee of Union and Progress members. A considerable number of persons were seized and put into the notorious "Bekir Ağa" prison in Istanbul without any serious inquiry.

Then, one night in May 1919 a group of hurriedly selected prisoners had been taken from prison by the British military police, loaded aboard HMS "Princess Ena" and at once deported to the Mediterranean island of Malta.

Arrests and deportations continued, and from March to November 1920 the partisans of the Turkish National Movement under Mustafa Kemal Pasha were also deported as "dangerous nationalists". About one hundred and forty persons, altogether, were deported to Malta by the British authorities in Turkey during the years of 1919-1920.

Nearly all the deportees were prominent members of Turkish society at the time. Former Ottoman Grand Vizier, speaker of Parliament, Sheikh-ul-Islam, Chief of General Staff, State Ministers, Deputies, Army Commanders, governors, university professors, editors, journalists and others were among the deportees of Malta.

They were accused lightly and roughly of three categories of "offences" (i) failure to comply with armistice terms, (ii) ill-treatment of British prisoners of war, and (iii) outrages to Armenians both in Turkey and Transcaucasia.

The last category of "offence", directly related to the Armenian question, was particularly interesting. This short documentary story of Malta episode, based on official British sources, will give, we hope, a true idea about much controversial Armenian deportation and alleged "massacre" in Turkey during World War I. British documents on the subject are, indeed, illuminating and even conclusive.

B.N.Ş.

A New Year Telegram

On January 2nd, 1919, Admiral Calthorpe, the British High Commissioner at Istanbul, informed the Foreign Office that "incessant breaches of armistice" were taking place in Turkey and the treatment of Armenians was "as outrageous as ever." He, therefore, asked to be authorised "to demand immediate arrest and delivery" to the British military authorities-of such persons against whom there appeared to be a "prima facie good case". It was possible, Admiral thought, to concentrate the efforts of the Turkish government on this measure especially. The Cabinet of Tevfik Pasha as well as Sultan himself was willing "to take vigorous action against those, who as members of the Committee of Union and Progress (C.U.P.) were their political enemies." "No action would be better calculated to impress upon the Turks in interior that they were beaten and the Armenians must be respected", Calthorpe concluded.(1)

The Turks were, indeed, defeated at the end of World War I, despite their previous victories at Gallipoli and elsewhere. The armistice was concluded on board HMS *Agamemnon* at the port of Mudros, Lemnos, on October 30, 1918. Admiral Calthorpe, signatory of the armistice, was appointed British High Commissioner at Istanbul. A mighty allied fleet composed of 55 ships entered Dardanelles and anchored besides the walls of the Turkish capital on November 13. Since that day Calthorpe was spending most of his time in his anchored flagship *Superb*. He was provided with a special staff for this new post, headed by Rear-Admiral Richard Webb, as assistant High Commissioner. The Chancellery of old British Embassy in Istanbul was staffed with officers and naval ratings abounded in its corridors. Two members of the Foreign Service, Mr. Hohler and Mr. Ryan, were also added to the staff of the High Commission.

An Anti-Turk Intriguer

Mr. Andrew Ryan, a Catholic Irishman, was a notorious anti-Turk intriguer and described as the "most hated man" in Turkey.(2) He has served as a Dragoman or interpreter in the British Embassy at Istanbul for fifteen years before the World War, from 1899 to 1914, and had many old contacts with native Armenians, Greeks and Turks in Istanbul. Now he became chief Dragoman to the British High Commission and assumed at the same time the role of Second Political officer. He was charged mainly with the Armenian question.

Mr. Ryan wrote that as soon as he arrived in Istanbul in November 1918, he renewed many old contacts with Europeans, Turks and native Christians and established new ones. Under his responsibility a special Section of the British High Commission was created to deal with the Armenian and Greek "victims of persecution". He was to play a role in causing the arrest

(1) PRO-FO. 371/4172/2391: Calthorpe to F.O., Tel. No. 11 of 2.1.1919.

(2) PRO-FO. 371/6480: Verbatim Report of Interviews between Major J. Douglas Henry and General Rafet Pasha, Nov. 27 to December, 5, 1921. Major Henry reported that "Mr. Ryan was the best hated man in Turkey... an intriguer of a kind who did not scruple to employ traitors and backguards for his purposes..."

and deportation of many Turkish personalities. "The Chief Dragoman had always been in some sense the alter ego of the Ambassador in relations to the Turks, Mr. Ryan wrote, and it was more than necessary in armistice conditions that there should be someone capable of playing the same role for the admirals (Calthorpe and Webb)... I was as busy as any of my predecessors in maintaining touch with ministers and other Turks, collecting information, following the affairs of the non-moslem minorities and drafting countless telegrams and despatches".(3)

Local Collaborators and Black Lists

Mr. Ryan engaged several Armenian informers and induced them to collaborate with the Armenian and Greek Section of the British High Commission, such as: Mihran Boyadjian, former Ottoman civil inspector for the vilayets of Bitlis and Mosul; Dr. Armenag Mediatian of Erzurum; Hagop Minas Berberian and Hanna Hanoum, both of Diarbekir; Karageuzian, a member of the "Bureau d'Information arménien" of Istanbul; Dr. Armenag Abu Hayatian of Urfa; Eghia Bakalian of Sivas; Aram Tosbikian and Hagop Terzie, both of Kirsehir; Memduhi Tomassian of Erzincan; Mme Aroussiag Yervant Iskian, wife of an antique dealer of Ankara; Ardechers Lepian of Batoum, and others. Most of them were living in Istanbul at the time. An Armenian named Haigazn K. Kazarian, was employed as an archivist of the British occupation forces at Istanbul. Hundreds of enthusiastic Armenians and Greeks of Istanbul "swarmed round the newly-arrived victors like moths round a candle" and willingly collaborated with them. The Armenian Patriarchate of Istanbul was wholly in close cooperation with the British High Commission.

Some of the Turks and Muslims, political or personal enemies of C.U.P. members, collaborated also with the British. Ex-Director of Police of Harput, Mehmet Namık Bey, who was dismissed for his incompetence of his post by Vali Memduh Bey, was presented to Mr. Ryan by Dr. Keshishian and gave a statement against his former chief, the late Vali of Erzincan. A Moslem opposition deputy whose name was kept secret, and ex-kaymakam, Shefik Bey, were also among the local collaborators with the British in Istanbul.

With the instrumentality of all these collaborators and informers, some "Black Lists" of the Turks accused of alleged Armenian "massacre" were drawn up at the Armenian and Greek Section of the British High Commission. From January to April 1919, four of those lists "of informal suggestions" were handed to the Turkish Government through Mr. Ryan; the first on 23rd January, and the fourth on 7th April, 1919.

British Pressures

At the same time the British High Commission suggested arrest and delivery to the British military authorities of those Turks whose names were included in the "Black Lists".

(3) Sir Andrew Ryan, **The Last of the Dragomans**, London: 1951, p. 124.

On January 7, 1919, Admiral Calthorpe had an interview with Reshid Pasha, the Turkish Minister of Foreign Affairs, on so-called Armenian massacre and ill-treatment of British P.O.W. He warned the Minister that these questions were "most important" and that the Turkish Government must do well to devote them their "utmost attention".(4)

On January 9th, the British High Commission asked for the arrest of seven leaders of the Committee of Union and Progress, ie. Talat, Enver, and Djemal Pashas, and Dr. Nazım, Bedri, Azmi and Bahaeddin Shakir Beys.(5)

On January 18th, Admiral Calthorpe had an interview with the Grand Vizier and insisted again on proper punishment of those persons "responsible for mistreatment of prisoners of war and for Armenian massacre". Then he wrote to the Foreign Office that in order to obtain fully the capture of those offenders, it was "absolutely necessary to act through Turkish authorities." He thought, therefore, that before officially presenting demand for seizure of the guilty, he should be authorised to give Sultan a definite intimation that he would have the British support in case of difficulties.(6)

Meanwhile, the British High Commission was encouraging the Turkish Minister of Interior to arrest at once the alleged offenders and assisting him with information. On January 23, 1919, Mr. Ryan handed to the Minister his first "informal" Black List of persons to be arrested, and in his memorandum he wrote:

"Our procedure continued to be that of suggesting names for arrest thus disclaiming all responsibility of guaranteeing the evidence".(7)

Arrests

On January 24, 1919, Admiral Calthorpe wrote to the Foreign Office the following:

"Grand Vizier (Tevfik Pasha) told me the other day that between 160 and 200 persons had been arrested, but I think this must be an exaggeration; some persons however certainly have been.

As regards persons responsible for Armenian massacre, Minister of Interior has now drawn up a list of some sixty persons still at large in Constantinople whom he desires simultaneously to seize at one coup, and he invites further suggestions. I think that action is only delayed by

(4) PRO-FO. 371/4172/12905: Calthorpe to F.O., No. 34/1335 of 7.1.1919.

(5) PRO-FO. 371/4174/18377: Enclosure.

(6) PRO-FO. 371/4172/1437: Calthorpe to F.O., Tel. No. 158 of 23.1.1919.

(7) PRO-FO. 371/4174/18377: Calthorpe to F.O. No. 1354/5056/14. Enclosure.

timidity on the part of Sultan, but the matter is rapidly coming to a conclusion and I should not be surprised if the decision were taken in immediate future to carry out coup".(8)

Escape of a Prisoner

On January 25, one of the arrested persons, Dr. Reshid Bey, ex-Vali of Diyarbakır, effected his escape from the "Bekir Ağa" prison, in Istanbul. On hearing this, furious Admiral Calthorpe at once sent Mr. Ryan to tell the Grand Vizier that he "took gravest possible view of incident" which was a "direct challenge" not only to his government but also to Entente Powers by still powerful C.U.P. Mr. Ryan pointed out to Grand Vizier that when the alleged "massacres" become known in England, British statesmen had promised world that persons concerned would be held personally responsible, and that it was the firm intention of H.M.'s Government to fulfill promise. If Turkish Government did not have the intention to seriously punish the guilty, other means would have to be found in attaining that object. Admiral Calthorpe informed the Foreign Office that the Grand Vizier and the Minister of Interior realized "extreme gravity of the matter" and they were endeavouring to the best of their ability to recapture Reshid Bey. But, "Sultan was growing still more timorous" and the Admiral was convinced that the only way to stiffen his back was "to give him some clear indication of allied support".(9)

Under strong British pressure, submissive Sultan's zaptieh and vindictive Armenian informers and spies were mobilised to recapture escaped prisoner who was soon traced in Istanbul. A kind of "hunting" operation began in the streets of Turkish capital and poor Dr. Reshid was surrounded on the heights of Beşiktaş, in Istanbul. In desperation he shot himself and fell dead on snow on February 6th. A short letter was found on his body addressed to his wife saying that although he was innocent, Sultan's pitiless police and revengeful Armenian jackals were after him, and that he had made up his mind to commit suicide at the last minute rather than to surrender to his enemies and to be a toy in their hands. He was deeply sorry for his beloved wife and small children. As he had dedicated himself to the nation, he neglected his family and had no time to assure the welfare of his children.(10)

Admiral Calthorpe telegraphed to the Foreign Office the following:

"Effect of arrests has been in every way excellent and has, I think, somewhat daunted the Committee of Union and Progress at any rate in Constantinople.

"Reshid Bey was recaptured on February 6th and thereupon killed himself".(11)

(8) PRO-FO. 371/4172/13694: Calthorpe to F.O., Tel. No. 70 of 24.1.1919.

(9) PRO-FO. 371/4172/16321: Calthorpe to F.O., Tel. No. 203 of 28.1.1919.

(10) Bilal N. Şimşir, **Malta Sürgünleri (Deportees of Malta)**, Istanbul: 1976. p.55.

(11) PRO-FO. 371/4172/23004: Calthorpe to F.O., Tel. No. 289 of 9.2.1919.

A Telegram to Malta

On the other hand Admiral Calthorpe urgently informed the Governor of Malta that the Turkish Government has commenced the arrests of alleged offenders and asked him if he can make arrangements to receive some of them at Malta in case of need for safe custody out of Turkey. He estimated the number of persons to be deported about 50 or 60. (12)

Up to January 31st, 1919, some forty persons, "all of real importance" were arrested by the Government of Sultan and Admiral Calthorpe reported that the action taken by the Turkish Government was "very satisfactory". He intended to supply the Turkish Minister of Interior with "further names" for arrest. (13) The Armenian and Greek Section of British High Commission was busy indeed in drawing up new Black Lists of alleged Turkish offenders.

Instructions from London

On February 5th, the Foreign Office instructed the British High Commissioner in Istanbul to ask officially the Turkish Government to hand over to him or nearest allied commander such Turkish officers or officials accused of following offences: (i) Failure to comply with armistice terms, (ii) Impending execution of armistice terms, (iii) Insolence to British commanders and officers, (iv) Ill- treatment of prisoners, (v) Outrages to Armenians or other subject races in Turkey and Transcaucasia, (vi) Participation in looting, destruction of property, etc., and, (vii) Any other breaches of the laws and customs of war.

British military courts were being formed in occupied parts of Ottoman Empire for trial of Turkish prisoners. H.M.'s Government was unable to consent to the trial and punishment by the Turkish authorities of such Turks accused as above in parts of Turkey outside allied occupation. The British High Commissioner was, therefore, to insist that such offenders be handed over to the British to be sent to a detention camp at Malta for trial and punishment. Admiral Calthorpe was also authorised to "give the Sultan assurances of support". (14)

French Opposition

On ascertaining the instructions of the Foreign Office, the Commander of French Forces at Istanbul, General Franchet d'Esperey, wrote at once to Admiral Calthorpe that in those parts of Turkey outside the allied occupation it was up to the Turkish authorities to proceed to arrest the accused persons, to formulate charges against them and to secure their punishment. Occupied territories means those parts of Ottoman Empire which were occupied by Allied forces prior to the conclusion of Armistice of Mudros, and therefore, Istanbul was considered

(12) Ibid.: Calthorpe to F.O., Tel. No. 212 of 30.1.1919.

(13) PRO-FO. 371/4172/17682: Calthorpe to F.O., Tel. No. 232 of 31.1.1919.

(14) PRO-FO. 371/4172: Foreign Office to Calthorpe, Tel. No. 233 of 5.2.1919.

by the French outside the allied occupation. Upon this, Admiral Calthorpe hesitated to execute the instructions of his Government and wired to London to bring these facts to immediate attention of the Foreign Office before communicating their instructions to the Turkish Government. (15)

The French policy of leaving the punishment of alleged offenders in parts of Turkey outside allied occupation to Turkish authorities rather surprised the Foreign Office. One of higher officials minuted that "it was Admiral Calthorpe's own suggestion that offenders should be handed over for extradition to Malta", and that "this was the first clash of opinion between General Franchet d'Esperey and the British High Commissioner". (16)

The French Government shared General Franchet d'Esperey's opinion and thought that it would be impossible to seize and transport the alleged guilty persons out of Turkey to be tried by a court which was normally not competent to judge such cases. Such a step would, in their opinion, be "far from having the appearance of justice" and risked giving the impression of a "kind of vengeance". (17)

The French Minister for Foreign Affairs, M. Pichon, addressed a note on March 5, 1919, to Lord Derby, the British Ambassador at Paris, in which he said that "French Government considers in any case preferable to have arrests be made by Turkish authorities", and he added:

"According to French Government, the mere fact of allies demanding at once arrest of Turkish officials and officers presumed guilty creates distinction to the disadvantage of a single category of enemies, i.e. Moslem Turks, while Bulgarian, Austrian, German officials and officers guilty of crimes are as yet neither arrested nor in any way molested". (18)

Turkey Addresses to Neutrals

It seemed that the British Government was quite determined to take revenge of defeated Turks and the Armenian question was rather used as a pretext for that purpose. Admiral Richard Webb, British High Commissioner wrote:

"To punish all persons guilty of Armenian atrocities would necessitate wholesale execution of Turks and I therefore suggest punishment should rather take the form of nationally, in the dismemberment of late Turkish Empire and, individually, in trial of high officials such as those on my lists whose fate will serve as an example". (19)

(15) PRO-FO. 371/4172/2408: Calthorpe to F.O., Tel. No. 305 of 12.2.1919.

(16) Ibid.

(17) PRO-FO. 371/4172/28138: Darby to F.O., Tel. No 353 of 19.2.1919

(18) PRO-FO. 371/4172/26160: Derby to F.O., Tel. No. 454 of 5.3.1919.

(19) PRO-FO. 371/4173/53351: Webb to F.O., Tel. No. 677 of 13.4.1919.

In these circumstances the Government of Tevfik Pasha, invited, in February 1919, various European neutral Powers to attach each of them two legal assessors to the Turkish Commission already constituted for investigation of alleged abuses committed in connection with deportation of subjects of different races and religions. They requested that two magistrates from each of five neutral countries, i.e. Spain, Netherlands, Denmark, Sweden and Switzerland, will be appreciated for the purpose. The following note was addressed to the Danish Legation at Istanbul:

"Il est à la connaissance de la Légation de Sa Majesté le Roi de Danemark que le Gouvernement Impérial Ottoman poursuit actuellement devant la juridiction compétente tous les auteurs des méfaits commis pendant la guerre à l'occasion de la déportation des ressortissants ottomans tant musulmans que non-musulmans. Pour atteindre ce but des commissions d'enquête ont été instituées tant à Constantinople que dans les provinces en vue de découvrir les coupables sans distinction de race et de religion indépendamment de ceux qui ont été arrêtés jusqu'ici et déférés à la justice.

Le Gouvernement Impérial, ayant à coeur d'éclaircir cette question dans un esprit de haute équité et d'impartialité, a décidé d'adjoindre aux susdites commissions d'enquête des membres étrangers choisis parmi les juristes des pays neutres. Dans cet ordre d'idées le Ministère Impérial des Affaires Etrangères a l'honneur de prier la Légation Royale de vouloir bien faire d'urgence auprès de son gouvernement les démarches nécessaires en vue d'assurer la nomination de deux magistrats danois au sein de la susdite commission et de lui faire connaître au plus tôt la réponse que le gouvernement royal voudra bien réserver à cette demande. Il est bien entendu que les frais de voyage, appointements et autres de ces membres seront à la charge du Gouvernement Impérial". (20)

British Obstructions

Danish envoy at Istanbul, Wandel, forwarded the above note verbale by telegraph to Copenhagen on February 28, 1919. The Chief British Censor at Constantinople, wanted the message stopped, but it had already been transmitted. Similar notes had been sent to Dutch, Spanish, Swedish and Swiss Legations at Istanbul. The messages for Copenhagen, Madrid and the Hague got through despite the attempt of the British Censor to stop them. Those for Bern and Stockholm were forwarded by post or bag.

Upon the Turkish démarche it was noted at the Foreign Office that the British have too much experience to allow this question to be deflected on to any such commission as was proposed. "It might be worthwhile to give a hint to neutral governments concerned", it was added. (21)

(20) PRO-FO. 371/4172/29498: Telegram received from censor at C.I.O.

(21) PRO-FO. 371/4172/29498: Foreign Office minutes of 25.2.1919.

Meanwhile the Spanish Ambassador at London addressed to the Foreign Office a confidential note dated February 25th, 1919. The Spanish government was examining the question but before taking a decision in the matter, liked to know how the Turkish proposal was regarded by the British Government. (22)

The Spanish Ambassador was informed by Foreign Office on March 4, 1919 that "the acceptance of the Turkish invitation might, and probably would, run counter to the arrangements eventually made at the Peace Conference, and cause serious complications". (23) On the other hand Mr. Balfour, the British Delegate at the Peace Conference, informed Lord Curzon that he was of the opinion that "the Spanish Government should be discouraged from appointing legal assessors to the commission constituted for the investigation of abuses committed in connection with deportations from Turkey". (24)

Thus, the Spanish and other neutral governments were discouraged by the British from accepting the invitation of the Turkish Government. The British Government opposed to any neutral investigation on much propagandised Armenian question and rendered abortive the Turkish initiative. They reserved to themselves the right and privilege to punish the so-called Turkish "war criminals".

The Government of Tevfik Pasha, who had initiated the idea of neutral investigations on Armenian question and who was promptly obstructed by the British, fell on March 3rd, 1919.

A pro-British Grand Vizier

The new Grand Vizier Ferid Pasha, brother-in-law of the Sultan, was extremely pro-British, if not a mere puppet in the hands of the British.

On March 9th, 1919, Ferid Pasha visited acting British High Commissioner Admiral Webb and reiterated the assurances he had previously sent to him that "hopes of himself and his master the Sultan were centred after God in His Britannic Majesty's Government". He promised also that all persons accused of cruelty to British prisoners and to Armenians "should be arrested and punished" according to the British demands. Admiral Webb wrote that the impression Ferid Pasha left on him was "distinctly good" and he appeared to be animated by "very sincere pro-British feeling". (25)

In order to satisfy the demands of the victors and with the help of some vindictive Armenians and Greeks, Ferid Pasha immediately ordered a men-hunting operation in Istanbul against all ministers of war time cabinets, members of C.U.P., and prominent Turkish officials, officers and intellectuals.

(22) PRO-FO. 371/4172: Note from Spanish Ambassador to Sir Ronald Greham, Private and Confidential of 28.2.1919.

(23) PRO-FO. 371/4172: Letter from Sir R. Greham to Spanish Ambassador of 4.3.1919.

(24) PRO-FO 371/4173/47913: Note from Balfour to Curzon. No. 323 of 25.3.1919.

(25) PRO-FO 371/4172: Webb to F.O. Tel. No. 499 of 9.3.1919.

On March 11, Admiral Webb wired to the Foreign Office that the new government has commenced making "fresh arrests with considerable energy". Over twenty were effected previous day including large number of those who were ministers during the war, from ex-Grand Vizier Said Halim downward. (26)

The commander of the British forces at Istanbul informed the War Office that new arrests included the following principal persons: ex-Grand Vizier Said Halim, ex-Sheikh-ul-Islam Musa Kâzım, ex- Ministers Ahmed Nessimi, İbrahim Halil, Shukru, Rifat financier, Fethi who was head of Hurriet Perveran Party and ex-Minister at Sofia, Ali Munif, ex-governor of Lebanon, Vehib, ex-G.O.C 8th army. Further several officials and journalists and six deputies. Arrests in provinces were to commence along Anatolian railway to Konia and east to Angora and perhaps Sivas. The government of Ferid Pasha organised an anti-committee band whose function was to assist gendarmerie in making arrests. Since the new government was professedly pro-British, the British got odium or credit of its action. Program included speedy public trial of arrested persons by a special military court. (27)

Policy of the British High Commissioner

Mr. Ryan wrote: "It was decided when Ferid Pasha came into power to suspend fulfillment of our instructions to demand the arrest and surrender of various classes of criminals, and to continue, except in the case of persons guilty of ill-treatment to prisoners of war, to confine ourselves to suggesting to the Turks the names of people whose arrest and trial would be useful. It was understood, I think, that we were not in ordinary cases to make categorical demands or to assume responsibility for arrests, but rather to assist the Turkish Government with all information in our power. In pursuance of this policy, I have given certain lists to the Turks. I have refrained in general from appearing to urge officially that arrests should be made. As a matter of fact the arrests made have been numerous and I believe they include most of our suggestions".

Acting British High Commissioner Admiral Webb telegraphed to the Foreign Office on 11th March the following:

"I pointed out in earlier telegrams it had been practically impossible for us to discover and seize accused persons without concurrence of Turkish authorities -and we have now obtained this- I am anxious lest we overdrive a willing horse and make him lib by at the same time pressing for surrender to us. Were I to do so, the new Cabinet might find its position impossible and there is no prospect of getting a better or more friendly one...

"I propose for the present to be content with arrests so long as they proceed in a satisfactory manner and arrested are kept in secure detention."

(26) PRO-FO. 371/4172/41632: Webb to F.O. Tel. No. 529 of 11.3.1919.

(27) PRO-FO. 371/4173: G.O.C. Constantinople to War Office. Secret of 14.3.1919.

"It must be borne in mind that degrees of guilt of the accused vary very greatly and that in regard to massacres the question of evidence will be extremely difficult." (28)

A despatch of the British High Commission on March 22nd forwarded a list, as published in the local papers, of the persons included in the last batch of arrests, with short notes showing who they were. (29)

On 3rd April 1919, the policy followed was outlined in a telegram of Admiral Webb to the Foreign Office: "I have only officially demanded arrests and the surrender of persons guilty of brutality to prisoners and of two deputies of Diarbekir who were implicated in massacres.

"But I have caused lists of persons of latter category to be communicated to Turkish government and many of these are now in prison..."

"Those arrested appear now to be kept in considerably safer custody than heretofore and this being so I propose subject to your approval not to demand their surrender but to continue instead to obtain more arrests." (30)

A "National Hero"

On April 8th, 1919, Mehmet Kemal Bey, ex-governor of Boğazlıyan and Yozgat, accused of Armenian massacre was condemned to death by a Court Martial under the Presidency of General Mustafa Pasha, the Kurd, nicknamed "Nemrud". The condemned was hurriedly executed at Beyazit Square, Istanbul, on April 10.

The Turkish public opinion was convinced that Kemal Bey was innocent and he was hanged by a puppet government merely to please the victors and to satisfy impertinent Armenians. As a matter of fact there was nothing but few malicious statements of some vindictive Armenians against Kemal Bey. No proof in legal sense was presented to the Court to justify the death sentence.

The funeral of Kemal Bey took place on April 11, at Kadiköy square, on Asiatic shore of Istanbul, with great pomp and ceremony. There were wreaths with the inscriptions like "To the innocent victim of the nation", "to the innocent islamic martyr". A student of medical college holding a bunch of flowers in his hand stood at the head of the grave and made a bitterly anti-British speech and said: "Hark oh people! Hark oh Mussulman! He whom we leave lying here is the hero Kemal Bey. The English have been ejected from Odessa, let us drive them out of Istanbul. What are you waiting for? This is our duty. We must destroy the English who have brought about our doom..." The British intelligence officer Captain E. La Fontaine wrote that the speech "was one calculated to incite revolt." (31)

(28) PRO-FO. 371/4172/41634: Webb to F.O. Tel. No. 532 of 11.3.1919.

(29) PRO-FO. 371/4173: Webb to Balfour of 22.3.1919.

(30) PRO-FO. 371/4173/53351: Webb to F.O. Tel. No. 677 of 3.4.1919.

(31) PRO-FO. 371/4173: La Fontaine to Captain Hoyland, G.H.O., 14.4.1919.

New Events and Precautions

On May 15, 1919, the Greek troops landed at Izmir as a first step toward the partition of the Turkish mainland. A large public meeting took place at Sultanahmet square, Istanbul, to protest against the Greek occupation and against the allied policy aiming at dismemberment of Turkey. On May 19, Mustafa Kemal Pasha (Atatürk) landed at Samsun, on the south coast of the Black Sea, with resolve to organize the national movement for liberation and independence of the country.

On the same day of May 15th, Acting British High Commissioner Admiral Webb informed General Milne that in view of the new circumstances it was "inadvisable" that the detainees should remain in Turkish custody and that these persons should be taken over with a view to deport them to Malta. Admiral Webb further stated that he did not intend to inform the Turkish Government of this step until it has been carried out. (32)

It seemed that the Government of Sultan and the British authorities at Istanbul feared a general upheaval and a popular march against the Seraskeriat Prison or "Bekir Ağa Bölüğü" where the prisoners were detained. Admiral Webb reported that Ferid Pasha informed him that he found it most difficult to frame charges against the detainees and still more difficult to obtain conviction in the new circumstances. Webb further stated that Ferit Pasha requested that these persons should be sent to Malta." (33)

Two years later in 1921, the latter statement of Admiral Webb was rectified and denied by the British High Commission. Mr. Ryan wrote: "There is nothing to show that... any request was made by Ferid Pasha, much less by the Turkish Government... The whole responsibility for the decision to deport them and for the selection of persons lay with the British authorities... If it be said that we took them over in order to hold them as custodiary acting on behalf of the Turkish Government, it is difficult to avoid the logical conclusion that the Turkish Government is entitled to claim redelivery." (34)

On May 22nd, 1919, Admiral Webb asked the British Commander - in - Chief, army of Black Sea, to place a guard on the Seraskeriat prison. On the same day the General informed him that he ordered an allied guard composed of British and French soldiers, under the British command, to be mounted at the prison in order to ensure that the prisoners are not released or liberated. (35)

General Fuller in charge of the police control, obtained a full list of the prisoners. This was examined by General Deeds and Mr. Ryan with a view to decide which should be deported.

(32) PRO-FO. 371/4174: Webb to G.O.C., No. 1315 of 15.5.1919.

(33) PRO-FO. 371/4173/76582: Webb to F.O., Tel. No. 1082 of 19.5.1919.

(34) PRO-FO. 371/6500/E. 3552: Rumbold to Curzon, No. 268/1983/24 of 12.2.1921.

(35) PRO-FO. 371/4174: Webb to Milne, 22.5.1919 and Durcan to Webb, No. 1302, 22.5.1919.

Cannon Whitehouse was called into consultation. The persons selected for deportation consisted of those selected by General Deeds and Mr. Ryan. (36)

Deportations

The pioneer of Turkish deportees of Malta was Ali İhsan Pasha, G.O.C. 6th army in Iraq. He was arrested on his arrival at Istanbul on March 1st, 1919 for failure to comply with armistice terms. He had indeed refused for some while following the conclusion of armistice to surrender to the British his undefeated army. Under the strongest British pressure the government of Tevfik Pasha recalled him to Istanbul. After having been kept for one month in "Arapyan Han", a temporary British military prison in Istanbul, Ali İhsan Pasha was deported to Malta on March 29, 1919, together with corporal İbrahim Ahmed who accompanied his commander as a "voluntary prisoner."

Then came the big coup of the British. On May 29th, 1919, Admiral Calthorpe addressed to the Foreign Office the following very urgent telegram:

"British military authorities have now taken over from Turkish authorities sixty-seven persons arrested in accordance with Foreign Office telegram No. 233. Names will be sent by next mail. They have been placed on board H.M.S. "Princess Ena" and are being sent to Malta with the exception of twelve who will be landed at Mudros for detention there.

Military authorities have also placed a further eleven persons on board "Princess Ena" who are involved in recent troubles at Kars.

Addressed to Foreign Office, Paris and Malta." (37)

The High Commissioner further reported to Lord Curzon that the persons in question were "very prominent members of the C.U.P." so that "stringent action to prevent their escape was of the very utmost importance"... It was quite obvious that "if the accused were to escape, they would immediately form the nucleus of all the inveterate supporters of the C.U.P., from which disorders, even in the capital, of the most serious kind might be apprehended." Further Calthorpe went on, "even if there were no reasons for fearing that these men would be set free either by the authorities themselves in a panic or as the result of a popular upheaval, yet the proceedings in connection with their trial (by Turkish Court) have been so dilatory and halfhearted as to render it little less than a farce and the difficulty of providing adequate custody presented a very serious problem." Admiral Calthorpe concluded: "In such circumstances it had become necessary to revert immediately to the idea of deporting these people and removing them to some spot whence they could not escape, but they would be within the reach of justice." The prisoners were accordingly placed on board H.M.S. "Princess Ena" for this purpose on the 28th May and the ship sailed that night. (38)

(36) PRO-FO. 371/6100/E. 3552: Rumbold to Curzon.

(37) PRO-FO. 371/4173/81368: Calthorpe to F.O., Tel. No. 1150 of 29.5.1919.

(38) PRO-FO. 371/4174/118377: Calthorpe to Curzon, No. 1364/5056/14 of 1.8.1919, annex.

Out of 67 persons placed on board H.M.S. "Princess Ena": a) 12 ex-ministers or politicians of the 1st rank were deported to Mudros; b) 41 ex-ministers, politicians or ex-valis of slightly lower rank were deported to Malta. Of these about half were selected "on account of their complicity directly or indirectly in alleged Armenian "massacres" while the remainder were deported "as a war precautionary measure." c) 14 officers were deported to Malta for offences committed against the British prisoners of war. (39)

French Protest

On hearing the event on May 29, the French High Commissioner at Istanbul, M.A. Defrance, expressed his discontent to Calthorpe at not having been told about the matter earlier. Then he addressed a note to his British colleague on June 2nd, 1919, and said that the deportation of Turkish prisoners have been a surprise to him and he repeated the French point of view that it was up to the Turkish authorities themselves to punish the accused persons. Defrance wrote:

"L'embarquement de ces personnalités ottomanes à bord d'un navire anglais a donc été pour moi une surprise puisque rien ne m'avait prévenu d'une initiative de ce genre de la part du gouvernement britannique..."

"Je ne puis que m'en tenir aux termes de la communication qui vous a été faite, le 11 février dernier, par le Général Franchet d'Esperey et par laquelle celui-ci vous faisait savoir qu'à son avis, c'était aux autorités turques elles-mêmes qu'il appartenait d'assurer le châtement des coupables..."(40)

On May 30, 1919 the French Commander General Franchet d'Esperey addressed to the British military mission at Istanbul the following letter of protest:

"I learn through the press that the British military authorities at Constantinople carried out on May 28th the removal of members of the C.U.P from prison."

"I am surprised that the general officer commanding the allied forces in Turkey did not think fit to keep me informed of an event of such importance which might have had serious after-effects on the maintenance of order. No agreement was made before-hand between the allied governments concerning this removal, which was no doubt carried out by order of your government and therefore amount to a political measure by the British Government for purposes of their own."

General Franchet d'Esperey further stated: "French soldiers who went on guard at the prison took part in the arrangements, which were made under the supervision of British officers for

(39) Ibid.

(40) PRO-FO. 371/4174: Defrance to Calthorpe of 2.6.1919.

the maintenance of order at the time of the removal. In my opinion this use of French troops, without the knowledge of the French command, and for such a purpose cannot be countenanced." In conclusion Franchet d'Esperey demanded immediate removal of French troops from Istanbul to Makri-Koeuy. Moreover he requested that in future British commander should abstain from using French troops for a political measure, unless such measures have been previously sanctioned by the Allied Governments. (41)

General Milne wrote to War Office that in his opinion, the real reason for Franchet d'Esperey's complaint was his objection to the British High Commissioner's strong action. "I am apologising to Franchet d'Esperey", General Milne said. (42)

On June 4, 1919, the French Ambassador at London communicated to the Foreign Office the regrets of his government for deportation of Turkish prisoners out of Turkey. French government was of the opinion that it was up to the Turkish authorities themselves to judge and punish the Turkish offenders. French note said: "Le Gouvernement français était hostile au transfert hors de Turquie des ottomans arrêtés sur les territoires ottomans non occupés avant l'armistice. Pour ces individus en effet, aucun tribunal hors de la Turquie ne serait régulièrement compétent et n'aurait pouvoir, soit de juger, soit de recueillir les preuves et témoignages indispensables à une action judiciaire, et le transfert des inculpés serait présenté par les adversaires des alliés comme une vengeance arbitraire..."

Le Gouvernement français regrette d'apprendre que... les autorités britanniques de Constantinople aient décidé d'enlever et de conduire à Malte les inculpés ottomans et cela sans même prévenir au préalable les autorités françaises de Constantinople." (43)

Lord Curzon replied that the steps taken were "fully justified by the exigencies of the case", and at the same time he expressed to the French Government his "sincere regret that the circumstances did not admit of H.M. High Commissioner informing his French colleague before taking action" (44)

Legal Questions

On July 10, 1919, the Foreign Office requested Law Officers of the Crown to favour Lord Curzon with their opinion on the matters concerning the detention, trial and punishment of Turkish prisoners. Law Officers reported on 7th August, 1919, the following:

"The matter is not within the sphere of municipal law, but is governed by the customs of war and rules of international law. We think that it is contrary to these customs and rules for Military Courts in occupied territories to try persons other than prisoners of war for any

(41) PRO-FO. 371/4174: British Military Mission to the G.O.C. in C., 30.5.1919.

(42) PRO-FO. 371/4174: G.O.C., Constantinople, to W.O., G.O., 869, 31.5.1919.

(43) PRO-FO. 371/4173/84188: French Embassy (London) to F.O. Note of 4.6.1919.

(44) PRO-FO. 371/4174: Curzon to French Ambassador, Note of 20.6.1919.

offences outside the districts in occupation... We think that the British Military Courts could only be authorised to deal with offences within the occupied territories under categories (a), (b), and (c) (45) and with such of the other offences as constitutes breaches of any regulations in force in such territory. As a matter of policy, we think that all other offences (including that of outrages to Armenians) should be reserved for disposal under the provisions of the Peace Treaty.

"There is no legal objection to the detention of these offenders. Such detention is an act of State the propriety of which cannot be questioned in any Court of law." (46)

Position Reviewed

Following the deportations in May 1919, other Turkish prisoners were also deported by the British military authorities in Turkey and Egypt. Two Turkish deputies, Feizi and Zulfi Beys, who were at first deported from Turkey to Egypt in January 1919, had joined the deportees of Malta on July 23, of the same year. In August, 1919, a group of six prisoners, composed of Fahreddin Pasha, defender of Medina, and his staff who were interned in Egypt, were also deported to Malta by Field Marshall Allenby. The 12 "first class" prisoners who were at first landed to Mudros, were also sent to Malta camp on September 21, 1919. There were now in Malta more than one hundred Turkish prisoners.

Then in September 1919, the new British High Commissioner at Istanbul, Admiral de Robeck, reviewed the position of Turkish detainees accused of outrages to Armenians. He reported to Lord Curzon on September 21st, the following:

"The deportees were selected from a list of persons considered dangerous...

The selection was necessarily made very hurriedly, and where it was impossible to rely on known facts, general principles were applied.

It is obvious that in these circumstances it might be very difficult to sustain definite charges against many of these persons before an allied tribunal. It is not politically desirable that any of them should be sent back to Turkey at present, but it is very desirable indeed that H.M.'s Government should form some clear idea as to the best means of disposing them eventually." (47)

Admiral de Robeck further stated that the whole matter of Turkish deportees at Malta was of sufficient importance to engage the early attention of the Peace Conference, that he had

(45) These categories were: (a) Failure to comply with armistice terms, (b) Impending exemption of armistice terms, and (c) ill-treatment of prisoners.

(46) PRO-FO. 371/4174/129560: Law Officers to Curzon, Report of 7.8.1919.

(47) PRO-FO. 371/4174/136069: De Robeck to Curzon, No. 1722/R/1315, of 21.9.1919.

decided to refrain until further notice from making suggestions to the Turkish Government for the arrests of further persons, and also abandoned at any rate for the time being, any idea of recommending further deportations to Malta, Mudros, etc. of the persons at present in Turkish custody. (48)

The new British High Commissioner was aware that the Turkish deportees accused of outrages to Armenians were arrested and deported not on known facts, but merely on the statements of some informers and intriguers. It was impossible to sustain definite charges against the deportees before a Court of Law. But it was not politically desirable, for the time being, that the deportees should be sent back to Turkey. Admiral de Robeck was also the first British in Turkey who understood the real meaning of the Turkish National Movement under the Leadership of Mustafa Kemal Pasha. On September 17, 1919, he wrote to Lord Curzon that the Turkish National Movement in Anatolia was rapidly developing and aiming at establishment of an "independent Turkish Republic".(49) Consequently he adopted a temporary "wait and see" policy concerning alleged Turkish offenders and abandoned any idea of requesting further arrests and deportations.

On the other hand the new Government of Istanbul headed by Ali Riza Pasha adopted a conciliatory policy towards the National Movement in Anatolia, and send one of his members, Salih Pasha, to Mustafa Kemal Pasha to seek a modus vivendi. Meanwhile Mustafa Kemal Pasha informed Istanbul Government, in October 1919, that the deportees of Malta should be tried by competent Turkish tribunal and therefore should be brought back to Turkey. He further insisted that the Armenian offenders accused of persecution and massacres in Turkey should also be brought before Turkish tribunals for trial and punishment.(50)

Admiral de Robeck reported on November 17, 1919, that the new Istanbul Government was showing "a great proof of good intention", but was much dependent on the toleration of nationalist leaders, and less inclined to listen the British suggestions. He was, therefore, making no further suggestions for arrest and did not consider it politically advisable to deport any more Turkish prisoners.(51)

This temporary conciliatory policy was changed few months later.

Occupation of Istanbul

The last Ottoman Parliament was opened on 12th January, 1920 at Istanbul. Admiral de Robeck wrote on February 6th, that the opening of Parliament has been followed by arrival

(48) Ibidem.

(49) Bilal N. Şimşir, **British Documents on Atatürk, Vol. I**, Ankara: 1973, p. 104: No. 39: De Robeck to Curzon, Tel. No. 1831, of 17.9.1919.

(50) **A Speech Delivered by Mustafa Kemal Atatürk, 1927**, İstanbul: 1963, pp. 308-209.

(51) PRO-FO. 371/4174/156721. De Robeck to Curzon, No. 2151/R/1315 of 17.11.1919.

in capital of prominent nationalist leaders and that language of open menace to allies has been used at more than one public meeting. Then he suggested that if Turkish peace terms were indeed merciless "the allies must be definitely prepared to impose them by force." (52)

On March 6th, Lord Curzon informed confidentially Admiral de Robeck that the terms of Peace Treaty to be imposed upon the Turkish Government were indeed "sufficiently drastic", and therefore, the Supreme Allied Council thought that in any case the capital (Istanbul) ought to be occupied at once by allied forces and that the occupation will continue until the terms of the Peace Treaty have been accepted and put into execution. Instructions were being issued at once to naval and military commanders to take the necessary steps for the military occupation of Istanbul.(53)

Lord Curzon further wired:

"The arrest of dangerous nationalist leaders would be in accord with policy previously pursued." (54)

At 10 a.m. on 16th March, 1920, Mustafa Kemal Pasha at Ankara, received the first news on occupation of Istanbul. A courageous telegraph operator, named Manastirli Hamdi Efendi, telegraphed from Central Telegraph Office at Istanbul to Mustafa Kemal Pasha the following messages:

- "The English have made a surprise attack this morning on a Government building at Şehzadebaşı and had a skirmish with the soldiers. At the present moment they are beginning to occupy Istanbul. I send you this for your information."

- "English sailors have occupied the Telegraph Office at the Ministry of War and have cut the wire. They have occupied Tophane, and troops are being landed from their men-of-war. The situation getting worse..."

- "British sailors occupied the Post Office. Our men being suddenly aroused, were still half asleep when the fighting began, which resulted in six of our men being killed and fifteen wounded."

"The Telegraph Office at Beyoğlu does not reply any more..."(55)

From this moment Mustafa Kemal Pasha was unable to get into connection with Hamdi Efendi. He concluded that the Central Telegraph Office in Istanbul was also occupied.

(52) Bilal N. Şimşir, **British Documents on Atatürk, I**, pp.367-368.

(53) *Ibidem.*, p.441.

(54) *Ibidem.*, p.443.

(55) **A Speech Delivered by Mustafa Kemal Atatürk**, pp. 356-357.

Thus, the occupation of Istanbul by allied forces was completed on March 16th, 1920. The last Ottoman Parliament was attacked by British troops and "dangerous" nationalist deputies were arrested in the Parliament building itself.

On the same day Mustafa Kemal Pasha, the leader of the Turkish National Movement, issued a declaration of protest to the allied and associated Powers and said inter alia:

"All the official buildings in Istanbul, including the Chamber of Deputies, which is the symbol of our national independence, have been formally and forcibly occupied by the troops of the Entente Powers; a great number of patriots who have been acting in accord with the aims of the National Movement have been arrested. This last blow, which has just been directed against the sovereignty and political freedom of the Ottoman nation strikes still more than the Ottomans... at the principles that have been regarded by humanity and by the civilisation of the 20th century as sacred." (56)

The new Turkish Grand National Assembly was to be convoked at Ankara, out of reach of allied forces, on April 23, 1920.

A New Group of Deportees

Field Marshal Lord Plumer, the Governor and Commander-in- chief of Malta, has received the following telegram from the British High Commissioner at Istanbul, dated March 18th:

"I am embarking in His Majesty's ship 'Benbow' on March 18th about 30 important Turkish political prisoners whose arrest has been effected pursuant to instructions of His Majesty's Government. I would be grateful if you would be so good as to give orders for their reception and safe custody at Malta. 'Benbow' due Malta March 21st." (57)

Lord Plumer replied:

"I will, of course, arrange to receive the 30 Turkish prisoners referred to but I trust that no more will be sent, here are already 110 of whom 78 are Turks and as you are aware situation as regards food and water supply is such that any large influx of people must cause serious embarrassment." (58)

The prisoners aboard HMS 'Benbow' were arrested as "politically undesirable" and had nothing to do with accusations of cruelties to native Christians. The following personalities were included in the list: General Djemal Pasha, ex-Minister of War, deputy for Isparta; Hussein

(56) Ibidem., p. 361.

(57) PRO-FO. 371/5089: Plumer to S. of S. of S. for the Colonies, Tel. A. 66 of 18.3.1920

(58) Ibidem.

Rauf Bey, ex-Minister of Marine, a close collaborator of Mustafa Kemal Pasha and deputy for Sivas; Faik and Sheref Beys, deputies for Edirne; General Djevat Pasha, ex-Chief of the General Staff; Kara Vassif Bey, deputy for Sivas; Nouman Usta, socialist deputy for Istanbul; Hasan Tahsin, ex-Vali of Erzurum and Damascus; General Churuksulu Mahmud Pasha, important military personality; Dr. Essad Pasha, President of Ottoman Red Crescent Society. (59)

New series of deportations continued, in small groups, from March to November 1920, and the number of Turkish detainees at Malta reached the total figure of 144 persons.

Following the deportation of his close collaborators to Malta, Mustafa Kemal Pasha ordered, as a reprisal, the arrest of some British officers in Anatolia. About 20 of them were arrested, including Col. Rawlinson, young brother of Lord Rawlinson and a relative of Lord Curzon.

The Question of Prosecution

Following the occupation of Istanbul and deportation of most prominent Turkish nationalist deputies to Malta, the Peace Treaty of Sèvres was dictated and imposed to the Government of Sultan, on August 10, 1920. The Treaty which was described by Mustafa Kemal Pasha (Atatürk) as "a death sentence for the Turkish nation" and which was never ratified, contained also the following article concerning alleged Armenian massacres:

"Art. 230 - The Turkish Government undertakes to hand over to the allied powers the persons whose surrender may be required by the latter as being responsible for the massacres committed during the continuance of the state of war on territory which formed part of the Turkish Empire on August 1, 1914."

"The allied Powers reserved to themselves the right to designate the tribunal which shall try the persons so accused, and the Turkish Government undertakes to recognise such tribunals."

Furthermore, the Government of Sultan undertook to furnish to the allied Powers "all documents and information of every kind" which would be considered necessary to ensure the full knowledge of the incriminating acts and the prosecution of alleged offenders.

Now, nearly everything was seemingly ready for prosecution of the Turkish deportees in Malta accused of outrages to Armenians. The alleged offenders were already in British hands, detained at Malta prison. The British forces were in occupation of Turkish territory. Therefore all Turkish Central State Archives and some of those kept in provinces were at the disposal of British authorities. Extremely docile Government of Sultan had undertook to recognize the competence of allied or British tribunal on the matter of trial and punishment of some

(59) PRO-FO. 371/5089/E. 2805. De Robeck to Curzon, No. 402/R./2886, of 25.3.1920.

of their own nationals. The Government of Istanbul had already proved themselves to be very cooperative and were, indeed, ready to collaborate with victorious powers, and to produce to the allied court all kind of documents and information at their disposal, and that in order to assist the allied authorities in prosecution of alleged Turkish offenders. The Armenian Patriarchate of Istanbul was, from the very beginning of allied occupation, in close collaboration with the British authorities in Turkey, and nearly all Armenian informers, spies, and "witnesses" offered their services to their British masters in order to revenge the Turks.

And what else the British victors were waiting for?

Doubts and Hesitations

It seems that from the very beginning the British Government doubted much whether these Turkish prisoners at Malta were in fact guilty or not. The British authorities were not, of course, unaware that the stories of massacres were in fact largely invented by Armenian nationalist leaders in Paris and London during the Great War and spread throughout the world through the British Intelligence (M.I.5) for political purposes. The objectives of this propaganda effort were: (i) to play upon American sympathy for Armenians in order to secure American entry into World War, (ii) to gain Armenian support for the Allied cause in America and elsewhere, (iii) to secure the establishment, following the war, of an Armenian state in eastern Turkey as a barrier against Russia. The massacre stories were a part of a merciless anti-Turk war-time propaganda and was still much exploited at conference tables during the armistice period.

But to make propaganda and to prosecute innocent peoples before a serious tribunal were indeed quite different things. The responsible British authorities were, therefore, hesitating now to accuse formally their Turkish prisoners at Malta. On the contrary they were contemplating their release as soon as possible. Thus, on July 19th, 1920, when the deportations were still going on, Mr. Winston S. Churchill, the Secretary of State for War, submitted to the British Cabinet the following secret paper:

"I circulate to the Cabinet a long list of prominent Turkish politicians, ex-Ministers, Generals, Deputies and others whom we are still keeping as prisoners at Malta. It seems to me that this list should be carefully revised by the Attorney General, and that those men against whom it is not proposed to take definite proceedings should at the first convenient opportunity be released. They are a burden and a cost to us while they are in our hand, and I am not at all clear how long we are expected to go on holding them."(60)

(60) PRO-FO. 371/5090 and C. P. 1649: Memorandum by the S. of S. for War on Position of Turkish prisoners interned at Malta, dated 19.7.1920.

A Cabinet Decision

Upon this memorandum by Mr. Churchill, the whole question of Turkish prisoners in Malta was discussed, for the first time, at the British Cabinet meeting held on August 4, 1920. At the same time the Law Officers of the Crown were consulted on the subject and they had submitted to the Cabinet an interesting memorandum. It was clear that the Law Officers were dealing only with few Turkish deportees accused of ill-treatment of British prisoners of war. No material or evidence ever existed about alleged and propagandized Armenian massacre. Therefore, the Law Officers of the Crown abstained from accusing anyone of Turkish deportees of such a crime. They have given to the Cabinet the following opinion:

"The list of Turkish subjects who have been sent to Malta on the instruction of H.M. High Commissioner at Constantinople and detained there falls roughly into three categories: 1) political offenders, 2) persons accused of deportations, pillage and massacres, 3) persons accused of ill-treatment of prisoners of war."

"The third category is the only one which comes within our purview, and we have no knowledge as to the individuals contained in the other categories."

"The identification of those charged with ill-treatment of prisoners of war, is a matter of some difficulty... The only person on this list who appears to be quite clearly identifiable is 2707 Major Mazloum Bey Edip... In addition it is possible that 2676 Djelal Bey, 2679 Tefvik Mehmed, 2680 Tefvik Ahmed, 2694 Djemal Efendi Abdul and 2710 Hakkı Bey İbrahim may be identical with persons of similar names.."

"So far as concerns the material that has been before us, the above are the only persons whose detention on the ground of ill - treatment of prisoners of war seems desirable. But we would observe that the arrests have all been made on the instructions of the High Commissioner at Constantinople. He no doubt acted on evidence which came into his hands and reference to him would appear to be desirable before any definite action is taken for the release of any of these men."(61)

At their meeting held on August 4th, 1920, the British Government had under consideration this memorandum of Law Officers as well as that of the Secretary of State for War containing the list of Turkish deportees. The Cabinet agreed that:

"The list (of the Deportees) should be carefully revised by the Attorney General with a view to selecting the names of those it was proposed to prosecute, so that those against whom no proceedings were contemplated should be released at the first convenient opportunity."(62)

(61) PRO-FO. 371/5090/E. 9934 (C.P. 1770): Memorandum by Law Officers of the Crown dated 4th August 1920 and signed by Gordon Hewart and Ernest M. Pollock.

(62) PRO-FO. 371/5090/E. 9934. Cabinet Officer to Lord Curzon of 12.8.1920.

This decision was accordingly communicated to the Attorney General.

This was the first step toward the release of Turkish detainees in Malta. So the British Cabinet at their first meeting on the subject agreed that at least some of these prisoners were to be released "at the first convenient opportunity."

But there was an opposition from some quarters against the release of deportees. The Foreign Office argued that the prisoners at Malta "were entrusted by the Turkish Government to the British authorities for custody", therefore, it was "impossible to release them without the consent of the Turkish Government." (63) Such an argument was a pure nonsense. Sir H. Rumbold, the new British High Commissioner, wrote: "I fear that a misunderstanding has arisen as to the nature of the surrender of Turkish prisoners on 28th May, 1919. These prisoners were not transferred or surrendered to British custody at the request of the Turkish Government." (64)

A Crucial Question

On February 8th, 1921, the British Attorney General wrote to the Undersecretary of State, Foreign Office, the following:

"The Attorney General is of the opinion that time has come when His Majesty's High Commissioner at Constantinople should be asked to prepare the evidence against those interned Turks whom he recommends for prosecution on charges of cruelty to native Christians; particularly on the ground that further delay may be avoided..."

Further the Attorney General stated that his concern was limited to eight Turkish detainees accused of ill-treatment of prisoners of war. (65)

As to the deportees accused of Armenian massacres, it was to the High Commissioner to prepare evidence against them. Lord Curzon accordingly requested Sir H. Rumbold, the new High Commissioner at Constantinople, that he should report as soon as possible the evidence against each of Turks accused of cruelty to native Christians. At the same time Sir H. Rumbold was informed that the Law Officers of the Crown were anxious to prosecute only eight Turkish deportees accused of ill-treatment of prisoners of war. (66)

Meanwhile Field Marshal Lord Plumer, Governor and Commander-in-Chief of Malta, submitted to the Secretary of State for the Colonies a detailed report on Turkish prisoners at Malta and requested "some definite indication as to the general policy to be adopted" on the treatment of these persons. Plumer wrote:

(63) PRO-FO. 371/5090/E. 10303: Foreign Office minutes of 21.7.1920.

(64) PRO-FO. 371/6500/E. 3552: Rumbold to Curzon, No. 268/1983/24 of 12.3.1921.

(65) PRO-FO. 371/6499/E. 1801: Law Officers to Foreign Office of 8.2.1921.

(66) PRO-FO. 371/6499/E. 1801: Curzon to Rumbold, No. 153, of 16.2.1921.

"At present there are 115 Turkish prisoners in Malta most of whom belong to the highest social class, such as Princes, Ministers of State, Generals, Governors, Deputies, etc...

"Although some of the prisoners have been sent here (Malta) to await trial on charges of ill-treating prisoners, massacres, deportations, etc., they have often represented to me that in accordance with British principles they should be considered innocent and treated as such until actually found guilty. They point out that accusations of ill-treatment, massacres etc. are frequently made in a country like Turkey, by Turks of different parties or by Greeks and Armenians with political or personal motives. They add that cases of mistaken identity have been known to happen, and some of them attribute their present plight to Greek and Armenian subjects in the service of the British authorities in Turkey.

"They complain that, Plumer went on, their petitions to Ministers, Members of Parliament and others have remained without a reply and that they have not been given any opportunity to defend themselves against the charges that have been brought against them."

"They ask that they may be furnished with the summary of evidence, or at least with the actual charge to which they will have eventually to answer." (67)

In conclusion Lord Plumer suggested that some of the prisoners should be released and that the charge on which the others were to be tried, be communicated to them together with a summary of evidence. The Colonial Office transmitted a copy of Plumer's report to the Foreign Office and inquired what would be the replies to the various questions raised by the Governor. (68)

A copy of Lord Plumer's report was also communicated to the British High Commissioner in Istanbul. On March 4, 1921, Sir Horace Rumbold replied that it did not appear to him advisable that any attempt should be made to draw up definite charges against the deportees, and still less to communicate the accused persons statements of the case against them. He said: "The most we could at present tell these prisoners would be that they will eventually be charged either with complicity in the deportation and massacre of Ottoman Christians or with cruelty to prisoners of war..." (69)

The crucial question of evidence to be produced against the deportees was raised now both by the Governor of Malta and the Attorney General. But no such evidence ever existed in the files of British authorities in London and Lord Curzon was expecting a full report from H.M. High Commission in Istanbul who had caused the arrest and deportation of most of those persons.

(67) PRO-FO. 371/6499/E. 2653: Plumer to the Colonial Office, No. 11834/1678(A), of 12.2.1921.

(68) PRO-FO. 374/6499/E. 2653: Colonial Office to Foreign Office, 8220/2921, of 26.2.1921.

(69) PRO-FO. 371/6499/E. 3288: Rumbold to Curzon, No. 238 of 4.3.1921.

An Agreement

On March 12, 1921, Lord Curzon informed Sir H. Rumbold that an agreement with Turkey for the exchange of prisoners was contemplated and asked his opinion about a number of Turkish detainees. "We are considering, he said, whether if they are not charged of any criminal offence they might not also be released. Please telegraph urgently whether in fact there is serious ground for retaining them for prosecution on criminal as opposed to merely political or other charges."(70)

Sir H. Rumbold replied: "Broadly speaking my views is that all persons against whom there are no charges justifying eventual prosecution might now be released provided that we can secure in exchange release of all British prisoners in the hands of Kemalists." He further suggested prosecution of some of deportees and selected the others for an exchange.(71)

Then an agreement for the immediate release of prisoners was signed between Bekir Sami Bey, Turkish Minister of Foreign Affairs, and Mr. Robert Vansittart, a member of British Foreign Office, on March 16, 1921, in London. It stipulated the release of all 22 British prisoners in Turkey and repatriation of 64 Turkish deportees of Malta. Article 2 of the agreement reads: "The repatriation of Turkish prisoners of war and interned civilians now in the hands of the British authorities shall commence at once and shall continue as quickly as possible. This will not apply, however, to persons whom it is intended to try for alleged offences in violation of the laws and customs of war, or for massacres committed during the continuance of the state of war in the territory which formed part of the Turkish Empire on August 1st, 1914. The British Government may make it a condition of the release of any individuals that they shall not visit Constantinople before the restoration of a state of peace and shall have the right to arrest and detain them in the events of this condition being violated."(72)

The British Government thus accepted the release of 64 Turkish detainees out of 118, but continued keeping the remainder for trial and punishment. Such an agreement was unacceptable for the Turkish Government. As a matter of fact the instructions of Bekir Sami Bey precluded him from accepting any arrangement but one based on "all for all exchange" and he was forced to resign from his ministerial post when he returned to Ankara.

So-called Evidence

It was clearly understood that about fifty of Turkish deportees of Malta, accused of alleged Armenian massacre, were to be tried and punished in accordance with the provisions of article 230 of the Sèvres Treaty. This was the intention of the British Foreign Office and that of H.M.

(70) PRO-FO. 371/6499/E. 3215: Curzon to Rumbold. Tel. No. 156, of 12.3.1921.

(71) PRO-FO. 371/6499/E. 3277: Rumbold to Curzon, No. 178, of 14.3.1921.

(72) For the original text of the Agreement see: PRO-FO. 371/6500/E. 3375.

High Commissioner in Istanbul. But until March 1921, absolutely no evidence at all was produced against those persons and no action whatsoever was taken for their prosecution. Nothing as evidence or material ever existed neither at the possession of the British authorities in London nor in that of the Governor of Malta, and, therefore, all hopes were centred on H.M. High Commission in Istanbul.

On March 12th, 1921, Sir H. Rumbold wrote that "the evidence in the case of those Turks whom he had recommended for prosecution will be forwarded by the next bag leaving Constantinople on 16th March.(73) The next day the High Commissioner confirmed his statement by telegraph.(74) Much expected "evidence" or "details of charges" against Turkish detainees reached the Foreign Office at last on March 22, as enclosures in Sir H. Rumbold's despatch to Lord Curzon No. 277 dated 16th March, 1921.(75) In his above mentioned despatch Sir H. Rumbold wrote that he forwarded "a precis of information" concerning each one of the 56 internees whose prosecution he had recommended. He pointed out that none of allied, associated and neutral Powers had been asked to supply any information, that very few witnesses were available and that Armenian Patriarchate had been, principal channel through which information had been obtained. He said: "Under these circumstances the Prosecution will find itself under grave disadvantages." Further he added: "The American government in particular, is doubtless in possession of a large amount of documentary information compiled at the time the massacres were taking place."(76)

As to the "evidences" described by Sir H. Rumbold as such, or as "details of charges", they consisted of few typewritten pages for each one of 56 deportees. The first pages of each file were reserved to the biography of accused person and the last pages or paragraphs to the "accusations" which were drawn up by the Armenian and Greek Section of the British High Commission. The chief responsible of this Section, Mr. Andrew Ryan, wrote in the page of "accusations" the following: "In practice we have gone on the principle that a sufficient presumption of guilt to justify detention and ultimate prosecution existed against all members of the responsible governments of Turkey at the time when the massacres and deportations took place and all persons so high in the councils of the C.U.P. as to be able to be credited with a share in directing its policy. If this is the principle, then it seems to me that all these people should stand their trial... This appears to me to be the only logical course, unless it definitely laid down that a different principle applies viz. that acquiescence (with knowledge) is not to be regarded as a ground of occupation in the case of anyone, even Ministers or C.U.P. leaders."(77)

(73) PRO-FO. 371/6500/E. 3552: Rumbold to Curzon, No. 268. of 12.3.1921.

(74) PRO-FO. 371/6499/E. 3197: Rumbold to Curzon, Tel. No. 178, of 13.3.1921.

(75) PRO-FO. 371/6500/E. 3557.

(76) Ibidem.

(77) PRO-FO. 371/6500/E. 3557. Inclosures.

Such a "principle" laid down by a notorious anti-Turk intriguer himself, was quite the contrary of well-established basic principles of law and justice, to say the least. Instead of considering each person innocent until he actually found guilty, in accordance with the principle of justice, Mr. Ryan considered a priori guilty nearly all of Turkish deportees unless they proved their innocence. Such were the "dossiers" of Turkish deportees at Malta, accused of so-called "Armenian massacre."

Sir Harry Lamb, one of Mr. Ryan's colleagues at the British High Commission and who was appointed Consul-General at Izmir, minuted on the "dossier" of one of deportees, 2687 Veli Nedjded Bey, the following:

"No one of the deportees was arrested on any evidence in the legal sense.

"The whole case of the deportees is not satisfactory...

"There are no dossiers in any legal sense. In many cases we have statements by Armenians of differing values, in some cases, including that of Veli Nedjdet, we have nothing but what is common report and an extract from a printed pamphlet. It is safe to say that very few "dossiers" as they now stand would not be marked "no case" by a practical lawyer...

"The present section (i.e. Armenian and Greek Section of H.M. High Commission) can only collect such information as is passed to it or which voluntarily finds its way here. The section now has recorded in easily available form of information concerning the 118 deportees, all alleged to have been guilty... (But) none of this information is in itself has strict legal value...

"The Americans must be in possession of a mass of invaluable material..." 78

To sum up, there was no evidence at all to prove that such a crime as alleged Armenian massacre ever committed in Turkey. Therefore it was proved impossible to produce any dossier in the legal sense against anyone of Turkish deportees at Malta.

Correspondence with Attorney General

The officials at the British Foreign Office were disappointed when they received the so-called "dossiers" or "evidence" from H.M. High Commissioner in Istanbul. However, they still maintained their efforts in order to accuse the Turkish detainees. They addressed for assistance to the United States of America and to H.M. Attorney General. On April 1st, 1921, the Foreign Office forwarded all available "evidence" to Law Officers' Department for the information of the Attorney General and on April 29 they wrote again to H.M. Procurator General's Department the following:

(78) PRO-FO. 371/6500/E. 3554. Inclosure, minutes by Sir H. Lamb, Dossier Veli Nedjded.

"I am directed by Earl Curzon of Kedleston to forward herewith, for the information of H.M.'s Attorney General, a list of Turkish war criminals.

"This list contains the names of the eight Turks whose prosecution for cruelty to British prisoners of war was recommended to the Cabinet in the Law Officers memorandum of January 18th, last. The prosecution of the remainder of the persons on this list and also of one of the eight persons already mentioned... on charges of cruelty to native Christians, is recommended by H.M.'s High Commissioner at Constantinople." (79)

H.M. Procurator General's Department returned the following reply on May 20, 1921: "I am directed by H.M. Attorney General to acknowledge the receipt of Mr, Oliphant's letters of the 8th and 29th April... relative to Turkish Prisoners of war at Malta, and to acquaint you, for the information of the Secretary of State, that the Law Officers desire to refer to their memorandum to the Cabinet of the 12th January last and to observe that, as stated thereto, they are concerned only with the eight Prisoners of war specifically named therein...

"As to the other persons included in the list, they refer to paragraph 2 of the Foreign Office letter of 13th December 1920.... In as much as those persons (other than eight mentioned above) are charged with political offences and their detention or release therefore involves a question of high policy and is not dependent on the legal proceedings previously referred to, the Law Officers consider that their treatment is a matter for decision by the Foreign Office and they do not desire to offer any observation upon it." (80)

Difficulties of the Foreign Office

Thus the Law Officers of the Crown and H.M. Attorney General refused to involve themselves with the alleged case of Armenian "massacre" and they also carefully avoided to pronounce the word "massacre" so freely used by allied war-time propaganda machine and still repeatedly uttered by some politicians as well as by the members of the Foreign Office. The latter were once more disappointed and recorded their difficult position on the letter of H.M. Procurator General's Department saying that: "The Attorney General is only concerned with eight Turks whose prosecution he desires for cruelty to British prisoners of war. The Foreign Office, however, is concerned with 45 Turks (of whom two have escaped from Malta) who ought to be prosecuted for massacre under article 230 of the Treaty of Sèvres. The letter gives no guidance as to these 45. Our difficulty is that we have practically no legal evidence and that we do not want to prepare for proceedings which will be abortive. Besides this, we shall sooner or later receive demands from the Angora Turks for their release, and we must know which internees we really mean to prosecute. The others we may as well release as soon as we recover our prisoners from Anatolia. We asked Washington if the Americans could produce any evidence of massacre against the internees.

(79) PRO-FO. 371/6502/E. 4646: Foreign Office to Procurator General of 29.4.1921.

(80) PRO-FO. 371/6502/E. 5845: Procurator General's Department to Foreign Office, of 20.5.1921.

"1. Remind Washington,

"2. Reply that we wish to retain for prosecution all the internees against whom there is a reasonable prospect of obtaining a conviction and ask which of the internees should in the Attorney General's opinion be so retained taking into account the evidence transmitted in Constantinople despatch No. 277 of March 16th and the difficulties mentioned therein as to obtaining more evidence (in the unlikely event of evidence coming from Washington it could be considered later). W.S. Edmonds, 24.5.1921." (80bis)

Another member of the Foreign Office added the following minutes: "I gather that we want Law Officers' opinion as to whether there is sufficient evidence against these people other than the eight, to render it reasonably probable that a conviction could be obtained against them in the event of proceedings under article 230 of the Treaty of Sèvres. If so, I think we should explain this, adding (if this is, as I presume it is, our view) that from the political point of view it is very desirable that these people should be brought to trial under that article if there is sufficient evidence to render a conviction reasonably probable, and that we should be very grateful if the Attorney General would let us have his views on this point. As we are really asking him to advise about a matter which he does not consider himself responsible for we must explain exactly why we are doing it." (81)

Search in American Archives

"The American government is doubtless in possession of large amount of documentary information compiled at the time the massacres were taking place" wrote Sir H. Rumbold. It seemed a quite logical statement indeed, if alleged "massacres" actually took place in 1915-1917, the Americans must have been in possession of a mass of material, since at that time the American diplomatic and consular agents as well as the American "Near East Relief Society" continued their work in Turkey. Furthermore the latter aid organization was allowed by Ottoman government to stay and fulfill its functions in Anatolia during the deportations. Even following the entry of U.S.A. into the war, on the side of Entente Powers against Ottoman Empire, all the members of the same organization were permitted to remain in Anatolia. Therefore they should have witnessed alleged crimes and accumulated a lot of evidence against criminals, it was supposed.

On March 31st, 1921, Lord Curzon telegraphed to Sir A. Geddes, the British Ambassador in Washington, the following:

"There are in hands of His Majesty's Government at Malta a number of Turks arrested for alleged complicity in the Armenian massacres.

(80 bis) Ibidem.

(81) PRO-FO. 371/6502/E. 5845: Foreign Office minutes dated 25.5.1921.

"There is considerable difficulty in establishing proofs of guilt..."

"Please ascertain if United States Government are in possession of any evidence that would be of value for purposes of prosecution." (82)

No reply was forthcoming from Washington for about two months, and in the meantime H.M. Attorney General refused to take any action against Turkish deportees at Malta. In desperation, Lord Curzon reminded Washington on May 27th: "We should be glad to know whether there is any likelihood that evidence will be available" he said. (83)

Few days later Sir A. Geddes returned a reply but it was not a very hopeful one. He said: "I have made several enquires of State Department and today I am informed that while they are in possession of a large number of documents concerning Armenian deportations... Should His Majesty's Government so desire, these documents will be placed at the disposal of His Majesty's Embassy on the understanding that the source of the information will not be divulged.

"From the description I am doubtful whether these documents are likely to prove useful as evidence in prosecuting Turks confined in Malta." (84)

In reply to this telegram, the Foreign Office forwarded Washington a list of names and brief particulars of 45 Turkish deportees "who were being detained at Malta with a view to trial in connection with alleged outrages perpetrated on Armenians and other native Christians." Sir A. Geddes was requested "to ascertain as early as possible whether the United States Government can furnish evidence against any of these persons." (85)

On July 13, 1921 the British Embassy in Washington returned the following reply:

"I have the honour to inform Your Lordship that a member of my staff visited the State Department yesterday, the 12th instant, in regard to the Turks who are at present being detained at Malta with a view to a trial... He was permitted to see a selection of reports from United States Consuls on the subject of the atrocities committed in Armenia during the recent war, the reports judged by the State Department to be the most useful for the purpose of His Majesty's Government being chosen from among several hundreds.

"I regret to inform Your Lordship that there was nothing therein which could be used as evidence against the Turks who are being detained for trial in Malta. The reports seen... made

(82) PRO-FO. 371/6500/E. 3552: Curzon to Geddes. Tel. No. 176 of 31.3.1921.

(83) PRO-FO. 371/6500/E. 5845: Curzon to Geddes. Tel. No. 314 of 27.5.1921.

(84) PRO-FO. 371/6500/E. 6311: Geddes to Curzon. Tel. No. 374 of 2.6.1921.

(85) PRO-FO. 371/6500/E. 6311: Foreign Office to Geddes, No. 775 of 16.6.1921.

mention of only two names of the Turkish officials in question -those of Sabit Bey and Suleiman Faik Pasha- and in these cases were confined to personal opinions of these officials on the part of the writer, no concrete facts being given which could constitute satisfactory incriminating evidence.

"I have the honour to add that officials of the Department of State expressed the wish, in the course of conversation, that no information supplied by them in this connection should be employed in a court of law.

"Having regard to this stipulation and the fact that the reports in the possession of the Department of State do not appear in any case to contain evidence against these Turks which would be useful even for the purpose of corroborating information already in possession of H.M.'s Government, I fear that nothing is to be hoped from addressing any further enquiries to the United States Government in this matter."(86)

What a disappointing result it was for officials of British Foreign Office! One of the letters, Mr. W.S. Edmonds, minuted: "It never seemed very likely that we should be able to obtain evidence from Washington. We are now waiting for the Attorney General's opinion as to whether there is reasonable prospect of convicting any of the prisoners charged with massacres, etc..."(87)

Last Word of Attorney General

Some obstinate officials of British Foreign Office were still persisting for prosecution of innocent Turkish detainees accused of imaginary "Armenian massacre." In view of lack of evidence in legal sense, they decided to use political argument and wrote accordingly to H.M. Procurator General's Department an interesting letter signed by Mr. Lancelot Oliphant reproduced *in extenso* below. It reads:

"Sir,

"1. I am directed by Earl Curzon of Kedleston to acknowledge receipt of your letter of the 20th instant, relative to the Turkish interned prisoners in Malta and to refer again to the question of the disposal of those among them whom His Majesty's High Commissioner at Constantinople has recommended for prosecution in accordance with article 230 of the Treaty of Sèvres on charges of cruelty practised against native Christians.

"2. As stated in my letter of 29th ultimo, these persons number forty two exclusive of two who have already escaped from Malta and (No. 2732 Suleiman Nouman Pasha) who figures among

(86) PRO-FO. 371/6504/E. 8515: Craigie, British Charge d'Affaires at Washinton, to Lord Curzon, No. 722 of July 13, 1921.

(87) PRO-FO. 371/6504/E 8519: Foreign Office Minutes.

the eight persons recommended for prosecution in the Law Officers' Memorandum to the Cabinet of January 18th, last.

"3. The evidence at present available against these persons is contained in Sir H. Rumbold's despatch No. 277 of 16th March 1921 (forwarded for the information of the Attorney-General under cover of the letter from this Department of 1st ultimo) which draws attention to the extreme difficulty of obtaining any further information such as would be accepted in the court of law.

"4. From a political point of view, it is highly desirable that proceedings should take place against all of these persons against whom there is a reasonable prospect of obtaining a conviction. On the other hand, it is equally desirable to avoid initiating any proceeding which might be expected to prove abortive.

"In these circumstances, His Lordship would be very grateful if the Attorney-General would be so good as to favour him with an opinion as to which of the forty five Turks mentioned above could be prosecuted, when the occasion presents itself, with a reasonable prospect of success." (88)

In its reply dated July 29th, 1921, H.M. Procurator-General's Department pointed out that the charges made against the persons named in the Foreign Office List were of "a quasi-political character", and that there existed great difficulties of securing proof in these cases. The letter continued as follows:

"The Attorney-General feels he cannot do better than refer Mr. Ruxton's minute of the 11th August, 1920, in which attention is called to the inherent difficulties with which the prosecution will be faced, if the military Tribunals, before which these persons are to be arraigned, require the production of evidence of a character which alone would be admissible before an English Court of Justice. Up to the present no statements have been taken from witnesses who can depose to the truth of the charges made against the prisoners. It is indeed uncertain whether any witnesses can be found and it is hardly necessary to dwell upon the difficulty of finding witnesses in a country so remote and inaccessible as Armenia, especially after so long a lapse of time and so many political changes...

"Moreover, the Law Officers are not informed whether the Armenian Government is willing and in position to assist in providing the evidence which will be necessary in case they may be considered to be interested...

"It seems improbable that the charges made against some of the accused will be capable of legal proof in a Court of Law."

(88) F. O. 371/6502/E. 5845: L. Olipant (F.O.) to Mr. Woods (Procurator-General's Department), 5845/132/44 of May 31st, 1921.

The letter concluded:

"Until more precise information is available as to the nature of the evidence which will be forthcoming at the trials, the Attorney General does not feel that he is in a position to express any opinion as to the prospect of success in any of the cases submitted for his consideration." (89)

This was the conclusive opinion of H.M. Attorney General. It was clear that there was no evidence against Turkish deportees and therefore no prospect of success of prosecuting them before an English Court. Thus all political attempts of some officials of the Foreign Office to secure the prosecution of innocent persons failed in the presence of dignified English jurists. Upon the receipt of Attorney General's opinion Mr. W.S. Edmonds minuted:

"From this letter it appears that the chances of obtaining convictions are almost nil...

"Ruxton suggests in the minute referred to by Mr. Woods that the French must have plenty of evidence...

"Whether this is so or not, their policy is such that it would be useless to approach them.

"The American Government, we have ascertained, cannot help with any evidence...

"In addition to the absence of legal evidence there is the extreme unlikelihood that the French and Italians would agree to participate in constituting the court provided for in art. 230 of the Treaty (of Sèvres)...

"On the other hand we certainly cannot release any Turks until our own prisoners are returned... The proper time for the release of the Turks seems to be when it can be done as part of a general settlement with Turkey. It is regrettable that the Turks have been confined as long without charges being formulated against them..." (90)

"An Act of Technical Injustice"

At last officials of the Foreign Office began to think about the release of Turkish detainees. From now on the latter were not considered as offenders for prosecution, but rather as hostages for exchange against British prisoners in Anatolia. Before any final decision, for the release of detainees, H.M. High Commissioner at Istanbul was asked if he had any observation on the subject. A Foreign Office despatch to Sir H. Rumbold dated August 10, 1921, said:

(89) F.O. 371/6504/E.8745: Woods (Procurator-General's Department) to the Under Secretary of State for F.O., of 29th July, 1921.

(90) PRO-FO. 371/6504/E. 8745: Minutes by Edmonds of 3.8.1921.

"In addition to the difficulty caused by the absence of evidence which would be acceptable in a court of law, there is the improbability that the French and Italian Governments would agree to participate in constituting the court provided for in article 230 of the Treaty of Sèvres.

"In the circumstances I see little prospect of enforcing this article and, although H.M. Government cannot consent to release any Turkish prisoners whatever until the return of the British prisoners in Anatolia, I feel that in consequence of the difficulties to which I have referred above, H.M. Government must contemplate including in the general settlement of Turkey the release of the 45 Turks who remain in Malta on charges of cruelty to native Christians.

"I shall be glad to be furnished with Your Excellency's views upon this subject."(91)

Upon the receipt of this, Sir H. Rumbold requested Judge Sir Lindsay - Smith, Major Sims. Marshall, Legal Adviser to General Harington and Mr. Ball of the British High Commission to meet and discuss the question of the continued detention in Malta of Turkish deportees. Sir Lindsay-Smith, Judge at H.B.M. Supreme Court, Istanbul, expressed the opinion that it did not appear from the files what, if any, evidence they already have, but it was evident from the Attorney General's despatch that it was not sufficient to secure the conviction of Turkish detainees in a Court of Law, so he accepted that as conclusive.

"It appears to me, he went on, that an abortive trial would do more harm than good as it would give the prisoners the opportunity of claiming that they had been wrongfully detained or imprisoned.

"The only alternative is therefore to retain them as hostages only and release them against the British prisoners" Sir H.L. Smith concluded. (92)

General Sir Charles Harington, Commander-in-Chief, Allied Forces in Turkey, shared the same opinion and wrote: "As the opinion of the Foreign Office is that nothing further will be done with persons accused of ill-treating etc... subject races in Turkey, it would appear that there is no longer any good purpose served by maintaining these people in Malta at public expense. It would also appear that the whole of them might properly be used to obtain the release of our personnel." In conclusion General Harington said that in those circumstances no further examination was necessary.(93)

Then Sir H. Rumbold wrote to the Foreign Office that he had felt for some time that "the British authorities cannot anticipate any useful result from bringing those Turks to trial and

(91) PRO-FO. 371/6504/E. 8745: Foreign Office to Rumbold, No. 851 of 10.8.1921.

(92) PRO-FO. 371/6504/E. 10023: Inclosure. Minutes by judge Sir Lindsey-Smith of 24.8.1921.

(93) PRO-FO. 371/6504/E. 10023: Inclosure. Harington to Rumbold of 24.8.1921.

that there was a good ground for dropping the prosecution." Further he said: "Failing the possibility of obtaining proper evidence against these Turks which would satisfy a British Court of Law, we would seem to be continuing an act of technical injustice in further detaining the Turks in question. In order, therefore, to avoid as far as possible losing face, in this matter, I consider that all the Turks except the eight... should be made available for exchange purposes." (94)

Eight Turks whose retention at Malta was suggested were those accused of cruelty to British prisoners of war.

An "All for All Exchange"

Both the Foreign Office and War Office were in favour of an exchange of all Turkish detainees -other than the eight charged with cruelty to the British prisoners- against the British prisoners in Turkey. Lord Curzon inquired whether the Attorney General had any objection to such a barter. On September 20, 1921, he was informed that the Law Officers of the Crown concurred in the view that these internees should be made available at the discretion of the High Commissioner for release in exchange for all British prisoners who were under detention in Turkey.

Meanwhile, in Istanbul, General Harington and Sir H. Rumbold thought that in view of the approach of winter it was advisable to inform Angora Government at once that they were ready to send to an Anatolian port all the Turkish detainees remaining at Malta, except the eight already mentioned, and hand them over to the Turkish authorities in return for all the British prisoners. (95)

On September 19th, Lord Curzon authorized Sir H. Rumbold to negotiate as proposed and even to consent to the release of the eight Turks in question. He wrote: "The War Office however are ready to forego trial of the eight Turks charged with cruelty to British prisoners if release of all British prisoners can thereby be secured before winter. Should you therefore find it necessary, you may agree to release of the above mentioned eight Turks thus fall back on an "all for all" exchange. (96)

H.M. Attorney-General, Sir Gordon Hewart, was informed accordingly on September 21st, 1921. Lord Curzon was sure that Sir G. Hewart will appreciate the reasons which prompted the despatch of the telegram to Sir H. Rumbold without prior consultation with him. (97)

(94) PRO-FO. 371/6504/E. 10561: Procurator General's Department to Foreign Office, of 20.9.1921.

(95) PRO-FO. 371/6504/E. 10414: Rumbold to Curzon, Tel. No. 613 of 15.9.1921.

(96) PRO-FO. 371/6504/E. 10419: Curzon to Rumbold, Tel. No 525 of 19.9.1921.

(97) PRO-FO. 371/6504/E. 10411: Foreign Office to Procurator General, of 21.9.1921.

Lord Curzon wired again to Sir H. Rumbold on September 27, that this proposal put forward by the War Office and concurred in by Attorney General and himself was that in last resort eight should be released unconditionally. Furthermore he stated that the release of all Turkish detainees would lead to withdrawal of penalty clauses of the Treaty of Sèvres, but an "all for all" exchange was a necessity.(98)

Having received this telegram, Sir H. Rumbold, British High Commissioner in Istanbul, proposed to Turkish Government an exchange of prisoners of war. Hamid Bey, Vice-President of Ottoman Red Crescent, was charged by Ankara Government to conduct the negotiations with Sir H. Rumbold. Accordingly a first meeting took place between them on September 29, at which Colonel Gribbon, representing General Harington, was present. Hamid Bey made it clear that his instructions were to demand an all for all exchange, that the release of the eight Turks accused of cruelty to British prisoners was a condition indispensable to putting through the exchange. Sir Rumbold made no observation on this and said that he would give a definite reply on October 1st regarding his proposal for an all for all exchange. They then discussed the method by which the exchange could be put into effect at an Anatolian port and Hamid Bey accepted all British suggestions.(99)

Sir H. Rumbold and Hamid Bey met again on Saturday, October 1st. As it was evident to Sir H. Rumbold that proposed exchange would not go through unless he gave way on the question of the eight Turks accused of cruelty to British prisoners, he informed Hamid Bey that the British authorities were ready to repatriate these prisoners unconditionally, thus making it an all for all exchange: all Turkish deportees at Malta in return for all the British prisoners in Anatolia. Further Sir H. Rumbold made it clear that the British authorities waived all claims to bring the eight Turks to trial whether by a Turkish or another court.

Then it was arranged that the exchange should take place at Inebolu, on the south coast of Black Sea, and as soon as Hamid Bey informed the British High Commissioner of date on which the British prisoners were expected to reach that port, the British side would arrange for ship conveying Turkish deportees on the same date.(100)

Repatriation

Field Marshal Plumer, Governor and Commander-in-chief of Malta, reported that all Turkish deportees in Malta, to the number of 59, duly embarked on board HMS "Chrysanthemum" and R.F.A. "Montenal" on the afternoon of the 25th October, 1921.

(98) PRO-FO. 371/6504/E. 10662: Curzon to Rumbold, Tel. No. 539 of 27.9.1921.

(99) PRO-FO. 371/6505/E. 10870: Rumbold to Curzon. Tel No. 639 of 29.9.1921

(100) PRO-FO. 371/6505/E. 11011 and 11192: Rumbold to Curzon Tel. No. 645 of 2.10.1921, and D. No. 921 of 4.10.1921.

When Plumer was first informed that the deportees were to be repatriated at short notice there was only the R.F.A. "Montenal" available for this service and the British Navy made all possible arrangements for the well-being of the passengers.

When it became evident that some time must elapse before the deportees could be despatched, steps were taken to find better accommodation than could be provided by the "Montenal". Admiral de Robeck was helpful and kindly placed H.M.S. "Chrysanthemum" at Plumer's disposal. This relieved congestion on the "Montenal" and the deportees were divided into two batches. Seventeen selected Turks placed on "Chrysanthemum" and forty-two on "Montenal", selection for the former, the better ship, being by status, or rank, and health of deportees.

Plumer was satisfied that everything possible was done by the Navy to ensure "the reasonable comfort" of the deportees.

A selected military officer was detailed for each ship, to act as intermediary between deportees and captain of the ship.

All deportees were medically examined as regard their fitness to travel and for eventual medical care on the journey, four Turkish doctors, divided among the passengers, were available.

The deportees refused to sign clearance certificates and stated that they intended to make indemnity claims against the British Government in respect of their internment in Malta.

Captain of "Chrysanthemum" and master of "Montenal" signed a receipt for each deportee embarked.

Governor Plumer was relieved and said: "Responsibility for safe custody and welfare of deportees passed to the Royal Navy with the embarkation of the deportees on His Majesty's ships."(101)

"Chrysanthemum" and "Montenal" arrived at Inebolu on October 31st and all deportees of Malta landed safely on Turkish soil. And all British prisoners who were handed over to their authorities reached Istanbul on November 2nd.(102)

The episode of the deportees of Malta thus ended.

(101) PRO-FO. 371/6505: Plumer to War Office, No. 4133(A) of 29.10.1921.

(102) PRO-FO. 371/6505/E. 12068: Com mander-in-Chief, Mediterranean- to Admiralty, No. 584 of 1.11.1921 and F.O. 371/6505/E.12891: Rumbold to Curzon, Tel. No. 705 of 2.11.1921.

Conclusion

These prominent Turks, accused of Armenian persecution, were arrested and deported without any serious investigation. The principal sources of information of the British High Commission in Istanbul were the Armenian Patriarchate and some unreliable Armenian informers. There was, from the very beginning, a great deal of doubts whether the accused persons were in fact guilty or not. Admiral Webb, Acting British High Commissioner, wrote in March 1919 that "in regard to massacres, question of evidence will be extremely difficult." French authorities were against these arrests and deportations which they considered as "political measures." Admiral de Robeck, the British High Commissioner, wrote in September 1919 that "it was impossible to rely on known facts" and that "it might be very difficult to sustain definite charges against these persons before an allied tribunal." As a matter of fact "no one of deportees was arrested on any evidence" and "there was no dossier in legal sense."

From the political point of view it was "highly desirable" for the British Government that at least some of these deportees should be brought to trial: The British Foreign Office has left no stone unturned in order to prove that an Armenian "massacre" actually took place in Turkey and consequently some of these detainees were guilty. But all efforts in this connection ended with a complete failure. There was no evidence, no witness, no dossier, and, no proof. The Armenian Patriarchate furnished nothing serious. The Turkish Capital was under allied occupation and all Ottoman State archives were easily accessible to the British authorities in Istanbul. Yet the British High Commission was unable to forward to London any evidence in legal sense. There was nothing in British archives which could be used as evidence against the Turkish detainees of Malta. The American State Department was unable to assist the British Government with evidence against these Turks. It was safe, therefore, to say that the alleged Armenian "massacre" was nothing but an imaginary product of a ruthless war-time propaganda campaign carried out against the Turks.

What actually took place in Turkey during World War I, was not a "massacre" but a deportation. The Armenian minority in eastern Turkey revolted against the Ottoman State at a most critical time in modern Turkish history when the Russian armies launched an offensive against Van, in the east, and when the allied troops landed on Gallipoli peninsula, in the west, in April 1915. Armenian revolutionary bands organized themselves and fought against the Turks, together with invading Russian armies. The Prime Minister of the Armenian Republic in Transcaucasia, Hovhannes Katchaznoui, wrote the following:

"At the beginning of the Fall of 1914 when Turkey had not entered the war but had already been making preparations, Armenian revolutionary bands began to be formed in Transcaucasia with great enthusiasm and, especially, with much uproar..."

"It would be useless to argue today whether our bands of volunteers should have entered the field or not. Historical events have their irrefutable logic. In the Fall of 1914 Armenian volunteer

bands organized themselves and fought against the Turks because they could not refrain themselves from fighting. This was an inevitable result of a psychology on which the Armenian people nourished itself during an entire generation: that mentality should have found its expression, and did so...

"We had created a dense atmosphere of illusion in our minds. We had implanted our own desires into the minds of others; we had lost our sense of reality and were carried away with our dreams...

"We overestimated the ability of the Armenian people, its political and military power, and overestimated the extent and importance of the services our people rendered to the Russians. And by overestimating our very modest worth and merit we were naturally exaggerating our hopes and expectations..."(103)

Thus, "by an extraordinary mental aberration" -to use the Katchaznoui's words- the Armenians fought against the Turks. The Ottoman Government then decided in May 1915 to remove insurgent Armenian minority from war zone to the Syrian province of the Empire. According to Boghos Nubar Pacha, the President of Armenian National Delegation at Paris, some 6 to 700.000 people were deported from Turkey. About 390.000 of them were scattered in different regions of the Middle-East in December 1918. There was no information about those scattered in deserts.(104) Probably more than one hundred thousand Armenians were perished during those years of war, food shortages, famine and large-scale plague. Turkish casualties in the same period are being estimated about two and a half million.

The facts on Armenian deportation and casualties were first misrepresented and distorted by vindictive Armenian nationalist leaders. Then British and French Intelligence Services, on their part, spread throughout the world the stories of imaginary "massacre" for the sake of their own political purposes. In armistice period this propaganda was still exploited by some British politicians. But to make propaganda and to prosecute innocent persons before a serious Court of Law were indeed quite different things. Sir Gordon Hewart, H.M. Attorney General, was not probably unaware that in fact no massacre was planned or ordered by Ottoman officials, and no such crime was committed by the Turks. So he thought that all charges made against the Turkish officials and officers in Malta were of "a quasi-political character", and, consequently it was improbable that these charges will be capable of being legal proof in a Court of Law. As a result, all the Turkish deportees of Malta were released and repatriated without being brought before a Tribunal.

(103) Hovhannes Katchaznoui, **The Armenian Revolutionary Federation (Daznagzoutiun) Has Nothing to do Any More**, New York: 1955, pp. 5-7.

(104) Archives des Affaires Etrangères de France, Serie Levant 1918-1929, Sous-Serie Arménie, Vol. 2. folio 47: Boghos Nubar à M. Gout, Ministère des Affaires Etrangères, Lettre datée Paris, le 11 Décembre 1918.

German Professor Gotthard Jaeschke quote in this connection the "Ars Poetica" by Horatius:

"Parturiunt montes, nascetur ridiculus mus."(105)

One of the deportees of Malta, ex-Grand Vizier Prince Said Halim Pasha, after being released from detention camp, left for Rome. There he was assassinated by an Armenian terrorist named Arshavir Shiragian, on December 6th, 1921.

Again "by an extraordinary mental aberration" the Armenian agitators proclaimed the murderer of that innocent statesman as a "National Hero"!

(105) Gotthard Jaeschke, **Kurtuluş Savaşı ile İlgili İngiliz Belgeleri (British Documents on the Turkish War of Liberation)**, translated from German by Cemal Köprülü, Ankara: 1971. p. 172.

APPENDICES

No. 1

**BOGHOS NUBAR PACHA, PRESIDENT DE LA DELEGATION ARMENIENNE,
A.M. GOUT, MINISTRE PLENIPOTENTIAIRE, MINISTERE DES AFFAIRES
ETRANGERES DE FRANCE**

Paris, le 11 Décembre 1918

Mon Cher Ministre,

Ainsi que vous m'en avez exprimé le désir, j'ai l'honneur de vous donner ci-dessous une évaluation approximative que nous avons des déportés et réfugiés de Turquie, qui sont dans un complet dénûment et ont besoin d'être secourus d'urgence.

Il s'en trouve environ	250.000	au Caucase
	40.000	en Perse
	80.000	en Syrie-Palestine
	20.000	à Mossoul-Bagdad
Total	390.000	

Le nombre total des déportés a été évalué de 6 à 700.000 âmes. Les chiffres que je vous donne ne sont donc que ceux des rescapés se trouvant actuellement en territoire conquis par les troupes alliées. Quant au reste des déportés disséminés encore dans les déserts nous n'avons jusqu'ici aucun renseignement à leur sujet.*

Veillez agréer, Mon Cher Ministre, l'assurance de ma haute considération et de mes sentiments dévoués.

(Signé) BOGHOS NUBAR

Archives des Affaires Etrangères de France, Série Levant, 1918-1929, Sous Série Arménie, Vol. 2, folio 47.

* The Armenian agitators and propagandists having advanced fantastic figures as to the number of their deportees and casualties during World War I, this letter signed by the leader of the Armenian community at the time, is one of illuminating documents on the subject. According to Boghos Nubar Pasha, the total number of the Armenian deportees was about 6 or 700.000. Out of this total nearly 390.000 persons were scattered and living in want in December 1918. The fate of about 2 to 300.000 Armenians, which represented only one tenth of the Turkish casualties at the same period, was still unknown.

No. 2

**ADMIRAL CALTHORPE, BRITISH HIGH COMMISSIONER AT
CONSTANTINOPLE, TO FIELDMARCHAL LORD PLUMER, GOVERNOR OF
MALTA**

No. 212

Constantinople, January 30th, 1919, 11.30 a.m.

Urgent

(Received at Foreign Office, Jan. 30, 12.35 a.m.)

Telegraphic

Sent to Governor of Malta, repeated to Foreign Office.

Turkish authorities have commenced arrests of adherents of late Government who are (?steadfastly) opposing execution of terms of armistice or who are implicated in massacres, brutalities to prisoners of war, etc.

In the event of its being found absolutely (group omitted) to send some of these persons for safe custody out of Turkey can you make arrangements to receive them in Malta.

Numbers at present quite uncertain as many hundreds are implicated but doubt whether it will be necessary to deport more than 50 or 60.

I am informing Foreign Office.

PRO-FO. 371/4172/16731.

No. 3

**ADMIRAL CALTHORPE, BRITISH HIGH COMMISSIONER AT
CONSTANTINOPLE, TO THE EARL CURZON OF KEDLESTON, SECRETARY
OF STATE FOR FOREIGN AFFAIRS**

No. 230 Urgent

Constantinople, January 31st, 1919,

Telegraphic

(Received February 1st. 9.10 a.m.)

My telegrams Nos. 158 and 170.

Action taken by Turkish Government described in my telegram 212 in starting to arrest these people is very satisfactory and I have expressed verbal approval of this in guarded terms, saying that it was a very good beginning and intimating hope that proper precautions would be taken to prevent a like escape. I intend to supply Minister of Interior with further names though I have not yet presented formal command for surrender of those implicated in cruelty

to prisoners, as the list is not yet complete. Unfortunately intention of the Government leaked out and several of those with guilty consciences will have gone into hiding.

I fully admit weakness of present Government which mainly owes its existence to present support of the Sultan and to difficulties of their situation, which deter others from trying to displace them. Meanwhile a movement is going on of rapprochement between what might be called the extreme Conservative element, such as Ahmed Vaneza (? Rıza) and members of Committee.

This is due to community of discontent and to something approaching despair regarding Turkish national future.

The outcome of this might be creation of a Government definitely hostile to us.

According to your telegram No. 96 Asia Minor falls into British military zone but there are at present no forces that can be sent there and it is only within the last few days that Military Authorities have been able to send a few officers to report on demobilisation, disarmament, etc. It thus appears to me more than ever necessary to work for improvement of situation and safety of Christians through present Turkish authorities, indifferent though they are, and especially through Sultan, who I believe is sincerely (? anxious) to rely upon us. To do this it is necessary to give them some encouragement, but I still hesitate to make the slightest sign until I receive some expression of your views.

I think that the Sultan and Minister of Interior are mainly responsible for putting through arrests. Minister for Foreign Affairs was in favour of delaying until we had presented formal demand.

Those arrested include Jahid, Midhat, (? Sh) ukri, Secretary General of Committee, Rahmi, Carasso and others little known in Europe, but of great local importance.

Others such as Jahid, Halil and Halim are being kept under surveillance.

I understand that up to present some forty persons, all of real importance have been arrested.

My colleagues are deeply impressed by this mark of energy and good intentions on the part of Turkish Government.

PRO-FO. 371/4172/7652.

No. 4

**M. WILLEBOIS, MINISTRE DES PAYS-BAS A CONSTANTINOPLE,
AU MINISTERE DES AFFAIRES ETRANGERES, LA HAYE**

Télégraphique

Constantinople, le 18 Février 1919

Urgent vingtun gouvernement Ottoman a institué commissions enquête pour découvrir auteurs méfaits commis lors déportations arméniennes et grecques et désire adjoindre à ces commissions membres urancers (étrangers) choisis parmi juristes pays neutres stop Il demande si nomination deux magistrats hollandais pourrait être assurée stop tous frais voyage appointements et autres à charge gouvernement Ottoman stop sollicite réponse au plus tôt.

PRO-FO. 371/4172

(*) This telegram and also Appendix No. 5 were forwarded by British War Office to Foreign Office on February 20, 1919, with the following note:

This morning Colonel Wright of the E.T.C. phoned that the Chief Censor, Constantinople, wanted the messages stoped of which attached are copies. The messages however had been transmitted previously.

The Chief Sensor Constantinople requiring a reply. I serviced to the effect that they had already been transmitted.

(Sgd.) J. De W. Lardner Clarke.

19.2.1919 D.C.C., C.T.O.,

No. 5

**M. WANDEL, MINISTER OF DENMARK AT CONSTANTINOPLE, TO THE
FOREIGN OFFICE, COPENHAGEN**

Telegraphic

Constantinople, February 18, 1919

The following note verbale has today been received from Ottoman Government: Il est à la connaissance de la Légation de Sa Majesté le Roi de Danemark que le Gouvernement Impérial Ottoman poursuit actuellement devant la juridiction compétente tous les auteurs des méfaits commis pendant la guerre à l'ocassion de la déportation des ressortissants ottomans tant musulmans que non musulmans pour atteindre ce but des commissions d'enquête ont été instituées tant à Constantinople que dans les provinces en vue de découvrir les coupables sans distinction de race et de religion independamment de ceux que ont été arrêtés jusqu'ici et déférés à la justice le Gouvernement impérial ayant à coeur d'éclaircir cette question dans un esprit de haute équité et d'impartialité a décidé d'adjoindre aux susdites commissions d'enquête des membres étrangers choisis parmi les juristes des pays neutres dans cet ordre d'idées le Ministère impérial des affaires étrangères a l'honneur de prier la légation royale de vouloir bien faire d'urgence auprès de son gouvernement les démarches nécessaires en vue d'assurer la nomination de deux magistrats danois au sein de la susdite commission et

de lui faire connaitre au plus tôt la réponse que le gouvernement royal voudra bien réserver à cette demande il est bien entendu que les frais de voyage appointements et autres de ces membres seront à la charge du Gouvernement impérial stop a similar note has apparently been sent to Dutch Spanish Swedish Legations stop please telegraph instructions.

PRO-FO. 371/4172

No. 6

**SENOR DON ALFONSO MERRY DEL VAL, AMBASSADOR OF SPAIN AT
LONDON, TO SIR RONALD GRAHAM, FOREIGN OFFICE**

Private and
Confidential

London, February 28th, 1919

Dear Sir Ronald Graham,

I have received a few moments ago an urgent telegram from my Government informing me that the Spanish Ambassador in Constantinople has transmitted to Madrid the desire of the Turkish Government to attach two Spanish legal assessors to the Commission constituted for the investigation of abuses committed in connection with the deportation of subjects of various nations and religions. They request that two Spanish Magistrates should be appointed for the purpose and have addressed the same petition to the Swedish, Danish and Netherlands Governments.

The Spanish Government is examining the question but before taking a decision in the matter, I would like to know as speedily as possible how the proposal is regarded by H.B.M. Government and would be grateful for a confidential reply.

I am instructed to communicate the answer by telegraph. Believe me, dear Sir Ronald Graham.

Yours sincerely,

(Signed) A. MERRY DEL VAL

PRO - FO. 371 /4172

No. 7

**SIR RONALD GRAHAM, FOREIGN OFFICE, TO SENOR DON ALFONSO
MERRY DEL VAL, SPANISH AMBASSADOR AT LONDON**

Downing Street, S.W.I.
4th, March 1919

My dear Ambassador,

Our attention had already been drawn to the invitation issued by the Turkish Government to various neutral Powers, which formed the subject of your letter of February 28th.

As you will understand, the matter is one for the Peace Conference, where the whole question of the treatment to be meted out to persons guilty of abuses in connection with the deportations which took place in Turkey during the War is now being considered. We have, therefore, referred the point to Paris.

His Majesty's Government cannot give a separate opinion on the general procedure to be observed, but I would venture to point out that the acceptance of the Turkish invitation might, and probably would, run counter to the arrangements eventually made at the Peace Conference, and cause serious complications.

Yours sincerely,

PRO - FO. 371/4172

No. 8

**LORD DERBY, BRITISH AMBASSADOR AT PARIS, TO THE EARL CURZON
OF KEDLESTON, SECRETARY OF STATE.**

No. 454

Paris,

En clair by Bag.

March 5th, 1919.

My telegram No. 437 of March 3rd.

I have received following reply from Minister for Foreign Affairs respecting arrest and punishment of Turkish offenders.

Monsieur Pichon is of the opinion that following different aspects of question must be considered in order to arrive at a practical solution.

In case of areas really occupied by Allied forces there is nothing to prevent Allied officers from exacting from Turkish local authorities arrest and delivery into their hands of offenders or even from making arrests themselves.

In areas not actually occupied but in neighbourhood of Allied forces it would also seem to be for Turkish authorities, on demand of Allied officers, to arrest offenders and hand them over to Allied authorities.

In areas distant from Allied forces it is more difficult to determine how it would be possible to arrest persons no doubt surrounded by supporters and accomplices.

French Government, however, consider it in any case preferable to have arrests made by Turkish authorities, covering the latter by a formal injunction from Allied command. French Government moreover understands that His Majesty's Government share its view as to necessity of not proceeding with trial of accused before Conference has pronounced decision on responsibilities and punishment of authors of war.

According to French Government mere fact of Allies demanding at once arrest of Turkish officials and officers presumed guilty creates distinction to disadvantage of a single category of enemies; i.e. Moslem Turks, while Bulgarian, Austrian, German officials and officers, guilty of crimes at least as odious, are as yet neither arrested nor in any way molested.

French Government agree as to the necessity of safe place for detention of such Turkish officials and officers as may be eventually arrested, and will on this point consult Commander-in-Chief Allied forces at Constantinople who must certainly have considered this contingency and who, Minister for Foreign Affairs thinks, will have no objection to Malta.

Communicated to

Peace Delegation.

No. 9

**GENERAL ALI İHSAN PACHA, PRISONER AT MALTA, TO THE BRITISH WAR
OFFICE, LONDON**

Malta, New Verdala, the 30th January 1920

Your Excellency,

I beg to refer to my letter of the 12th of December last to His Excellency, the Governor of Malta, in which pointed out.

1. that there is nothing on which an accusation against me can be based,
2. that an arrest for future trial can only be made, if a warrant is issued, duly signed and brought into force juridically, and that such a warrant does not exist till now,
3. that therefore my detention is not justified by any law.

As an answer to my former petition of the 3rd December I got only the information that the War Office, had definitely stated that political prisoners -among whom I am counted- are to be retained and have to await trial in connection with crime against either British, Allied, or Turkish subjects. On the above mentioned letter of 12th Dec. I did not get any answer at all.

I beg to emphasize once more that if I am detained as political prisoner on account of any crime I am supposed to have committed, I may expect, that after nearly one year I may be acquainted with the charge against me, so that I may be able to provide means for my defence. It is incompatible with any principle of justice to extend the detention on investigation ad libitum without informing the detained person of the reasons for his detention.

Moreover it can be presumed that the Turkish peace treaty will contain an article for the extradition and the trial of alleged war criminals. If so, my extradition, in case there are sufficient reasons, would be secured. If not, I cannot be brought before an Allied court.

I therefore once more strongly protest before Your Excellency against the injustice, under which I am suffering now morally and materially nearly one year, and I request in the name of justice to be released and repatriated as soon as possible.*

Hoping that Your Excellency will take my strange case into consideration and favour me with a kind and early reply, I have the honour to remain, Excellency,

Your Excellency's
most obedient servant
(Signed) ALI İHSAN
Turkish General, Pris. No. 2667

F.O. 371/5089/E, 879.

(* This petition forwarded to the Foreign Office by the Swedish Minister in London, charged with the Protection of Turkish interests in Great Britain, on 19th February 1920, was minuted at the Foreign Office as follows:

"Ali İhsan Pacha was arrested by our authorities at Constantinople for obstructing our forces and failing to comply with the armistice (12854 and 52436). In 74177 D.M.D, stated that he did not want him detained any longer. But he is also accused of cruelty to Armenians (31315) and in view of that it was decided to keep him at Malta (minutes on 98243 and 113957). There seems to be no reason to depart from this policy now.

"No action.

W.S. Edmonds

1/3/20

No. 10

**ADMIRAL DE ROBECK, BRITISH HIGH COMMISSIONER AT
CONSTANTINOPLE, TO THE EARL CURZON OF KEDLESTON, SECRETARY
OF STATE.**

No. 402/R. 2886.

British High Commission,
Constantinople,
25th March, 1920

My Lord,

With reference to my despatch No. 373/M. 2364 of 18th March, and my telegrams Nos. 258 and 272, I have the honour to inform Your Lordship that on the day of the occupation of Constantinople the undermentioned Turks were arrested as politically undesirable by the Military Authorities, and have since been sent to Malta for confinement in that fortress.

- (1) General Djemal Pasha. Ex-Minister of War, Nationalist deputy for Sparta. Irreconcilable Nationalist, who as Minister of War repeatedly connived at or instigated violations of the Armistice terms.

- (2) Colonel Galatali Shevket. Commander of the defences of the Straits. Arrested on initiative of the British Military Authorities.
- (3) Hussein Raouf Bey. Ex-Minister of Marine. One of the principal organizers of the Nationalist Movement. Deputy for Sivas.
- (4) Kara Vassif. Nationalist Deputy for Sivas. Prominent Nationalist, and one of Mustafa Kemal's right hand men.
- (5) Nouman Ousta. Socialist Deputy for Constantinople, but probably a nominee of the Committee of Union and Progress. Arrested on initiative of Military Authorities.
- (6) Faik Bey. Nationalist Deputy for Adrianople.
- (7) Sheref Bey. Nationalist Deputy for Adrianople.
- (8) Hassan Tahsin. Ex-Vali of Erzeroum and Damascus. Was in close relation with Talaat. Believed to have been concerned in organisation of Armenian massacres.
- (9) Churukhsoulou Mahmoud Pasha. Important Military personality and strong pro-Nationalist. Believed to have done much to organize and support Nationalist movement.
- (10) Dr. Essad Pasha. President of Ottoman Red Crescent Society. Nationalist and dangerous anti-British intriguer and propagandist.
- (11) General Djevad Pasha. Ex-Chief of the General Staff. Was Djemal Pasha's Chief adviser and assistant in his policy of supporting the Nationalists and flouting the authority of the Allied Representatives.

2. Certain other undesirables have been noted for arrest, and it is hoped that they will be secured before long.

I have the honour to be,

My Lord,

Your Lordship's obedient Servant

(Signed) J. de ROBECK

No. 11

**MEMORANDUM BY THE LAW OFFICERS OF THE CROWN TO THE
BRITISH CABINET**

The list of Turkish subjects who have been sent to Malta on the instructions of H.M. High Commissioner at Constantinople and detained there falls roughly into three classes.

1. Political offenders.
2. Persons accused of Deportations, Pillage and Massacres.
3. Persons accused of ill-treatment of Prisoners of War.

There are also some, the reason for whose detention is not stated.

The third class is the only one which comes within our purview, and we have no knowledge as to the individuals contained in the other classes.

The identification of those charged with the ill-treatment of Prisoners of War, is a matter of some difficulty, owing to the fact that many Turks bear the same or a similar name, the spelling whereof varies considerably. The only person on this list who appears to be quite clearly identifiable with an individual whose prosecution has already been recommended by the Committee which has enquired into allegations of breaches of the Laws of War is 2707 Major Mazloun Bey Edib. The case of this officer appears to be a particularly bad one. In addition, it is possible that 2676 Djellal Bey, 2679 Tefvik Mehmet, 2680 Tefvik Ahmed, 2694 Djemal Effendi Abdul and 2710 Hakkı Bey İbrahim may be identical with persons of similar names, whose prosecution has been recommended, but this cannot on the information contained in this list be established with any certainty.

So far as concerns the material that has been before us, the above are the only persons whose detention on the ground of ill treatment of Prisoners of War seems desirable, but we would observe that the arrests have all been made on the instruction of the High Commissioner in Constantinople. He no doubt acted on evidence which came into his hands and reference to him would appear to be desirable before any definite action is taken for the release of any of these men.

(Signed) GORDON HEWART
ERNEST M. POLLOCK

4th August 1920.

PRO - FO. 371 /5080

APPENDICES

No. 12

**LAW OFFICERS' DEPARTMENT, ROYAL COURT OF JUSTICE,
TO THE UNDER SECRETARY OF STATE, FOREIGN OFFICE**

London, W.C., 8th February 1921

Sir,

With reference to your letter of the 28th ulto. No. E. 84 G/132/44, the Attorney General has the honour to state, as to paragraph 2, that he is of the opinion that the time has come when His Majesty's High Commissioner in Constantinople should be asked to prepare the evidence against those interned Turks whom he recommends for prosecution on charges of cruelty to native Christians, particularly on the ground that further delay may be avoided when the opportunity for beginning the prosecutions shall have arrived.

As to paragraph 3, the Attorney General has already concurred in the view expressed therein (see letter from this Department dated 19th January, 1921).

As to paragraph 4, the Attorney General concurs in the proposal of Lord Curzon.

Finally, the Attorney General desires to call attention to the Memorandum circulated to the Cabinet by the Law Officers dated 18th January, 1921, (C. P. 2464) and to state that the prisoners detailed in paragraph 2 thereof are the only prisoners against whom the Law Officers are anxious that proceedings should be taken. The prisoners referred to in the despatch of His Majesty's High Commissioner in Constantinople dated 12th January, 1921, now under review, refers to one prisoner in Category A whose detention the Attorney General no longer desires, namely, No. 2741 Jacoub Gallus. The Attorney General agreed to the release of this prisoner, so far as his agreement was desired, some months ago. The Attorney General's concern is limited to the eight prisoners whose names and numbers are set out in paragraph 2 of the Law Officers' Memorandum to the Cabinet already referred to.

I have the honour to be,

Sir,

Your Most Obedient Humble Servant,

(Signed) LESLIE C. BOWKER

PRO - FO. 371 /6499/E. 1801

No. 13

**FIELD MARSHAL LORD PLUMER, GOVERNOR AND COMMANDER- IN-CHIEF,
MALTA, TO THE SECRETARY OF STATE FOR THE COLONIES, LONDON.**

C.R. Malta. No. 11834/1678 (A)

Auberge de Castille, Valetta,
Malta, 12th February 1921.

My Lord,

(1) I have the honour to submit the following details regarding Turkish Prisoners of War at present interned in Malta and to request that some definite indication be conveyed to me as to the general policy to be adopted in deciding on the treatment that should be meted out to them.

(2) At present there are 115 prisoners most of whom belong to the highest social class, such as Princes, Ministers of State, Generals, Governors, Deputies etc., some of whom have been in confinement for nearly two years, while others have been confined from one year to a few months.

(3) Hitherto all prisoners against whom no definite charge has been brought forward have been given a limited parole i.e. they have been allowed to leave camp, on parole, twice a week for six hours at a time. This privilege was granted in view of the delay in bringing them to trial and of the unavoidably restricted nature of their accommodation which offers few facilities for exercise. These two factors have adversely affected the health of some of the prisoners.

(4) A Committee, however, which has been sitting in Constantinople, under the auspices of the British High Commission, has now classified these prisoners in six categories viz:

- A. High Commissioner's deportees who should continue to be imprisoned and in due course brought to trial.
- B. High Commissioner's deportees who should be released on the Treaty coming into force but whose detention until then is desirable.
- C. High Commissioner's deportees who may be released now but who should not be allowed to return to Turkey until the coming into force of the Treaty.
- D. High Commissioner's deportees who may be released now and to whose return to Turkey there is no objection.
- E. G.O.C. - in - C's deportees to whose eventual repatriation there is no military objection.
- F. G.O.C. - in - C's deportees to whose return there is military objection.

(High Commissioner's despatch No. W. 2178 dated 9th December 1920)

(5) High Commissioner has suggested that no prisoners classified under Category "A" be allowed out on parole, and he does not wish any action taken as regards prisoners to whose release there is no military objection.

(6) In category "A" are included the names of many prisoners who have hitherto been considered purely political. These prisoners are not aware of the charges against them and of their ultimate fate and are constantly representing to me that this treatment is incompatible with British principles of equity.

(7) A case in point is that of No. 2754 Prince Abbas Halim and his brother No. 2755 Prince Said Halim, ex-Grand Vizier who, I understand, are descendants of the first Khedive of Egypt, and whose treatment has formed the subject of correspondence with the Secretary of State for Foreign Affairs, (My letter No. 11834/1561 (a) of 23rd August 1920 addressed to Foreign Office and my letter to War Office dated 24th December 1920 No. 11834/1561 (A)). In this connection I would mention the fact that Prince Said Halim is reported to be in possession of a communication from the Nationalist Party in Egypt offering him the throne in place of the present Sultan as soon as Egyptian Independence becomes an accomplished fact.

Another case in category "B", is that of Rahmi Bey, Ex-Vali of Smyrna. He claims to have behaved in a chivalrous manner towards all Britishers in his district during the whole period of the War and to have contributed materially both to the better treatment and the exchange of British prisoners in Turkey. In support of this claim he is in possession of a letter from the British Ambassador in Athens, in which Earl Granville expresses to him the profound gratitude of his Government and the British Nation for the kind sympathy and powerful protection accorded to British subjects during the War.

There are other similar cases.

(8) Although some of the prisoners have been sent here to await trial on charges of ill-treating prisoners, massacres, deportations etc, they have often represented to me that in accordance with British principles they should be considered innocent and treated as such until actually found guilty. They point out that there have been cases, here of prisoners being sent to Malta on the charge of ill treating British prisoners of war etc. who were released subsequently on evidence of their good treatment of such prisoners vouchsafed by British Officers. They point out that accusations of ill-treatment, massacres etc. are frequently made in a country like Turkey, by Turks of different parties or by Greeks and Armenians from political or personal motives. They add that cases of mistaken identity have been known to happen, and some of them attribute their present plight to Greek and Armenian subjects in the service of the British authorities in Turkey.

(9) They complain that their petitions to Ministers, Members of Parliament and others have

remained without a reply and that they have not been given any opportunity to defend themselves against the charges that have been brought against them, as they were not present during the taking of evidence, which they regard as an illegal procedure.

(10) They ask that they may be furnished with the summary of evidence, or at least with the actual charge to which they will have eventually to answer.

(11) They contrast their present situation with the treatment meted out to the German, Austrian and Bulgarian War criminals who were released and repatriated to their native country before their Peace Treaties were ratified. They regard, or feign to regard, this policy in the light of a religious persecution which they allege will re-echo not only in the Near East but also in the whole Mahommedan world.

(12) In these circumstances I recommend,

(a) That immediate effect be given to the recommendations in High Commissioner's despatch of the 9th December 1920 as regards the release of certain prisoners.

(b) That, if feasible, the charge on which Prisoners in category "A" are to be tried, be communicated to them together with a summary of evidence.

(c) That the trial of such prisoners be expedited or a forecast of their probable dates of trial be provided.

(13) I propose to call upon prisoners to make such statements as they may wish to submit and to send an Officer of this Command acquainted with the Prisoners' point of view, to Constantinople, to lay such statements before the High Commissioner. Under separate cover I am despatching to you by this mail a number of petitions. They are typical petitions, such as I am constantly receiving from these prisoners.

(14) I should be glad if Your Lordship would communicate with the Secretary of State for Foreign Affairs on this matter.

I have etc.,

(Sd.) PLUMER F.M.

Governor and Commander-in-Chief

MALTA

Copy to Secretary War Office

Copy to High Commissioner, Constantinople

PRO - FO. 371 /6499

No: 14

**THE EARL CURZON OF KEDLESTON, SECRETARY OF STATE, TO SIR
AUCKLAND GEDDES, BRITISH AMBASSADOR AT WASHINGTON**

No. 176

Telegraphic.

No distribution

Foreign Office, March 31st, 1921, 7 p.m.

(Evidence against Turks detained at Malta).

There are in hands of His Majesty's Government in Malta a number of Turks arrested for alleged complicity in the Armenian massacres.

There is considerable difficulty in establishing proofs of guilt owing to disappearance or dispersion of victims and other causes.

Please ascertain if United States Government are in possession of any evidence that would be of value for purposes of prosecution.

PRO - FO. 371 /6500/E. 3552

No. 15

**R.C. CRAIGIE, BRITISH EMBASSY AT WASHINGTON, TO THE EARL
CURZON OF KEDLESTON, SECRETARY OF STATE, FOREIGN OFFICE**

BRITISH EMBASSY,
WASHINGTON, D.C.,
July 13, 1921.

No. 722.

My Lord:

With reference to your Despatch No. 755 (E. 6311/132/44) of June 16, 1921, I have the honour to inform Your Lordship that a member of my staff visited the State Department yesterday, the 12th inst., in regard to the Turks who are at present being detained in Malta with a view to a trial in connection with the Armenian massacres. He was permitted to see a selection of reports from United States Consuls on the subject of the atrocities committed in Armenia

during the recent war, the reports judged by the State Department to be the most useful for the purpose of His Majesty's Government being chosen from among several hundreds.

I regret to inform Your Lordship that there was nothing there in which could be used as evidence against the Turks who are being detained for trial in Malta. The reports seen, while furnishing full accounts of the atrocities committed, made mention, however, of only two names of the Turkish officials in question -those of Sabit Bey and Suleiman Faik Pasha- and in these cases were confined to personal opinions of these officials on the part of the writer, no concrete facts being given which could constitute satisfactory incriminating evidence.

I have the honour to add that officials of the Department of State expressed the wish, in the course of conversation, that no information supplied by them in this connection should be employed in a court of law.

Having regard to this stipulation and the fact that the reports in the possession of the Department do not appear in any case to contain evidence against these Turks which would be useful even for the purpose of corroborating information already in the possession of His Majesty's Government, I fear that nothing is to be hoped from addressing any further enquiries to the United States Government in this matter. I only regret that the State Department did not see their way to make the position clearer at an earlier date.

I have the honour to be

with the highest respect,
My Lord,
Your Lordship's most obedient,
humble servant,
(For the Ambassador)
(Signed) R.C. CRAIGIE

**OTHER TITLES
BY DR. BILAL N. ŞİMŞİR**

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