

Dadrian, Vahakn N.; Akçam, Taner: *Judgment at Istanbul. The Armenian Genocide Trials*. New York: Berghahn Books 2011. ISBN: 978-0-85745-251-1; 376 S.

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In October 1918, the Ottoman Empire suffered a catastrophic defeat when its front lines disintegrated, triggering a sudden implosion of the army. On 30 October, the Ottoman government signed a truce that sanctioned unconditional surrender. Paralyzed by panic and defeatism, that next night the inner circle of the Committee of Union and Progress burnt suitcases full of documents, disbanded the CUP as a political party, and fled on a German submarine to Odessa. The power vacuum was filled by a new cabinet led by the liberal Freedom and Coalition Party (Hürriyet ve İtilaf Fırkası), a hodgepodge of anti-CUP oppositionists. It ruled the Ottoman Empire during the armistice (1918–1923) as long as the Istanbul government wielded sufficient actual power in the imperial heartland. The very day after their rise to power, the liberals immediately began reversing CUP policies: trade was resumed, deported Armenians were encouraged to return, and relief was offered to orphans and destitute villagers. Most importantly, the government exposed, discussed, and prosecuted CUP war crimes, particularly the Armenian genocide.

On 16 December 1918, Grand Vizier Damad Ferit Pasha officially charged a military tribunal with investigating and prosecuting CUP crimes – one part for specific provinces, and another part for the entire CUP cabinet. On 5 February 1919, the first series of sessions began and on 9 February 1920 the last session was held. For a whole year, soldiers, eyewitnesses, politicians and Islamic clerics were interrogated about their knowledge of the Armenian genocide. The tribunal unearthed 42 officially certified documents: confessions, testimonies, telegrams, memoranda, declarations, letters, and cross-examinations. The main indictment accused the Cabinet ministers, military, and the CUP as a political party of organizing „deportation and mur-

der“ (tehcir ve taktıl). The final judgement of 5 July 1919 concluded that the CUP government had attempted the systematic annihilation of the Ottoman Armenian civilian population. The complete elite of the CUP was sentenced to death in absentia. However, the perpetrators escaped prosecution for three reasons: negligence by a venal Ottoman bureaucracy, obstruction by CUP loyalists, and the resurrection of Turkish nationalism under the auspices of Mustafa Kemal, who seized power and expelled Armenian survivors from Anatolia.

„Judgment at Istanbul“, an exhaustive and definitive treatment of the rise and demise of these trials, is a translation from the 2008 Turkish original.¹ In this reference handbook, thirteen chapters are sandwiched between an introduction and two appendices that list documents and sources. Three of the chapters were written by Akçam (including a 4-page chapter) and ten authored by Dadrian (some based on earlier publications). The book offers meticulous accounts of the Ottoman collapse in 1918 and the question of postwar punitive justice, the preparations, initiation, proceedings, and conditions of the courts-martial, and finally examines the societal context in which the tribunal operated. The authors must be commended for their assiduous engagement with a range of sources. The most innovative of these are articles from the Ottoman press in the armistice, which clearly demonstrate that condemnation of the Armenian genocide was ubiquitous in Ottoman society. The most interesting part is chapter 13, which reproduces the full texts in English of the indictments and verdicts. In the final verdicts, the court convicted the CUP of having planned and pursued the systematic „annihilation“ (imha) of the Armenians as a group. This, according to one verdict, was „entirely unacceptable to human and civilized sensibilities and which, in Islam’s view, are considered among the greatest of offenses“ (p. 291).

The book has flaws as well as merits. Much like the current trials in Cambodia against five Khmer Rouge leaders, the Ottoman tribunal can be criticized for being overly politicized

¹ Vahakn N. Dadrian / Taner Akçam, *Tehcir ve Taktıl Divan-ı Harb-i Örfi Zabıtları. İttihad ve Terakki'nin Yargılanması 1919–1922*, İstanbul 2008.

and therefore generating an impure legal process. It is rather obvious that the Liberal Entente welcomed the tribunal to purge the Ottoman political spectrum of CUP opposition. This aspect of the tribunal escapes the critical attention of the authors, who, in an attempt to legitimize its conclusions, too often brush aside its irregularities. On the other hand, it is equally unmistakable that in the course of investigating the CUP's crimes, the prosecutors secured some exceptional documentary evidence that now proves invaluable for understanding the nature of the Armenian genocide. For example, the proceedings demonstrate the importance of secrecy in the planning and the implementation of the anti-Armenian measures. The documentation also corroborates recent research, e.g. by Nader Sohrabi, Şükrü Hanioğlu, and the undersigned, that the CUP operated as a ruthless state within a state, undermining the Ottoman government bureaucracy and state legitimacy, and never eschewing the commission of violence against their own citizens.

„Judgment at Istanbul“ is detailed and exhaustive, but for this same reason of density that the book is not terribly accessible for a general readership. The legal history buff would relish reading the expansive descriptive sections (in particular chapters 3, 4, 7, 12), but as a consequence the lucidity of the argument suffers somewhat. The research base of the book is enormous, and clearly there is no source the authors have not consulted, but empirical density cannot substitute for lucid argumentation. Digging for and locating relevant facts is important, but the materials must be sufficiently integrated into a coherent argument as a whole. The reader patiently muddles through the volume, but any expectation for an overarching conceptual frame or even a final interpretative conclusion is in vain. Instead, the book examines a range of issues but lacks focus and insufficiently situates the trials in the global history of genocide or even in the context of World War I. (Gary Bass' succinct, though less rigorous, study offers such an overview.²) Nevertheless, as a useful reference book this volume was highly due and will prove indispensable for any student of the Armenian genocide.

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² Gary Bass, *Stay the Hand of Vengeance. The Politics of War Crimes Tribunals*, Princeton 2001, p. 106–146.