



Talaat Pasha's Murder (15.3.1921): A Parody in the Courts of Berlin Belying 'The Miller of Sansoucci Legend of Justice'

¹Ata Atun & ²Şükrü Server Aya

¹Prof. Dr., Near East University, Turkish Republic of Northern Cyprus

²Researcher, İstanbul, Turkey

Abstract

The European Court of Human Rights' ECHR 370 Resolution dated 17.12.2013, relating to the case of Mr. Dogu Perincek versus Switzerland, received much publicity worldwide. The attention of 'scholars on international law' has been focused on this case, particularly when in mid-March 2014 Switzerland applied to the Higher Court for revision of the first verdict.

The year 1921, like every year between World War I and Adolf Hitler's rise to power, was for Germany one of gloom, Political life had not yet recovered from the shock caused by the overthrow of a form of government deeply rooted in the history of the people. The newly empowered Reichstag was prey to wild party strife, which made the formation of a stable government difficult.

The trial of the murder of Talat Pasha proved to be a most shameful comedy, because the killer Tehlarian was found innocent whilst the victim Talat Pasha was found guilty of killing Armenians previously in Turkey. The German Judges gave in to the Armenian and Victor's pressures.

Liman Von Sanders and the German Protestant pastor Dr. Johannes Lepsius deposed in the court as experts. Liman Von Sanders did not mention anything about the German Ambassador of the era and also him being the Commander in Chief of the Ottoman Army. He did not testify against Talaat but he also did not tell the truth in full extend but a quarter of it only. Accordingly his testimony was against rather than pro.

Although an appeal notice was sent to Bronsart Von Shellendorf, he wasn't called as a witness to the court. After the final verdict of the court, he published an article in a newspaper as a reaction to the court's verdict.

This paper, based on information excerpted from the non Turkish or non Ottoman formal documents and/or official releases, tries to bring into life what happened actually during the trial and the effect of the heavy and irresistible pressures on the German judges.

1 Introduction

The Turkish group which calls the 'genocide' accusation 'an imperialistic lie', had taken the title of 'Talaat Pasha Committee'. Talaat Pasha was a minister of interior and later the Prime Minister of the Ottoman Government. Although he was known for his friendship with Armenians (until an assassin sent to kill him was caught), he was the one who was 'held personally responsible' for all of the wrong doings during the process of temporary 'relocation of some Armenians' to the safe zones where there was no war. This relocation inside the Empire was due to military obligation and was a necessity. It is a known fact, even admitted by the League of Nations General Secretary that 'Revolutionary Armenians' were hitting the back supply lines and engaging units of the army in acts of sabotages when they were needed in Gallipoli to fight against the Allied landings. The General Secretary of the League of Nations had written that 200.000 Armenians 'sacrificed their lives in their fights for the Entente' trusting the promises given which were not kept when the war had ended.

In reality Talaat Pasha was one of the three leaders of the Ottoman Government and merely had carried out the process regulated by law. This was executed 'for the first time in Ottoman history' by governors (valis) in the provinces where revolutionaries were hiding, feeding themselves and sabotaging the army.

General public may not be aware but the Armenian lobby in California has managed to have their own one sided version of genocide included in lectures in high schools of the State recently, thus raising a generation with full hatred of Turks and their children living in USA, all U.S. citizens. Nowadays, a similar effort is being made in Germany, based on the 'biased and very superficial knowledge of the German Community' about 'genocide'. This is derived from very effective Armenian propaganda and a sense of Solidarity, while believing in only what they hear or read selectively without cross examining other and neutral documentation.

2 Legendary German Justice

Therefore, the writers believe that this paper, 'going to the roots of international law', will show that the 'famous legendary German Justice' may serve more than one goal and as such:

- a. It will contribute to the current mistakes of Courts/Tribunals on international affairs when history is not known for certain
- b. It will prove and show the innocence of Talaat Pasha, advertised to the world as a murderer of a nation and the injustice of killing for revenge
- c. It will demonstrate that in a country reputed with a 'legendary justice', narrow political pressures do cause 'absolute injustice or adulteration' in law within full awareness of the witnesses.

Actually there are several concrete evidences proving that the 'genocide allegation' is not only retroactive to today's laws, or some war time bilateral crimes, but it is totally illogical and impossible! For example, *dolus specialis*¹ is already discarded with the following written evidence:

Copy of 'Note Verbal' by Secretary-General Sir Eric Drummond, dated March 1st, 1920.

Page 2: 'Further, in Turkey, minorities were often oppressed and massacres carried out by irregular bands who were entirely outside the control of the central Turkish Government.

In another document, General Secretary of League of Nations² confirms that the Allies made many promises to the Armenians, that they fought for the Entente and 200.000 sacrificed their lives. Who can show a higher authority then the League of Nations?

There are also many U.S. Official documents confirming that truthfully, it was the Armenians who massacred Muslims and destroyed their villages. Yet, many persons take the 'easy hearsay source' instead of finding out the truth. They seem to believe easily when told that someone can kill 1.5 million³ people without a trace. This means 10.000 killed daily and buried in stadium size graveyards, dug by 6.000 workers. Not one such mass grave has ever been found. People would not think that even Hitler could not kill so many in several death camps with gas chambers etc. If they were to be killed by shooting you would need 150 tons of bullets, 150 oxcarts for the bullets only!

However let us get back to the main story:

Talaat Pasha, the late PM of the Ittihatist Ottoman Empire or Triumvir, had taken refuge in Germany in early November 1918 when the Ottoman Empire had to surrender to the Allies on October 30, 1918 with the Moudros Cease Fire⁴.

The Armenian Revolutionists had set up an organization called Nemesis to revenge in their 9th Congress in October 1919 at Tiflis for the alleged atrocities by the Ottomans during the 1915 forced relocations caused by military necessities.

If we recall that a week after the Armenian Republic was declared on May 28, 1918, they had signed a Treaty of Amity with the Turks and entered under 'their protection'. However, a month after the Moudros Cease Fire, this treaty was abrogated by the Armenian Republic and the provinces of Kars and Ardahan were occupied with the permission of the British troops in Persia. On December 2, 1920 the Armenians were to surrender this time to the Nationalist Turks with the Treaty of Gumru.

Here are a few lines from the book '*Armenia and the Armenian Question*', Boston 1943 by one of the three founders of the A.R.F.⁵

'What the Allies shirked doing, the Armenians did with their own hands, at least partly. The authors of the Armenian massacres fell one after another under avenging Armenian bullets. It only remained to the civilized world to justify this most natural outburst of human revenge, and there was not one court of law which dared condemn this act⁶.'

Talaat Pasha was living in Berlin in hideout, until he was traced by Nemesis and Soghomon Tehlerian was sent on duty to kill Talaat in revenge. Tehlerian made his way to Berlin, located the house of Talaat Pasha and shot him dead in the back on March 15, 1921 in front of his house. He was immediately caught by the people on the street and arrested by the police. Our story is intended to inform the reader about some of the details of this 'comedy of justice proceedings', given the fact that the German media seems to welcome all Armenian tales.

The minute notes of this case on the website⁷ are at least 95 pages long. When read in full, they expose the various stages of this judicial parody in Berlin which was once reputed for legendary justice.

This paper aims to comment on the obvious deficiencies of this court case whereby the 'dead body or the victim was found guilty' but the killer with confirmed eye witnesses 'was released by the court' in the midst of the sound of applauds on 17.04.1921.

3 The Trial

The District Court had three Judges, Dr. Lehmborg being the Presiding Judge who converted an ordinary murder case into an 'international court of state politics' and managed to portray the killer as someone in a state of temporary amnesia and mental defect or trans, and therefore he was irresponsible for his action.

There was a jury made up of ordinary twelve persons; there were three Defense Attorneys, one of them a Professor of Law at Koln University. There were twelve 'expert witnesses' of whom eight were physicians, neurologists, medical counsels etc. who had not seen the killer before the murder but were invited later to give their 'expert opinion from the outside.' Two more and important 'expert witnesses were added'; the first one was Johannes Lepsius⁸ who was a priest associated for a long period with philanthropic activities for Armenians and founder of the 'German Eastern Mission' or 'German-Armenian Association'.

He was in fact a fanatic priest. In July 1915, at the time of the 'relocations in actual execution', he came to Istanbul but was not welcomed or received by the German Embassy because of his Fanaticisms'. He was however received once by Enver Pasha and had several contacts with U.S. Ambassador Morgenthau, who gave him some of the old missionary reports, and the Armenian Patriarchate which furnished stacks of alleged reports fabricated by themselves because nothing

¹ Intent to annihilate by decision of the government.

² Gazette of League of Nations, dated September 1928.

³ Which did not exist out of 1.3 million Armenians at the time.

⁴ The Armistice of Moudros, dated October 30, 1918.

⁵ Dashnakist Revolutionary Federation.

⁶ S. Vratzian, *Armenia and the Armenian Question* (1943) 31.

⁷ *The Trial of Soghomon Tehlerian* (Justice Lehmborg, Bathe, Lachs vs Tehlerian), 1921
<http://www.cilicia.com/armo_tehlerian.html> [accessed 25 May 2014]

⁸ Honorary Doctor of Protestant religion and introduced as Professor.

could have come by mail overland in such a time. The second expert witness was General Liman von Sanders, stationed in Turkey as head of the German military mission from 1913 until the end of the War⁹.

There was about 10.000 German officers or specialist soldiers in the Ottoman Army but none of them was invited as witness. General B. von Schellendorf, as the General Staff and also deputy of Enver Pasha, Minister of War knew and eye-witnessed every moment of relocations because of his duty and title. He had authority to sign as deputy of Enver Pasha. He was suggested for this trial but never invited to give his report as the 'best eye witness of all operations'.

We have one district attorney Mr. Golinick, but no other person or lawyer to speak in favor of the victim. Eventually we will see how the District Attorney Golinick gives into the pressure of the judges and 'arranged witnesses' and eventually he asks for the release of the culprit. Another important point is that no other person was interrogated or cross examined and the criminal Soghomon Tehlerian avoided answering real questions of the judge while his words were taken for 'nothing but truth'. The culprit was not only the actual killer but was also the eye and expert witness. His word was accepted as 'the only truth' even when it was paradoxical to his other statements and the physical possibilities.

We will see only a few of the questions and answers which will demonstrate that the Presiding Judge was not investigating a simple premeditated murder but he was putting on trial the history of another country, based on the statement of the culprit and some other 'expert witnesses', none of whom saw the murder, nor the 'alleged massacres in another country' some six years earlier.

In the forthcoming paragraphs below abbreviations will be used

Presiding Judge P

Defendant D

Defendant's lawyers DL

Expert witness W

District Attorney DA

PJ: Was one of your brothers a soldier?¹⁰

D: Yes, one of my brothers was a soldier.

PJ: Where did he fight, on which front?¹¹

D: He did not go to the front; he was in Kharpert, south of Erzinga.

PJ: Is Kharpert in Armenia?¹²

D: Yes, in Asian Turkey¹³.

PJ: In 1915, was your brother at home?¹⁴

D: Yes, in 1915, he was home on leave when the massacres started.¹⁵

PJ: Did the massacre at Erzinga come as a complete surprise to you or were there already signs of it?¹⁶

D: We thought that there would be massacres, since news was circulating that people had been killed¹⁷.

PJ: What were people's thoughts about the massacres? What was said? What was the cause of them? (???)

D: Massacres had taken place all along. From the time I was born and from time my parents settled in Erzinga, they always used to tell us that massacres had taken place.

PJ: Previously as well? When did these massacres take place?¹⁸

D: In 1894 there were massacres in Erzinga.

PJ: Were there warnings prior to the 1915 massacres? Was the reason for the impending massacres known?

D: We always lived in constant fear that the massacres would take place; we knew nothing about the reasons.

PJ: Were people fearful of such massacres?¹⁹

D: It was mentioned that the new Turkish government would take measures against us²⁰.

PJ: Perhaps the Turkish government argued that military exigencies demanded it. Generally speaking, what was said regarding the matter?²¹

D: At that time, I was still quite young!

PJ: At that time, you were already 18 years old²².

PJ: I feel it would be worthwhile to include these events, prior to the incident, in your examination of the defendant.

DA: I feel that it would be best if we set this aside and read the indictment²³.

PJ: (*after consulting associates*) – This court would like to hear from the defendant in detail how these massacres came about and what his family went through. Let the defendant relate bit by bit and let what he says be translated later²⁴.

⁹ S. J. Shaw. The Ottoman Empire in World War I (2006)

¹⁰ How would he know, if he was questioning the culprit for the first time!

¹¹ What has this to do with a murder in Berlin?

¹² Irrelevant. Kharpert was some 300 km to Armenia; Armenian minority was less than 15%

¹³ PJ has not even looked into a map, he takes 'Asian Turkey' as 'part of Armenia'

¹⁴ What's the relation?

¹⁵ Words only; when, where massacres started?)

¹⁶ Who told?

¹⁷ First groups from Erzinga, departed in early July, there was no massacres, nor time or means for any factual news to be heard.

¹⁸ The PJ has put 'history on trial' as if authorized!

¹⁹ Is there any logic or connection in this irrelevant but biased question?

²⁰ Replied to please D J.

²¹ The question is irrelevant asked to the wrong person when there were 10.000 German officers!

²² PJ pressing is D to answer! If D was to be over 16 years old, he would have been a soldier in the army like his brother!

²³ DA later gave in to PJ's prejudice.

²⁴ Apparently, the court was already in search of reasons to excuse the act of murder...He did succeed at the end.

- PJ:** Was there an order to take with you what you had?²⁵
- D:** It was impossible to take everything with us since we did not have a horse or an ox. We were able to take only what we could carry.
- PJ:** Did you have a cart to take your belongings?
- D:** We had a horse, but they took it as soon as the war started. We then bought a donkey.
- PJ:** Was the donkey to carry all your belongings. Did you not have a cart?
- D:** We had an ox cart!²⁶
- PJ:** How did your parents, brothers and sisters die?²⁷
- D:** As soon as the group had gone a little distance from the city, it was stopped. The gendarmes began to rob us. They wanted to take our money and anything of value that we had.
- PJ:** Therefore even the soldiers were robbing the deportees?
- D:** Yes²⁸.
- PJ:** Who cracked your brother's skull with an axe?
- D:** As soon as the soldiers and the gendarmes began the massacre the mob was upon us too and my brother's head was cracked open. Then my mother fell!²⁹
- PJ:** Were the ones who took you into their homes Armenians?
- D:** No, they were Kurds.
- PJ:** Where did you go from there?
- D:** Those Kurds were very kind people. They advised me to go to Persia. They gave me old Kurdish clothes, as mine was torn and bloodstained. I burned mine.
- PJ:** What were you doing in Tiflis?
- D:** As soon as I arrived there, I went to the Armenian Church, where I was given food, clothing, and money. Before departing, my friend took me to an Armenian merchant. I lived with him and worked in his shop.
- PJ:** Then where did you go?
- D:** We heard that the Russian Army had captured Erzinga, so I decided to go back home to look for my family and relatives. Furthermore, I knew we had money hidden at home so I wanted to get that money. However, the Armenian merchant tried to dissuade me.
- PJ:** When did you arrive in Erzinga?
- D:** At the end of 1916³⁰.
- PJ:** How much money did you find?
- D:** I found 4800 gold pieces³¹.
- PJ:** Did you take that money?
- D:** Of course.
- PJ:** How long did you stay in Tiflis?
- D:** Approximately two years.
- PJ:** When did you leave Tiflis?
- D:** On 1919, probably in February.
- PJ:** Where did you go?
- D:** To Constantinople.
- PJ:** What did you do there?
- D:** I put an advertisement in the paper, thinking that I could find relatives of mine, who might have survived and fled from Mesopotamia.
- PJ:** At that time a revolution had already taken place in Constantinople. How did you stay in Constantinople?³²
- PJ:** Did you make up your mind at that time, to take revenge against Talaat, as the guilty for your family's sad misfortune?³³

²⁵ PJ question is irrelevant; he is asking stories of history!

²⁶ In all countries horses and mules were taken by armies for draft. All refugees were supplied at least one ox cart, if they did not own any. The question is irrelevant and the defendant is belying his own words.

²⁷ Isn't the PJ trying to find excuses to reduce the murderer's penalty?

²⁸ Comment: Gendarmes had lists of the names they were accompanying, to report at final destination. Their orders were not to even insult their groups and protect their belongings. The scarce events of robbery happened on roads passing through lands of mostly Kurdish or Circassian tribes, when bandits were more in number than gendarmes. 48 gendarmes died in fights to defend their columns. The whole narration is a lie. German eye witness officers were not asked any such questions.

²⁹ Childish scenarios, there were only gendarmes to guard, no soldiers, no mob. In mountain roads and the gendarmes carried rifles and not axes to chop any wood or heads!

³⁰ The story is impossible time wise. Deportations started in July 1915, he said that he walked to Persia, later to Tiflis, stayed a little over one year, and came back to Erzinga in the heavy winter when roads are closed by snow.

³¹ 4800 gold pieces would certainly weigh more than 35 Kilos; hard to carry alone!

³² The PJ proves his ignorance in history. The Ottoman Empire surrendered on 30.10.1918; two weeks later allied Navy occupied Constantinople, in March 1919 additional Allied Troops took control of the city, the arms of Turkish soldiers were taken and the army discharged. There was no revolution in Constantinople. Greeks had landed in Smyrna on May 15, 1919 and Mustafa Kemal was sent to Samsun on May 19, 1919 to inspect rumored skirmishes with the Greeks and Armenians who had returned shortly after the occupation of the Empire's Western cities by Greek and Allied soldiers.

³³ The PJ already expresses his decision that Talaat was guilty for all, and the D had reason to revenge!

D: No.

PJ: Fine, I think it is time the indictment is read.

DL-Gordon: I would also like to ask the defendant whether or not he had read in the newspapers that Talaat Pasha had been condemned to death for these massacres by the Court Martial in Constantinople?

D: Yes, I had read that. I was also in Constantinople when Kemal, one of the authors of the massacres, was hanged. On that occasion, it was written in the papers that Talaat and Enver were also condemned to death³⁴.

DL-Gordon: How many Armenians were living in Erzinga?

D: Roughly twenty thousand!³⁵

DL-Gordon: In June 1915 was there an order or were arrangements made for the Armenians to be taken out of the town in groups?

D: Yes, such order was given.

DA: Was this order from the Vali (Governor-general) or was it from the military authority?

DL-Gordon: During this period, a state of siege had already been declared.

D: It was said that the orders came from Constantinople.

DL-Gordon: What was the length of the caravan? Was in one hour's walk from beginning to end?

D: I do not know, maybe it was five hours³⁶.

PJ: I would first like to have the indictment read.

CLERK: A student in Mechanical Engineering, Soghomon Tehlirian, born April 2, 1897 is Pakarij, citizen of Turkey, Armenian-Protestant, who was residing at 37 Hardenbergerstrasse in Charlottenburg with Mrs. Dittman and since March 16, 1921 is in the City Jail, is accused of: *Intentionally and with premeditation assassinating the former Grand Vizir Talaat Pasha, on March 15, 1921 in Charlottenburg. According to Article 211 of the Penal Code this is a crime of homicide. In view of the above mentioned facts, the incarceration continues.*

Berlin, April 16, 1921

3rd State Court, Criminal Department No.6

PJ: (to the interpreter): Please relate to the defendant that the indictment accuses him of killing Talaat Pasha with premeditation³⁷.

PJ: If you were obliged to give an answer to this indictment, would your answer be in the negative or in the affirmative?

D: Negative.

PJ: But, prior to this trial, you thought differently. You admitted you had premeditated that act.

D: When did I say that?

PJ: Fine, you do not want to admit today. Let us follow the events since your arrival in Paris. But on various occasions at various times, you have admitted you had decided to kill Talaat Pasha.

DL-Gordon: Will you please ask the defendant why he does not consider himself guilty?³⁸

D: I do not consider myself guilty because my conscience is clear.

PJ: Why is your conscience clear?

D: I have killed a man. But I am not a murderer.

PJ: You say that you have no pangs of conscience, your conscience is clear. Do you not reprove yourself? But ask yourself, did you want to kill Talaat Pasha?

D: I do not understand the question. But I have already killed him.

PJ: What I want to say is, did you have a plan to kill him?

D: I had no such plan.

PJ: When did the idea first occur to you to kill Talaat?

D: Approximately two weeks before the incident, I was feeling very bad. I kept seeing over and over again the scenes of the massacres. I saw my mother's corpse. The corpse just stood up before me and told me. You know that Talaat is here and yet you do not seem to be concerned. You are no longer my son.

PJ: So, what did you do?

D: I woke up all the sudden and decided to kill that man.

PJ: After arriving here, what section of Berlin did you go to?

DL-Niemeyer: May I ask a few personal questions of the defendant? Do you know what country you are citizen of? On March 15th, did you know what country you were a citizen of? Are you aware that from February 1921, Turkey

³⁴ This ready question of the Defendant's Lawyer, shows that Talaat was already condemned to death by the Court Martial and hence the 'defendant merely carried on the execution, which should not be judged' as crime!

³⁵ The total Armenian population of the Erzurum Province [Erzinga was a town in it] was only 5.500 and all of them had been deported to Mesopotamia in 1915.

³⁶ Caravans were generally over 500 and less than 1000 persons. The distance one walks in an hour is four kilometers. In five hours it means it was a caravan 20 kilometers long, and if persons were to be in one straight line, one meter apart from each other that would make 20.000 persons, whereas the total population of the entire vilayet was 5.500 and probably dispatched in six or more groups.

³⁷ Defendant remains silent!

³⁸ The PJ directs the same question to the defendant

and Armenian Republic had been at war and that the fighting reached the peak between March 1, and April 1, 1921, extending over an area of 120.000 square meters?³⁹ (!)

D: Yes, I know.

PJ: How do you know?

D: At the end of 1918, the Turks came as far as Tiflis⁴⁰.

PJ: Was there an official declaration of war?

DL-Nemeyer: Yes, total.

PJ: Therefore, starting on March 1st, were the Bolsheviks and the Young Turks fighting side by side against Armenia? Were you aware that Moscow had given its blessings for the Turco-Bolshevik attack against Armenians and had sent Enver Pasha to command the front?⁴¹

D: Yes, I knew that as well⁴².

W - Dr. Liepman, psychiatrist: Would you please ask the defendant whether he saw his mother in a dream or was partially awake at the time?⁴³

D: When I saw my mother in my dream, I decided to kill Talaat. For this reason, I also changed my apartment.

DL- Gordon: The statements made by the defendant today correspond to his last statement. That is, two weeks prior to the incident, the appearance of his mother's spirit made him decide to kill Talaat and for that reason he moved Hardenbergstrasse⁴⁴.

Above conversations taken from the minutes of the process, should be enough to show how the Presiding Judge, the Defendant Lawyers and witnessing Psychiatrist built a childish narration, inverting, distorting and fabricating facts to eventually deciding that 'his mother's spirit gave him the order to kill Talaat', and hence he was innocent for doing what his mother had told him. He was not aware of what he was doing!

Let us see more:

D: I went ahead of Talaat Pasha and waited for him, when he passed I fired him⁴⁵.

PJ: This sounds feeble-minded to me. Talaat Pasha could have suspected that you were contriving to do something against him. That was really a foolish move. Are you sure you did not approach Talaat from behind?

DA: In answer to a question put by one of the defense counsels, the defendant stated that he was aware Talaat Pasha had been sentenced to death in Constantinople. It is true there was such a verdict, but it is essential for me to clarify that the verdict was rendered when the control of the city of Constantinople was in the hands of a different government. Turkey had lost the war and Constantinople was at the mercy of the British Navy. I leave it to the court to determine what value that death sentence had. I would like the defendant to answer a question. He said that he found his brothers body. Did he bury his brother?

D: No.

PJ: The defendant fled. His life was in danger⁴⁶.

DA: The defendant also testified that he received mental treatment. Does he have wounds or scars on his body?

D: Certainly.

DA: I request that such be confirmed later on. I would like the defendant to be asked again the following question: How did he know that person was Talaat? Had he seen him before or did he recognize him from the pictures he had seen?

D: No, I had never seen him. I recognized him only from the pictures in the newspapers.

DA: The defendant testified that the massacres took place just outside the city limits of Erzinga. I am informed that, after the caravan had gone quite a distance from Erzinga, armed Kurdish bandits attacked the caravan in a pass and even many Turkish gendarmes were killed trying to protect the caravan. Would the defendant please answer whether or not they were attacked by Kurdish bandits?⁴⁷

³⁹ The DA alone represented the victim or litigant. There was no lawyer to represent heirs of Talaat Pasha. Another irony was that the Defendant Lawyer, was questioning his own customer, as if he was cross checking witness. Historical facts and records belie the Defendant and his Lawyer at least on the following points:

a- The Armenian Republic was founded on May 28, 1918 when the Caucasus Federation broke up.

b- On June 4th, Armenian Republic concluded a 'Treaty of Amity' at Batum, and entered under Ottoman protection.

c- On Oct.30, 1918, Turks surrendered with the Mudros Cease Fire. A month later Armenia unilaterally abrogated the treaty of Amity and entered Kars and Ardahan provinces which were Turkish territory. Ottoman Government had resigned, leaders Talaat, Enver and Cemal left Istanbul on a German torpedo boat and took refuge in Germany. Another National Resistance movement started in autumn 1919 by Mustafa Kemal and a National Parliamentary (Revolutionary) Government was declared on April 20, 1920 in Ankara and started to fight Greeks advancing from the West and also the 'protected Armenians' who turned antagonist again and started cleansing all Moslems in the Eastern Anatolia and Caucasus. The Turkish Nationalist Forces started to fight back and on December 2, 1920 the (Dashnakist) Armenian Republic surrendered with the Gumru Treaty; a week later, the Armenian Republic joined Communist Russia and become a state of the Soviet Republic. In 1921 there was only 'Soviet Armenia'.

⁴⁰ Yes, but they had surrendered on 30.10.1918 at Moudros!

⁴¹ The PJ tries to guide the defendant but in doing so he again shows his complete ignorance of history.

⁴² Defendant shows his ignorance as well, but satisfies the PJ.

⁴³ Psychiatrist is already biased and believes in the Dream Story of the defendant.

⁴⁴ What a convincing evidence by the DL, to prove that the killer was 'the mother's spirit'?

⁴⁵ Lie, he fired from the back.

⁴⁶ Does this remark sound unbiased?

⁴⁷ The DA sounds to be neutral; later he too will change!

D: I was told that it was the Turkish gendarmes who opened fire on us⁴⁸.

DL-Nemeyer: I hope the matter of these Kurdish bandits will be clarified.

DA: It seems quite strange to me that the defendant was able to find a place in Hardenbergerstrasse in such a short period of time.

DL-Nemeyer: I believe that we can resolve the question of Kurds this way. The principal modus operandi of the Turkish massacres was to arm mountainous Kurds, the arch-enemies of the Armenians, as gendarmes to watch over the Armenians⁴⁹.

DL-Werthauer: The defendant stated today that, except for his brother's body, he did not see the corpses of any of his relatives. However, he had told me something else before. Perhaps there was a misunderstanding. I would like to ask him whether or not he saw one of his sisters disappear into the far-off brush and whether or not he again found his sister?⁵⁰

D: I saw my mother fall, my dead brother, and other corpses. I could not verify any others, as I was trying to escape.

DL: You testified that in Erzinga there were 20.000 Armenian Christians. What other nationalities were there?⁵¹

D: There were some 20.000-25.000 Turks living in Erzinga⁵².

DL-Werthauer: Would you please ask him whether the money he found at home was in gold coins?

D: It was gold coins.

PJ: Was that money sufficient to last you all this time?

D: Yes.

DL-Werthauer: The amount was 4800 Turkish gold pounds. One Turkish pound is worth 20 gold marks.

DA: I would like one more explanation. How did the defendant bring that money into Germany?

D: I had some in my pockets and the rest in my suitcase⁵³.

Further in the proceedings two German eye witnesses who were on the street told the court that they saw the culprit firing at victim's head from the rear.

There is nothing unusual in their statements.

PJ: (*to witness house owner lady*): Did he seem normal to you? Was he in possession of his faculties?

W: He was never impolite; I have only nice things to say. At night he seemed to have nightmares.

PJ: Did you know anything about his epileptic seizures? Once as he entered the building, he supposedly fell down⁵⁴.

Now, let us read the statements of the most important 'expert witnesses', Professor (?) Dr. Johannes Lepsius, (author 62 years old, Protestant); later, General Liman von Sanders, commander of the Turkish army during WW-1.

PJ: You know what this case is all about. I would appreciate it if you did not go back too far, but rather concentrated on the following: Were barbaric acts committed during the Armenian massacres of 1915 to the extent that we have been told? From research you have done and from the personal experiences you have had is the testimony of the witnesses and the defendant credible? What was the composition of the bodies of guards who were supposed to protect the Armenians during the deportation?⁵⁵

W-Lepsius: The plan for the deportation of the Armenians was decided upon by the Young Turk Committee. On this Committee were Talaat Pasha as the Minister of Interior and Enver Pasha as the Minister of War. Talaat gave the orders and, with the help of the Young Turk Committee, implemented the plan. Already by April 1915 the deportation or general exile had been decided upon. It affected the entire Armenian population in Turkey numbered 1.850.000. There is no such thing as an absolute demographic census in a country like Turkey. However, this figure corresponds to the statistics of the Armenian Patriarchate in Constantinople⁵⁶.

By order of the highest officials of the Turkish government, the total Armenian population of the areas I have just described was deported to the northern and eastern edges of the Mesopotamian desert; Deir-ez-Zor, Zor, Rakk, Meskene, Ras-ul-Ain, and as far as Mosul. Approximately 1.400.000 Armenians were deported. What is the significance of this deportation?

In a document signed by Talaat Pasha we find the following statement: 'The destination of the deportation is annihilation'. These orders were carried out to the letter.

⁴⁸ So, this is a fabricated story, he saw nothing!

⁴⁹ The DL answers the question as if he was eyewitness, and contradicts himself as regards why Turks should arm 'mountainous Kurds', when they were sending gendarmes to protect the caravans against mountainous Kurds!

⁵⁰ The DL is testifying for the story fabricated to aggrandize defendant's innocence!

⁵¹ Apparent lie; he said that his brother was a soldier. Soldiers were in fronts or labor battalions, not in caravans!

⁵² Estimated Armenians in Erzinga should be about 2.000.

⁵³ Wow; 35 kilos of gold in pockets and suitcase? Such money was more than any treasure during WW-1. The Ottoman Government had to borrow only 5 million Turkish gold coins from Germany at 6% interest, to be able to mobilize, pay salaries and buy arms and ammunition for WW-1.

⁵⁴ The PJ already testifies for the defendant that he had epileptic seizures, to later excuse his act of killing!

⁵⁵ The introduction and question is already much prejudiced. Johannes Lepsius was a fanatic Protestant Pastor, son of a priest father. He was not a professor and we have no record of his Dr. Degree, but since he studied for PhD in Egyptology, we may assume that this was an honorary title. Lepsius was in Istanbul in late July 1915, when the relocation movements started. He did not see any caravan or anything because he was in Istanbul only. We do not have any indication that he was received by the German Ambassador Wangeheim, but we know that he was received by American Ambassador Morgenthau three times and once by Enver Pasha, but many times he was with the Armenian Patriarchate because of his very close association with Armenian Philanthropic works in Egypt in the German-Orient Mission. He had not seen even one gendarme!

⁵⁶ Lepsius gives a description of the province names and whereabouts where Armenians lived.

Pursuant of this order, of all the Armenians who were deported from Eastern Anatolia southward, only ten percent reached their destination; the remaining ninety percent were killed, except for women and girls who were sold by the gendarmes or were abducted by the Kurds or died of exhaustion and hunger.

Of these Armenians who were driven to the edge of the desert from Western Anatolia, Cilicia and Northern Assyria, a sizeable number; reaching into the hundreds of thousands, was assembled into camps. The groups were systematically starved and periodically massacred⁵⁷.

W-Lepsius: One would have to ask the following question: How is it possible to kill millions of people in such a short time?

This was possible in the most savage of conditions, as was brought out during the proceedings of the Military Tribunal set up in Constantinople to try Talaat and his comrades and associates. The Court consisted of a Division Commander, as its president, three generals prominent during the war and a captain. Of the five charges brought against the Young Turks, the first dealt with Armenian massacres. On July 6, 1919, the Military Tribunal pronounced a guilty verdict, sentencing to death the leading perpetrators of the genocide – Talaat, Enver, Jemal and Dr. Nazim.

.... The Commander of the Third Division issued an order that any Turk found assisting an Armenian would be shot in front of his house, and house burned to the ground. Any government officials found helping Armenians would be relieved of their posts and tried before a military tribunal for their crimes⁵⁸.

⁵⁷ Let us comment, based on concrete historical documents, for the prejudiced, antagonist, unproven charges of Dr.

- Lepsius: Page 303 of the book <http://armenians-1915.blogspot.com/2008/04/2429-new-e-book-genocide-of-truth-based.html> gives a detailed list; Armenian population in 1914 was counted by the joint French-Armenia Land Distribution Committee on 1.3.1914 as 1.280.000, 542.421 of this total living in Eastern Anatolia. Armenian Patriarchate number was 1.579.000 and the number given by Lepsius at that date was 1.600.000 (not 1.850.000)
- For more exact figures of departures, safe arrivals based on diverse foreign archival records please refer to Pages 121-132 of <http://armenians-1915.blogspot.com/2014/01/3432-free-e-book-genocide-of-truth.html>
 - Boghos Nubar officially wrote (P.126 of above book) that the number of relocated Armenians is 600.000 -700.000.
 - American document (P.129 above) indicated that in November 1922, there was 3.004.000 Armenians in the whole world and 817.873 were refugees from Turkey, 281.000 Armenians still living in Turkey. Lepsius says that only 10% of the deported people survived; so if this was to be true, to have a remaining population of 817.873, the total number sent out southwards should have been 8.000.000, and not 1.300.000 that lived in Turkey.
 - There is no such or any written order by Talaat Pasha for any annihilation. The written order of the 3rd Army Commander dated 31.7.1915 is 'not to use vulgar language and protect the belongings of those being moved'. In April 26, 1915 the Allied Forces had landed at Gallipoli and on the east, the city of Van was conquered by Armenian Revolutionaries and gifted to the Russian forces arriving three days later. Lepsius should have known that the other 'expert witness' General Liman von Sanders was 'the commander in general for all Turkish armies' and it was him, who demanded that the soldiers engaged in backwards sabotages, immediately be brought to the Dardanelles front, where the last battle of survival was continuing against British, French and Anzac forces. When the 'innocent people were moved south', the revolutionaries no longer had any place to hide or feed themselves. So, militarily the decision was justified. The towns named by Lepsius are no desert, they are mostly on the Euphrates River, and arable land for new farmers and villages. Armenian Protestant 'vekil-bishop' who had returned from Der-Zor in September had told Ambassador Morgenthau that Armenians had already settled for business, and they had no incidents in their transfer. Lepsius, if he could be a little neutral could have informed the Court that 'Protestant and Catholics' were permitted to return back to their homes in August 1915 since they were not considered dangerous. All Armenians in the West (Izmir- Istanbul etc. about 200.000) were not ever moved. If any annihilation was indeed planned, why these people should have been saved or excluded?

⁵⁸ Let's see how a God fearing Protestant priest distorts facts or even more seriously how he omits all he knew:

- Total casualties for Armenian population during the period 1912-1922 is calculated to be around 585.000 for ALL CAUSES. We know from irrefutable records that 195.000 Armenians died in Armenia during their short lived republic of over two years, because of starvation and epidemics. Another 200.000 is declared 'dead in fighting' by League of Nations and Armenian sources. This leaves a difference of about 190.000 casualties during this period of ten years, which is not so high (20%) thanks to various reliefs received from USA, Britain and later from Bolsheviks after they became a Soviet state! Muslim casualties mostly annihilation by Armenian revolutionaries (by time, place and names) is registered to be 520.000.
- Certainly there were several wrong doings during the chaos of relocation. The Young Turks set Court Martial in the first half of 1916. There were over 1400 cases of wrong doings. Some 400 were found innocent, the rest were sentenced to severe penalties including 67 hangings, including army officers even governors. Dr. Lepsius omits these trials, which General L. von Sanders was certainly aware as the Highest Commander which he too omits!
- In February 1919, the Ottoman Government under occupation tried to establish a neutral Tribunal and asked Spain, Sweden, Switzerland, Holland and Denmark to each send two judges for the proceedings. Spain had consulted Britain; they said that they 'will hold their own tribunals in Malta' and hence another trial was futile. All these countries replied in writing that they cannot join such an investigation court. Immediately after this incident the Ottoman Government resigned, the British rounded up some 140 Ottoman high officials, generals, governors etc. and interned in Malta for over two years to be put on trial for alleged crimes against Armenians. The Martial Court referred by Lepsius was a Kangaroo Court to please Armenians; there were no lawyers, no minutes, no defense other than British dictated verdicts, condemning in absentia the Young Turk leaders who had escaped to Germany and even Mustafa Kemal (Ataturk) who was appointed as inspector in late May 1919, to investigate alleged frictions

W-Lepsius: About 1.400.000 people of the original 1.850.000 Armenians in Turkey took part in the forced march to the deserts of Deir-ez- Zor. These leaves 450.000 persons – of these 200.000 were not affected by the deportation or the massacres, principally because they were from the larger cities of Constantinople, Smyrna and Aleppo. General Liman von Sanders, as he will testify, intervened on behalf of the Armenians and saved them in Smyrna. So did Marshal von der Goltz⁵⁹.

W-Lepsius: The remainder of the Armenians in Turkey – 250.000 persons from the eastern vilayets were saved by the advancing Russian army and found refuge in the Caucasus.

At that time the Russians advanced to the western shores of Lake Van. When they turned back they took the Armenians of Caucasus with them. However, it could hardly be said that they did so out of love of the Armenians because, when the Russians later recaptured these same territories, they would not allow the Armenians to return to their homes.

In any case, the advancing Russians saved 350.000 Armenians but did not allow them to return to their homes. Even now they live in a very small territory in the Caucasus. For years, they lived on the verge of starvation and suffered enormously⁶⁰.

DL-Werthauer: You stated that the diplomatic games of the Russians and the British contributed to the annihilation of the Armenians. Why?

W-Lepsius: Because these diplomatic maneuvers created fear among the Turks that the Great Powers were striving for an independent Armenia and that this would be a threat to the existence of Asiatic Turkey.

DL-Werthauer: It used to be said previously that the reason for the massacres was the fact that the Armenians were Christians whereas the Turks were Mohammedans, and the hatred between these two people was centuries old.

DL-Niemeyer: Is it not the case as follows? Nations subjugated by the Turks rose up one by one and became liberated from Turkish hegemony, leaving the Armenians as the only Christian nation still under Turkish rule. And in order to prevent the Armenians from doing the same it was decided to annihilate them. Is this view accurate?

W-Lepsius: Yes, Count Metternich, who was the German Ambassador in Constantinople in 1918, wrote in a report dated July 30th as follows. The Armenian Question is finished. The gang of Young Turks is eagerly preparing itself for the moment when Greece will turn against Turkey so that the Greeks can be annihilated as well, just like Armenians⁶¹.

Witness, General Otto Liman von Sanders (66 years old Protestant) takes the oath.

W-Sanders: In addition to Dr. Lepsius testimony, I too would like to offer a few comments from a military point of view⁶².

In my opinion, we should divide into two categories the events which have taken place in Armenia, generally referred as the Armenian Massacres. First, in my opinion, is the order of the Young Turks to deport Armenians. We can hold the government fully responsible for the preparation of this deportation and partially responsible for all the subsequent events. Second we have the war and the fighting took place in the Armenian territories. Initially, the Armenians defended themselves against the Turks, contrary to the Turkish orders to disarm, and, as has been proven beyond doubt; some joined the Russians and fought against Turkey. It is understandable naturally, that the victors in such a war would be accused of massacring the vanquished. I believe these two categories are distinguishable and have to be distinguished.

The government ordered the deportation of all Armenian inhabitants of the Armenian territories, or the Eastern Anatolian provinces, as a strategic move!⁶³

I wish to stress the fact that all captains and officers up to the rank of general in the Eastern Provinces were Turks. Some of you are aware of the fallacious rumors that have been circulated concerning the presence of German

with Armenians who had already returned to their houses after 30.10.1918 Ceasefire! Those kept in Malta for over two years were released quietly even without an indictment, since no evidence was ever found.

d. We have not seen any written order of the 3rd Army Commander as expressed. We have the one instructing gendarmes 'not to use bad language'.

⁵⁹ The population controversies are explained above and documented in the given reference sources. General Liman von Sanders, if he was asked, he should have told that effective from August 2, 1914 he was the 'Commander in General' of all Turkish Armies and hence he knew what was going on. Liman von Sanders did not have time to do anything for Smyrna, Greeks landed on May 15, 1919, whilst Turks had already surrendered on Oct.30, 1918. As regards Marshal von der Goltz, he died on April 19, 1916 without even seeing his Army's Kut-ul-Amara victory. These huge distortions or lies prove that Dr. Lepsius was an incurable Armenophile and Turcophobe!

⁶⁰ This information has nothing to do with the case of this murder but is mostly true. Lepsius omits to say that 'revolutionary Armenians had already captured Van City in mid April 1915' and gifted it to the Russian troops arriving three days later. Armenians wrote that only 1.500 Muslims were left in the city, the rest some 80.000 were annihilated or forced to flee. This is why when Russians pulled back, 250.000 Armenians of Turkey took refuge in Caucasus with the Russians. However, Russians originally intended to settle Cossacks in these lands, since they were much trustworthy compared to Armenians.

⁶¹ Lepsius is again giving wrong information. The Dashnakist Armenian Republic founded on May 28, 1918 on June 4th, 1918 had signed a series of Treaties of Amity with Turks and had entered under 'Ottoman Protection'. The problem was finished peacefully. At that time, the Turks were in full control of the Caucasus winning the war. But when Bulgaria surrendered on 29.9.1918 the overland connection between Turkey and Germany was cut, Turks surrendered with the Mudros Ceasefire on 30.10.1918 and Germany surrendered on 11.11.1918 and WW-1 was ended. At that time there was no reason or expectation for any Greek occupation. The whole story is an antagonist and illogical scenario.

⁶² W-Sanders, already accepts the statements of W-Lepsius, and omits the most vital parts of his Commandment.

⁶³ But he omits to say that he had made the request as the chief commander!

officers in these provinces. What I said is what these captains and evil officers have reported in Constantinople; the carrying out of the orders issued thereupon for deportation fell into the worst hands.

It is also essential to mention that, prior to the war; the Turkish police force was extremely efficient. It consisted of 85.000 troops and a specially selected brigade. Most of these people were drafted into the army and separated into various brigades and in their place an auxiliary police force was created. It certainly did not represent a select class. It consisted mostly of criminals or the perennially unemployed. Discipline among these people was understandably very lax. We should keep this in mind when we bear testimony relating to atrocities committed against the Armenians.

It was not the Turkish army or the Turkish police force that attacked the Armenians, but rather a temporary extra police force created because of exigencies of the time. Also, we should remember that the economic situation was so dismal that not only many Armenians, but thousands of Turkish soldiers as well died of the lack of food supplies, disease and other consequences of poor organization in the Turkish government. In my division alone, after the battle of Gallipoli, thousands died of malnutrition. I feel all of these points should be kept in mind⁶⁴.

We should also not overlook the fact that many Turks were fighting under the banner of a Holy War and thus felt more severely they acted with the Armenians, the Christians, the more benevolent their actions were. This is especially true of the subordinate officials. The Kurds, who have always been enemies of the Armenians, committed numerous atrocities against the Armenians as well.

As far as I know, the German government did whatever it could at that time, conditions permitting, to help the Armenians. However, we should also recognize that it was difficult task for the German government. I personally know that our ambassador, Count Metternich, continuously protested against the policies and measures against the Armenians⁶⁵.

I can say without hesitation, as Dr. Lepsius was good enough to stress, that there was not a single German officer involved in any actions taken against the Armenians, contrary to the many suspicions entertained with regard to us. The fact of the matter is that we intervened whenever and whatever we could⁶⁶.

I should mention that I personally never received any orders signed by Talaat. The orders I received were signed by Enver and they generally had little significance. These orders were generally incomprehensive or totally impracticable. For example, I once received an order to remove all Jews and Armenians from the German officers' staff. It goes without saying that the orders were never carried out, since we needed them as interpreters. Very often we received such nonsensical orders⁶⁷.

This is approximately what I know through personal experience. I would like to stress that I have never set foot in Armenia. I have never been close to Armenia and the Turkish government has never listened for my views nor has asked for my views on any of the measures taken against the Armenians. On the contrary, everything was done clandestinely so that we would not have any knowledge of their internal political relationships⁶⁸.

I cannot say that the role of Talaat was as concerns the issuing of order. As far as I know the principal order pertaining to the deportation of the Armenians was given on May 20, 1915. In any event it was the result of a decision of the Young Turk committee and it had the unanimous approval of the ministers. The implementation of the orders was left to the Valis, the lower echelon officials, and especially the horrible police force.

In any event, I consider it my duty to state that in the five years I was in Turkey, I never saw an order signed by Talaat against the Armenians and neither can I testify whether or not such order was ever issued⁶⁹.

⁶⁴ The statement of the General is 99% true. Yet, the auxiliary gendarmes 'did not attack and rob the caravans they were guarding, however, but when they were faced with stronger gangs of Kurdish and other bandits, they pulled aside and let their caravans to the mercy of the bandits. This is also confirmed later by the General Secretary of the League of Nations.

Of the supplementary gendarmes, 48 died in confrontations. True, there were very few German officers in the eastern Anatolia, on special duties such as medical, artillery, etc.

⁶⁵ The General adds some Protestantism to comfort Lepsius and the murderer also a Protestant Armenian. He also distorts some facts. The Relocations took place in the middle of 1915; at that time the German Ambassador was Baron Wangenheim who had signed the secret agreement with the Ottoman Empire on August 2, 1914 giving full command of the Turkish Army to General von Sanders. Wangenheim died on October 25, 1915; by that time almost all relocations were finished. The new ambassador Count Metternich arrived at the very end of November 1915, and learned about the deportations after all was almost finished. His alleged protests were very late and inactive.

⁶⁶ There was no reason for German officers to be involved with recruited new gendarmes; the Commander had made the military demand of troops engaged in rear sabotages to be moved to the Gallipoli front; their interventions, would have been paradoxical to the order!

⁶⁷ Let us see what Sanders does not mention: Enver was Minister of War, his deputy was General Bronsart von Schellendorf – whom Sanders make no mention at all. Enver had signed his agreement to the overall general command of the army by General Sanders who disregarded them by his position.

⁶⁸ True, the Allies had landed on Gallipoli on April 26th, General Sanders was the commander in the front; he needed more soldiers, had no time or reason to occupy himself with this internal operation to be able to meet his demand of more soldiers.

⁶⁹ Conclusion: General Liman von Sanders generally spoke some sections from all truths! He did not mention that he was the overall commander of the Turkish Army; he did not mention the name of General B. von Schellendorf, deputy and General Staff of Enver Pasha, the Minister of War. He diluted military with Protestantism or religion! The Statement of General Schellendorf who was not called to the proceeding, appeared in a newspaper added as attachment.

'Witness Bishop Krikoris Balakian, Vicar from the Armenian Apostolic Prelacy in Manchester, England, who has come to Berlin for the trial takes the oath'. Typical example of persons who were not eye witnesses with anything to add other than their weight with their Protestant Religion and holiness!

W-Expert Dr. Liepman: I base my diagnosis on today's testimony as well on the three detailed physical examinations of the defendant, which were carried out last week while he was in prison.

It is perfectly clear that we are not dealing here with the act of an insane person. It is also clear that the act was committed while the defendant was in a confused state of mind, such as during an epileptic attack⁷⁰.

W-Expert Dr. Haake: In view of the detailed medical testimony already presented to you, I can quote quite brief...

From my point of view, an emotional epileptic, such as the defendant, is unable freely to control his will under the constraint of such mental images...

-The second day of the trial –

DL-Werthauer: Gentlemen of the Jury, you will be given instructions wherein you will find the question pertaining to homicide. Will your answer be 'Yes' or 'No'? That is the point to be decided on.

The way the question is worded provides the basis for a negative answer. The question does not ask whether or not the defendant killed Talaat Pasha; rather it asks whether the defendant is guilty of killing Talaat Pasha. This difference is paramount; when you retire to the jury chamber and when you return from there that should be apparent in your answer. The difference should be foremost in your mind during each stage of deliberation.

It is possible that Talaat, as an individual, was a decent fellow. But he was a member of a militarist cabinet. A militarist is a person opposed to justice. The militarist is not an individual who is a member of the military by calling.

Even if the Armenians had allied themselves with another country and even if a misguided leader of the Armenians had joined the Russians and thus committed treason, nevertheless the Young Turks knew that there were thousands of innocent women and children who knew nothing of such occurrences.

Tehlirian is the avenger of his people, of the one million Armenians who were killed. He is the one who is standing up to the author of these massacres; he is facing the man who was responsible for the annihilation of his people. Is this not an irresistible impulse? Do we need the image of his mother in order to have medically acceptable coercive images? Now we do have that image as well. The defendant is also the representative of his family, his mother. His mother tells him: 'You are no longer my son'.

The Armenian nation, from thousands of years ago down to its youngest child, stands behind Tehlirian.

Tehlirian carries with him in his thoughts the flag of justice, the flag of humanity, and the flag of vengeance to uphold the honor of his sisters and relatives.

DL-Niemeyer: Indeed, when the incident took place, the Turks and the Armenians were at war, and the two nations, from the standpoint of international law, were enemies. Therefore, is it not beyond a doubt that Article 4 of the German Constitution should be taken into consideration in this instance?

DA: In light of the opinions expressed by the expert witnesses, I also agree that the defendant was quite possibly suffering from a disease which affected his psychological equilibrium, and seeing the supposed author of his misfortunes severely agitated him. If you are of this opinion then you have to give an affirmative answer regarding the unpremeditated nature of the killing⁷¹.

I am happy, however, to state that I agree with the defense attorney on another point; namely that what is essential in our jurisprudence is sound of human judgment. It is my hope, gentlemen of the jury and I have no doubt that, in spite of the bewildering array of scientific, technical, legal, and medical testimony that was presented to you, this consideration has remained uppermost in our minds. As long as you put sound human judgment above all else, you will be able to discover the truth⁷².

DL-Werthauer: Subsequently the District Attorney stated that the Turkish people stood beside the German people as loyal allies. This is true and no one stated anything to the contrary. The Turks are also brave soldiers. The Turkish people, however, are not to be blamed for the war any more than the German people are to be blamed for it.

DL-Niemeyer: During the war, German military and other establishments, both in this country and beyond its borders, passed over in silence and then tried to cover up the atrocities committed against the Armenians. This was done in such a manner as to imply that our German government actually condoned these atrocities.

Certainly, up to a point, individual Germans tried to put an end to the atrocities, but to the Turks the implications were clear. They thought, it is impossible for these events to take place without the consent of the Germans. After all, we are their allies and they are much stronger than us.

Therefore, in the East and all over the world, we Germans have been held responsible with the Turks for the crimes committed against the Armenians. There is wealth of literature in the United States, Great Britain and France whose purpose is to show that the Germans were really the Talaat's in Turkey⁷³.

(Attention): If a German court were to find Soghomon Tehlirian not guilty, this would put an end to the misconception that the world has of us. The world would welcome such a decision as one serving the highest principle of justice.

PJ: Gentlemen of the jury, it is now left to me to instruct you with the essential judicial council...

⁷⁰ The doctor witnesses that the murder was committed because occurrence of psychological shocks.

⁷¹ WOW! The district attorney speaks as if he was another defense lawyer.

⁷² Conclusion: the DA too joins Defense Lawyers and forces the Jury for the release of the culprit.

⁷³ Not even one single document could be ever found throughout years in any country; intended Malta trials could not even start.

Therefore, you have to ask yourselves whether the defendants epilepsy and other factors mentioned in the testimony of the expert medical witnesses created circumstances that deprived the defendant of the full use of his mental faculties when, on March 15, 1921, he committed the homicide.

4 The Verdict

After an hour's deliberation, the members of the jury return and the foreman of the jury declares:
I avow with honor and clear conscience to the verdict of the jury:

Is the defendant, Soghomon Tehlirian, guilty of having intentionally killed a man, Talaat Pasha on March 15, 1921 in Charlottenburg?

(Signed: Otto Reinecke, Foreman of the Jury)

Presiding Justice: Therefore the following sentence is issued:

'The defendant is acquitted at the expense of the state treasury. *(Renewed commotion and applause)*

'The order of imprisonment as regards the defendant is hereby annulled.'⁷⁴

5 Conclusion

The purpose of this paper was to outline some of the irrefutable facts on this 'delusionary or kangaroo trial' and leave the final verdict to the intelligence and neutrality of the reader. The irony is that Germany is still unaware of the parody of this trial and still believes in an average war drama which they may even include in their school text books as the verdict of 'genocide'. The attached article of General Bronsart von Schellendorf, needs to be taken into consideration solemnly for a neutral German Military Overview.

In the process of the Armenian assassin Tehlirian, witnesses were called who were unable to make any real statements, or who were able only to relate what they had heard about the situation. Eyewitnesses, who had seen the truth, were not called. Why did one not take the statements of German officers, who were assigned at the time and were there to see the results of Armenian atrocities?

The article below was written by Lt. Gen. a.d. Bronsart von Schellendorf published in "Deutsche Allgemeine Zeitung - # 342 July 24th, 1921" about a month after the verdict.

'A Witness for Talat Pasha, from Lt. Gen. a.d. Bronsart von Schellendorf, former Chief of the General Staff of the Turkish Field Troops, recent Commander of the Royal Prussian Infantry Division.

Our witness accounts could have played such a decisive role in this process.

We were notified to be prepared to testify, yet never called. For this reason, I am following my duty as witness, although it is late because I had to gather all of this material, to help truth find its rightful place.

In order to understand how it was possible to place the blame for the Armenian atrocities, it is necessary to look back. Armenian atrocities are age old. They have happened ever since Armenians and Kurds have lived in close proximity in the borderlands of Russia, Persia, and Turkey. Kurds are nomads and raise animals. The Armenians are acre farmers, artisans, or businessmen. The Kurd has no school experience, does not know money or the worth of money, and knows that being taxed is forbidden through the Koran. The Armenian, as business man, uses the inexperience of the Kurd in a scrupulous manner, and takes advantage of him. The Kurd feels that he has been cheated, takes revenge on him, and the Armenian atrocities are ready. It must be said that differences in religion never have anything to do with this.

The revolt had been prepared way before it took place, as the many bulletins, brochures, weapons, ammunition and explosives found in the areas populated by Armenians made it clear. It was surely instigated and funded by Russia. An Armenian conspiracy against high government works and officers in Istanbul was discovered on time.

Since all the able Moslem men were in the army, it was easy for the Armenians to begin a horrible slaughter of the defenseless Moslem inhabitants in the area. They did not just go against the Turkish Eastern front army from a flank or at its back, but they simply cleaned out the Moslem inhabitants in those areas. They performed gruesome deeds, of which I, as an eye witness honestly say that they were much worse than what Turks have been accused of as an Armenian atrocity.

At first, the Army attempted to bring order to the area, but being strapped to the fight against the Russians, they finally left it to the Gendarmerie, which was subordinated to the Ministry of the Interior as all the states were.

The Minister of the Interior was Talaat, and he had to make the decisions and give the directives. The Army was in its most vital stage of fighting. The Moslem inhabitants were fleeing from the terror of the Armenians. In this critical situation, the whole ministry came to the difficult decision to name the Armenians dangerous to the state, and to remove them from the border areas to a less inhabited, but fruitful area, to Northern Mesopotamia. The Minister of the Interior gave the task to the Gendarmerie, trained to deal with this assignment.

Talaat was no thoughtless murderer, but a far sighted statesman. He saw in the Armenians, who now were under the influence of the Russians and others who had Great-Armenia dreams, but in quieter times, were very useful citizens, hoped that removed from the Russian influence and away from the Kurdish quarreling, they would, with their intelligence and work ethics make their new home luscious and fruitful.

He also saw further on that the Entente press would use the relocation of the Armenians as a hypocritical propaganda of Anti-Christianism, and he would have even for that reason alone avoided any harsh treatment of the Armenians.

Talaat was right. The propaganda began and successfully had everyone in other countries believing this stupidity of Anti-Christianism. One should know that in a country that is closely allied with Christian countries, that has Christian officers and soldiers in its own army.

⁷⁴ The defendant is congratulated by his defense attorneys, his compatriots and the public in attendance.

The Ottoman Empire was stretched over large distances and there was not always sufficient communication between the various provinces. The governors had more or less a lot of freedom to decide on when and where and how things ought to be done.

The unusually difficult task to keep thousands of Moslem refugees and in another area Armenians on their assigned marching ways, to lead, feed, find shelter for them all, was over-whelming to the too few who could not cover the masses, nor most often had no idea of how to do so. Talaat did his utmost to help. Even into my hands came requests and demands to the Army to assist whenever possible, to provide food, shelter, doctors and medicine to the civilians under way. Unfortunately, even with all the help that was possible, thousands of Moslems as well as Armenians died.

Here lies the question of whether one could have foreseen these disastrous results of the relocation. Considering that there would not have been any way to stop the Moslem population from fleeing, removing the Armenians was necessary.

Let us take, for instance, our present situation (1921). If a ministry found, it had the power and the right to order: All Polish activists will be removed from Upper Schlesien and put into prison. Or all violent Communists will be put into boats and dropped off at the Russian coast... Wouldn't there by applause heard throughout the country? Perhaps the judges of the Tehilirian process will ask themselves these questions and see the Armenian situation from a different point of view.

Talaat refused to have registered all Greeks living on the Mediterranean coast because only sabotage was done there, not a dangerous uprising, though thoughts of that were near. Talaat was a statesman, not a murderer.

Now that the atrocities that were deliberately done to Armenians; were witnessed so often that there is no doubt that they are real. I begin with the Kurds. Of course, this folk, these people, used this seldom, probably never again opportunity to rob and at times even to beat to death the hated Armenians who had on top of everything, done horrible things to other Moslems. The train of Armenians going to their destination went for many days and weeks through Kurdistan. There was no other way to get to Mesopotamia.

About the Gendarmerie that was assigned to accompany the Armenians, different judgments have been made. In some instances, the Gendarmerie defended their charges against Kurdish bands. In other instances they were said to have fled. There were also claims that they worked together with the Kurds, or even alone, robbing and killing Armenians. That they were acting upon higher orders was not brought up. Talaat cannot be made responsible for these acts, which took place 2000 km from where he was. And the Gendarmerie had a different training than the Turkish troops...their training was French.

One can also not deny that some Turkish officers took advantage of the Armenians, but where such dealings were discovered, immediate military action was taken. Thus, Vehib Pasha had two of his officers shot according to military law.

Enver Pasha punished the governor of Aleppo, a Turkish general, who enriched his coffers at the cost of Armenians, by taking away his commission and giving him a long jail sentence.

I think that these examples show that one did not want an Armenian disaster. But it was war, and customs and manners degenerated. I remember the gruesome acts the French did to our wounded and prisoners of war. Has the rest of the world heard of these shameful acts?

Besides the murdered Grand Vizier, Enver Pasha also has been attacked before the German court, I hear. Enver loves his fatherland immensely. He is an honorable soldier of great talent and unmatched bravery, whose eye witness I was repeatedly. The newly formed Turkish field army exists due to his genius, and his spirit, that fought for years against heavy might, and today it still fights for the homeland. No German officer is more able to judge him and his friend Talaat Pasha than I am, who stood from 1914 to the end of 1917 as Chief of the General Staff of the Turkish Field Army in closest ties to those two men.

*Talaat Pasha has become an offering, a sacrifice of love for his fatherland.
May Enver Pasha, when his time comes, be able to lift his fatherland to new heights?*

That both of these men, through difficult times, gave me their full trust, I may say, that they gave me their friendship, is a proud memory for me'.