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Commanded by my Mother's Corpse.
Talaat Pasha, or the Revenge Assassination of a Condemned Man

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(author postprint)

Abstract

Talaat Pasha, the chief instigator of the Armenian genocide, died at the hands of an assassin in 1921 in Berlin, where he was living in hiding under a false name. His killer, the survivor and avenger of the genocide, Soghomon Tehlirian, sought to use his own trial as a platform to condemn the acts of the murderer of his people – a murderer who had already been sentenced to death *in absentia* in his own country by a court martial in Constantinople. This perpetrator now lies in a mausoleum built in memory of the "heroes of the fatherland" on the hill of the Monument of Liberty alongside his erstwhile Minister of War, Enver Pasha, in the very heart of Istanbul. This chapter aims to shed light on the link between the perpetrator's violent end, the treatment of his remains and the negationist policy which is still in place in Turkey.

Keywords: Talaat Pasha; Soghomon Tehlirian; revenge; Armenian genocide; negationism; secondary witness; recognition.

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"For me, it's a question of method:
the spanner in the works must be your starting point."
Carlo Ginzburg[1]

Charlottenburg, 15 March 1921, 11:00 am. Mehmet Talaat Pasha slumps to the ground in front of 17 Hardenbergstrasse, a bullet in his head. Berlin's central Court of Assizes, 3 June 1921. His killer, Soghomon Tehlirian, a survivor of the Armenian genocide of which Talaat was the main instigator, is acquitted to applause from the public gallery.[2] The young avenger is declared not guilty on the grounds that his free will was impaired at the moment of the crime, a state explained by the horrors seen and suffered by the survivor. The Armenian student is set free the same day, bedecked with flowers and escorted by the police. The press unanimously hails the verdict as an "act of justice which is an honour to the new Germany."[3]

This highly unusual and little-known trial frames the treatment of the death of a perpetrator from the perspective of a *second witness*, namely a judicial authority, in a rather peculiar context. For the Tehlirian case was indeed peculiar insofar as it obliged Judge Lehmberg (the president of the tribunal) along with the twelve jurors, to hear the account given by an "avenger," the assassin of his people's executioner, supported from the witness stand by third parties (including German celebrities) who had come to testify on behalf of the accused. A criminal court, then, which effectively took on the trappings of an opinion tribunal, and along the way brought into question the role of the judge when confronted with a "crime of History." In the words of Armin Theodor Wegner, a direct witness to the genocide:[4]

> "In a remarkable reversal of roles, the accused, a passive and reserved victim, is transformed, without having pronounced a single word to this effect, by the sheer force alone of the facts in his favour, and it is no longer Soghomon Tehlirian sitting in the dock, but the bloodstained ghost of a dead man; this confirms the mysterious phrase: 'it is not the murderer who is guilty, but the victim!'
> (…) [T]his trial, in spite of all the efforts made to render it apolitical, breaks down all existing barriers and takes on the proportions of a tribunal of humanity. Its verdict becomes a judgement to go down in universal history.

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[1] "*C'est pour moi une question de méthode : il faut partir du sable dans l'engrenage*." Interview with Philippe Mangeot, Carlo Ginzburg, *Un seul témoin* (Paris: Bayard, 2007), 78.

[2] The full stenographic transcript of the trial (dossier C. J. 22/21) was published by the *Deutsche Verlagsgesellschaft für Politik und Geschichte* in 1921. It is reproduced in *Justicier du génocide arménien. Le procès de Tehlirian* (Paris: Editions Diasporas, 1981), French translation by Marcus Fisch. All extracts from the court transcript given in the present article are translated from this edition. Regarding this case, see also Edward Alexander, *A Crime of Vengeance: An Armenian Struggle for Justice* (New York: Free Press, 1991), as well as the recent documentary film by French director Bernard George, *La vengeance des Arméniens. Le procès Tehlirian* (2015, 52 min).

[3] Cf. *Justicier du génocide arménien*, 21 ff. The German press, for the most part, welcomed the verdict, with the exception of extreme-right publications such as the *Frankfurter Zeitung* (see the edition of 7 June 1921, for instance), the *Berliner Lokal-Anzeiger* (edition of 3 June 1921) or the *Kölnische Zeitung* (edition of 3 June 1921).

[4] A Doctor of Law and member of the German medical service under Marshal Von der Goltz in Turkey during the Armenian genocide, Armin T. Wegner also took numerous photographs which constitute unique documents of the events (for his biographical details see *Justicier du génocide arménien*, 212, as well as the foreword which he provided for the book, 31–5). Initially called as a witness at Tehlirian's trial, his evidence (like that of nine other defence witnesses out of a total of twenty-nine) would in the end not be heard by the court, as the judge decided that enough credible and convincing material had already been presented: cf. ibid., 156. For a complete list of witnesses who were called to give evidence but not heard: ibid., 207 ff. For the list of witnesses who were heard, and their evidence: ibid., 71 ff.

> (…) This acquittal [is], in effect, a complete and definitive condemnation of this policy which claimed the right to treat an entire people as livestock to be butchered, nay as mere stones which feel nothing."[5]

Through this murder, Soghomon Tehlirian, a "symbol," an "atom in which pain is crystallised,"[6] allowed the truth to "fight its way to the surface."[7] This was an act of "deliverance," Wegner goes on, of a man who thus displays "his heroic readiness to sacrifice himself for his people, whereas no courage is needed by a minister, sitting in his office, to deport an entire people to the desert."[8]

The Tehlirian trial thus contributes to the victory of the history of the vanquished, the fragmentary history established by the oppressed, a history "brushed against the grain" as Walter Benjamin would say.[9] It is this Benjaminian demand, based on an ethical imperative, for a history of the nameless, and its echo in Carlo Ginzburg's thought which inspires our thinking and guides our focus in the present chapter. The focus here is on a micro-event from History, a "complete recollection of the past, drawing no distinction between the 'great' and the 'small' – between the great names of history and the anonymous individuals whom we must now take care to name."[10]

We refer in particular to Ginzburg's writings on trials and mechanisms of proof, which are fundamental objects in his work insofar as they offer "the means of accessing the existence of men and women who are ignored by traditional historical approaches."[11] Here, as Ginzburg – in whose footsteps we follow – tells us, it is a question of method: *the spanner in the works must be your starting point*.[12] This hermeneutical approach takes the form of a "deployment of the peculiarities"[13] within those "exceptional" trials "where the judges' categories are overwhelmed," and a refusal to believe that "the only history of the excluded is that of exclusion."[14] There is no doubt that "Ginzburg is precisely the chronicler that Benjamin yearned for";[15] his position is "very close to the historian-ragpicker (…) who pieces together the refuse of the past to produce a montage offering salvation."[16]

The accused, Soghomon Tehlirian, a survivor of the 1915 genocide (here, again, Ginzburg reminds us that "one of the Latin words for 'witness' is *superstes* – a survivor")[17], killer of a perpetrator who had already been sentenced to death in his own country, is found not guilty by a German court. A judicial authority which, indirectly, ends up providing authoritative testimony on the massacres. His trial can thus be understood as this "piece of refuse from the past" which in reality holds great significance. It possesses a doubly unusual character which allows us to give

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[5] Ibid., 31 and 34.
[6] "*atome en qui se cristallise la douleur*," Armin T. Wegner, Foreword*,* ibid., 32.
[7] "*par force un chemin*," ibid.
[8] "*son héroïque volonté de se sacrifier pour son peuple, alors qu'il ne faut aucun courage à un ministre pour, de son bureau, faire déporter tout un peuple dans le désert.*" Ibid., 33.
[9] Walter Benjamin, "On the Concept of History," in *Illuminations*, ed. Walter Benjamin (New York: Harcourt Brace & World, 1968), 257.
[10] "*remémoration intégrale du passé, sans distinguer entre les 'grands' ou 'petits' – entre les grands noms de l'histoire et les sans nom dont il faut ménager la nommée maintenant*." Martin Rueff, "L'historien et les noms propres," *Critique*, no. 769–770 (June-July 2011): 521 (special issue on the work of Carlo Ginzburg).
[11] Ginzburg, *Un seul témoin*, 7.
[12] Ibid., 78.
[13] "*déploiement des singularités*." Krzysztof Pomian, "Portrait de Carlo Ginzburg: une esquisse," *Critique*, no. 769–770 (June-July 2011): 456.
[14] Ginzburg, *Un seul témoin*, 8. See also Carlo Ginzburg, *The Judge and the Historian: Marginal Notes on a Late Twentieth-Century Miscarriage of Justice*, trans. Anthony Shugaar (New York: Verso, 1999) and Simona Cerutti, "'A rebrousse-poil': dialogue sur la méthode," *Critique*, no. 769–770 (June-July 2011): 564–75.
[15] "*Ginzburg est précisément le chroniqueur que Benjamin appelait de ses vœux*." Rueff, "L'historien et les noms propres," 521.
[16] "*très près de l'historien-chiffonnier (…) qui compile les déchets du passé pour en faire un montage salvateur.*" Pedro Cordoba, "Les formules de la peur," *Critique*, no. 769–770 (June-July 2011): 464.
[17] "*l'un des mots latins qui signifient 'témoin' est* superstes *– le survivant.*" Ginzburg, *Un seul témoin*, 68–9.

voice to History and bring it out into the light of day: on the *micro* level, first, by examining the details of the individual revenge killing and the judging of this crime, revealing both the scale of the state-organised mass atrocities of which the Armenians were the victims and the impunity with which it was carried out; then, on the *macro* level, by examining the general context in which the trial of the perpetrator's killer was carried out and understood, along with its impact and its subsequent effects.

"I do not think I am guilty as my conscience is clear"[18]

"Always serious," "melancholy," "strange," "anguished," "anxious," "shy," "nervous," "tortured," "sad," "sensitive," "very reserved," "unfailingly polite," "introverted and not as gay and free as others," "often looking 'absent'" in spite of his "direct, level gaze," Tehlirian, it is said, only had "one suitcase, which he always left open," often "spoke to himself as if there were someone else in his room" and played the mandolin. Alone. Many witnesses came to the stand to describe the personality and life of the man who, born on 2 April 1897 in Pakaritch under the Ottoman Empire, was haunted by the memory of the genocide from which he had miraculously escaped after seeing his entire family massacred before his eyes in the town of Erzingian.[19]

> *The Presiding Judge*: So, they have disappeared completely?
> *The Accused*: So far I have found no trace of them.[20]

His hearing, which opened the trial on 2 June 1921, provides a detailed account of his life up to that point:[21] his childhood, his escape from the massacres in June 1915, followed by the difficult reconstruction of a normal existence over the course of a long exile which eventually led him to Berlin, the city in which Talaat Pasha had found refuge, living in hiding under the false name of Ali Sali Bey[22]. His most recent address: 37 Hardenbergstrasse, first floor, where his landlady was Mrs Dittmann. Directly opposite the apartment occupied by none other than Pasha, the former head of the *Ittihad ve Tiraki* (the Union and Progress Committee, the liberal nationalist Young Turk movement responsible for the genocide of the Armenians), Minister of the Interior and Grand Vizir of the Ottoman Empire.[23] The tone was quickly set. The presiding judge immediately began asking precise questions about how the deportations and massacres were carried out, explaining that it was necessary to "examine the circumstances preliminary to the crime with respect to the experiences lived through by the accused."[24]

> *The Counsel for the Prosecution*: I think that it would be better not to pursue this further and instead listen to the case for the prosecution.
> *The Presiding Judge (after consulting with the jurors)*: We would like to hear from the mouth of the accused about what led up to the massacres and what his family suffered. The accused can speak and his account will then be translated.[25]

When he reached the moment at which the actual description of the extermination of his family began, Tehlirian paused.

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[18] Statement made in court by Soghomon Tehlirian (*Justicier du génocide arménien*, 55).
[19] See the transcripts of witness testimony, ibid., 71 ff.
[20] Ibid., 48.
[21] For the complete cross-examination of the accused, see ibid., 42–70. For a summary of his life story, see the case presented by his defence counsel, von Gordon, ibid., 165 ff.
[22] Talaat's real identity would only emerge several hours after his assassination.
[23] Talaat Pasha lived in the same street at number 4.
[24] *Justicier du génocide arménien*, 44.
[25] Ibid.

The Accused: (…) But I am not capable of remembering that day, I would prefer to die rather than describe that day, the darkest day of all.
The Presiding Judge: I must however remind you that the tribunal places a great deal of importance upon the things that it can learn from you, as you are the only one who can inform it regarding these facts. Perhaps you could compose yourself and regain some self-control?[26]

The detailed account ends with the assassination of Talaat Pasha, an act which, the accused explained, he carried out because it was *ordered by the corpse of his mother*.

The Accused: I do not think I am guilty as my conscience is clear.
The Presiding Judge: Why is your conscience clear?
The Accused: I have killed a man, but I am not a murderer.
The Presiding Judge: You say that you feel no remorse? Your conscience is clear? You feel that you have nothing to reproach yourself for? You must nevertheless ask yourself: did you *want* to kill Talaat Pasha?
The Accused: I don't understand this question. *I killed him*.
The Presiding Judge: Did you intend to?
The Accused: I did not intend to.
The Presiding Judge: When did the idea first come to you?
The Accused: About two weeks before the crime; I felt bad and the images of the massacre were coming back before my eyes. I saw my mother's corpse. The corpse stood up, came towards me and said: "You have seen, Talaat is here, and you do not care? You are no longer my son!"
The Presiding Judge (repeats this to the jurors): What did you do after this?
The Accused: I woke up with a start and decided to kill this man.[27]
(…)
The Presiding Judge: What did you feel when Talaat Pasha fell? What did you think?
The Accused: I can't remember what I felt at that exact moment.
The Presiding Judge: But a little while after that, you must have realised what had happened?
The Accused: When I was taken to the police, I realised what had happened.
The Presiding Judge: What did you think about what you had done?
The Accused: I felt a great sense of relief.
The Presiding Judge: And today?
The Accused: To this day I still feel very satisfied with what I did.
The Presiding Judge: You do know that nobody has the right to administer their own justice, even when they have been cruelly wronged?
The Accused: I do not know that, my mother ordered me to kill Talaat Pasha because he was responsible for the massacre; my soul was in such turmoil that I did not know that I did not have the right to kill a man.
The Presiding Judge: But you know that our laws forbid murder, they forbid the killing of a man.
The Accused: I do not know this law.
The Presiding Judge: Does the tradition of blood vengeance exist among Armenians?
The Accused: No.[28]

[26] Ibid., 46.
[27] Ibid., 55–6.
[28] Ibid., 65–6.

At the time of his arrest, Tehlirian's first words were that he was a foreigner, that he had killed a foreigner, and that the Germans need not get involved, as it did not concern them and they were not in danger.[29] It was, nevertheless, a court in Germany, the former ally and accomplice of the Ottoman Empire – prior to becoming a genocidal state itself – that would judge him, and in so doing allow him to speak out regarding what had, up until then, been denied.[30] What he had to say would be corroborated by the "objective evidence" of nineteen witnesses.[31] In the first instance, sixteen people who knew the accused or had seen the killing on 15 March 1921 (including the two court interpreters for the trial, who also gave evidence as witnesses, along with two survivors of the 1915 genocide).[32] Then came three expert witnesses: Dr Johannes Lepsius, a Protestant pastor and Doctor of Theology, president of the Deutsche Orient-Mission and the Germano-Armenian Society and author of the famous *Rapport secret sur les massacres d'Arménie* (*Secret Report on the Massacres in Armenia*, a collection of German diplomatic sources relating to the Armenian Question) published in France by Payot, in 1919; General Otto Liman von Sanders, founder of the I Corps of the Ottoman Empire in Constantinople, later inspector general of the Turkish armies and author of the memoir *Five Years in Turkey*; Father Grigoris Balakian, bishop of the Armenian Apostolic Church and survivor of the genocide, who had come from Manchester to give evidence, and would go on to write *Armenian Golgotha*, the first volume of which would be published in Austria by the presses of the Mekhitarist Congregation of Vienna in 1922 (a second volume would be printed in France, by the Imprimeries Araxes, in 1959).

The first of these experts concentrated on the mechanics of the deportations as well as the finer points of the Eastern Question, that great failure of what had in the nineteenth century been referred to as the "European intervention in the cause of humanity."[33] The second focused on the responsibility of lower-ranking figures rather than Talaat Pasha himself, and also took the opportunity to defend the honour of Germany in its capacity as an ally.[34] The third, by contrast, emphasized Talaat's full responsibility for drawing up the plan for genocide and for its implementation, referring in particular to the so-called "Andonian telegrams."[35] His testimony provoked an incident between Adolf von Gordon, one of Tehlirian's lawyers, who demanded that the telegrams be included in the evidence submitted to the court (these documents having been

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[29] Ibid., 66.

[30] On German complicity in the Armenian genocide, see in particular Vahakn Dadrian, *German Responsibility in the Armenian Genocide. A Review of the Historical Evidence of German Complicity* (Cambridge, MA: Blue Crane Books, 1996), as well as the documentary film *Aghet. Ein Völkermord* by German director Eric Friedler (2010).

[31] See Ginzburg, *The Judge and the Historian,* 11 ff.

[32] See *Justicier du génocide arménien*, 71 ff.

[33] Ibid., 118–27. See also Claire Mouradian, "La Question d'Orient ou la sanglante agonie de 'l'homme malade,'" *Revue d'histoire de la Shoah*, no. 177–178 (2003): 63–87, and Sévane Garibian, "Génocide arménien et conceptualisation du crime contre l'humanité. De l'intervention pour cause d'humanité à l'intervention pour violation des lois de l'humanité," *Revue d'histoire de la Shoah*, no. 177–178 (2003): 274–94.

[34] *Justicier du génocide arménien*, 127–30.

[35] Ibid., 130–9. The "Andonian telegrams / Andonian documents" contain the evidence of the Young Turk government's genocidal plan. They had been in the possession of Naim Bey, the former secretary of the Sub-Directorate for deportees in Aleppo, before being recovered by Aram Andonian (a journalist who had escaped the round-up of 24 April 1915), to be published in French with the title *Documents officiels concernant les massacres arméniens* (Paris: Imprimerie Turabian), and in English with the title *The Memoirs of Naim Bey. Turkish Official Documents Relating to the Deportation and the Massacres of Armenians* (London: Hodder and Stoughton) in 1920, and in an Armenian-language edition in 1921. On this subject, see Andonian's own explanatory notes provided in his letters reproduced in *Justicier du génocide arménien*, 224 ff. (note passed to Tehlirian's lawyers) and 230 ff. (letter dated 26 July 1937). See also the letter from Rössler (at the time German consul at Aleppo, he was prevented from coming to give testimony by order of the foreign ministry: see ibid., 40–1 and 121) relating to the "Andonian documents" sent to Dr Lepsius and dated 25 April 1921 (ibid., 226–9). For a historical analysis of these documents, see Vahakn Dadrian, "The Naim-Andonian Documents on the World War I Destruction of Ottoman Armenians: The Anatomy of a Genocide," *International Journal of Middle East Studies* 18, no. 3 (August 1986): 311–60 and Yves Ternon, *Enquête sur la négation d'un genocide* (Marseille: Parenthèses, 1989). It should be noted that Aram Andonian was the secretary of the Armenian delegation during the Paris Peace Conference of 1919 (see below).

made available to the court by Aram Andonian himself),[36] and the counsel for the prosecution, Gollnick, who considered that the question of Talaat's guilt was "insignificant" in this context: it should not be discussed as such, he argued, lest the court pronounce "a historic judgement for which we would require more material than we presently have at our disposal."[37]

> *The Presiding Judge*: I will now ask the accused whether he wishes to hear any further witnesses.
> *The Accused*: I would like to hear evidence from the writer Aram Andonian.
> *The Presiding Judge*: The jurors *believe* you when you say that when you carried out your attack you were convinced that Talaat was responsible for the massacres.
> *At this point, the accused agrees with this statement and the giving of evidence by the other witnesses is not proceeded with*.[38]

Evidence was then given by five medical experts whose task was to form an opinion on whether Soghomon Tehlirian could be considered responsible, in other words, whether he was in full possession of his free will when he committed the crime – proof that he was not would allow the accused to be found not guilty according to Article 51 of the German Penal Code of 1870. All of them confirmed that the accused had suffered from regular attacks of epilepsy since the day of the extermination of his family – an effect of this trauma, the violence of which was unanimously recognized, and that these attacks were preceded by visual hallucinations (apparitions of his dead mother) and olfactory hallucinations (the smell of corpses). However, they did not agree on the medical definition of these episodes, namely whether they were a case of common epilepsy or rather "emotive" or "sensitive" epilepsy, the symptom of a psychopathology with far greater bearing as regards determining his responsibility for his actions.[39] One of the expert witnesses considered the accused to be fully responsible for his actions;[40] two others preferred to speak of diminished responsibility without total loss of free will at the moment of the deed;[41] the last two, by contrast, stated their conviction that the accused bore absolutely no responsibility for his actions.[42]

On 3 June 1921, the second and final day of witness testimony, von Gordon, acting for Tehlirian, reminded the court before the prosecution's closing statements that a number of witnesses called to give evidence were still waiting to be heard "but," he said, addressing the presiding judge, "I believe that I am acting in accordance with your wishes in saying that we have no need of any further evidence, *we know what we needed to know*."[43]Although the jurors asked to be told more regarding the nature of the genocidal policy of the Ottoman Empire, the judge did not accede to this request, considering that these questions "do not pertain to what interests us here."[44] He then invited the prosecutor to make his closing statement. The latter argued for a conviction for premeditated murder (Article 211 of the Penal Code) and pressed for the death sentence, adding that "the memory of these events which have been awakened within us must not lead us away from the strict path of the purely legal considerations of the crime and its perpetrator," even if "this is a particularly

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[36] The originals of five of the telegrams recovered by Andonian were in fact passed on by him personally to the defence team, who then communicated them to the court (reproduced in *Justicier du génocide arménien*, 213 ff.).
[37] Ibid., 138.
[38] Ibid., 139.
[39] This smell of corpses was considered by some medical experts (in particular Dr Cassirer) as a symptom of epilepsy, whereas others (such as Dr Liepmann) spoke of an "olfactory hallucination" which was quite separate from a "symptom of local irritation found in true epileptics" (ibid., 147–8).
[40] Dr Robert Stoermer (ibid., 139 ff.).
[41] Dr Hugo Liepmann and Dr Richard Cassirer (ibid., 144 ff.).
[42] Dr Edmund Forster and Dr Bruno Haake (ibid., 150 ff.).
[43] Ibid., 156 (emphasis added).
[44] Ibid., 157.

delicate area in the legal domain (…) it is undeniable that here we are dealing with a political act."[45] He concluded by stating that "(…) according to the law as it stands, these mitigating circumstances can still be referred to in favour of the accused in his plea for a commutation of his sentence which will without any doubt receive a sympathetic hearing."[46]

Tehlirian's three defence lawyers (Adolf von Gordon and Johannes Werthauer, both well-known members of the bar in Berlin, along with Dr Niemeyer, an eminent Professor of Law at the University of Kiel) then pleaded for four hours before a public gallery filled with numerous colleagues who had come to listen. Their defence was essentially built around three axes:[47] the reality and the scale of the deportations and massacres of the Armenians from which the accused, the only member of his family to survive, had escaped; the responsibility of Talaat Pasha for the planning of these crimes and the guilty verdict of the court martial in Constantinople which had condemned him to death *in absentia* on 5 July 1919;[48] and the causal link between these two facts and the act committed by Tehlirian in a state of "unconsciousness" and "mental disturbance" which meant that he had not been acting out of free will. The defence team concluded by telling the jury that they had a "duty to acquit" the accused based on "human feeling" and on German law alike, adding that the decision as to whether or not to apply this option rested with the jurors alone (and not with the medical experts), each guided by their own soul and conscience.

As well as these shared axes of argument, each of the lawyers emphasized other, complementary points, some of which we will examine here. Von Gordon focused on the importance of the fundamental distinction between a possible pardon (referring to the prosecution's closing remarks) and a not guilty verdict.[49] He also spoke of the power of the hallucinations upon a man who desperately desired to *become his mother's son again* and, through his action, had obeyed the corpse's terrible command, "You have seen, Talaat is here, and you do not care? You are no longer my son!"[50] Werthauer, for his part, developed a hypothesis according to which Tehlirian's crime should be seen as a form of self-defence, also arguing that his vengeance was legitimate insofar as it set right an injustice, directed as it was against the man bearing the greatest personal responsibility for the "death of a people."[51] He described the accused as "the representative of humanity against the representative of inhumanity, (…) the representative of what is right, shining forth against dark injustice" and "symbolis[ing] the oppressed against the very incarnation of the oppressors!"[52] Lastly, Niemeyer put forward the argument that Tehlirian was a "martyr" who "acted as he was obliged to act," "did what he had no choice but to do." His trial, he added, "goes beyond the walls of a courtroom" and "forces us to look into the distant causes of the murder and understand other individuals, other peoples, other circumstances and judge them justly," in the light of the effect that the verdict would have "on our ideal which gives moral sense to life."[53] He concluded by arguing that an acquittal was necessary as "proof of the highest equity" in order to silence the "unfounded slurs" relating to the responsibility of Germany, the Ottoman Empire's ally, in the massacres.[54]

After the "usual advice on the subject of the law"[55] given by the presiding judge (in particular regarding the question of free will), a note regarding the rules on voting (in particular the requirement to reach a two-thirds' majority for a guilty verdict), and one hour spent in deliberation, the president of the Jury, Otto Reinicke, announced:

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[45] Ibid., 157–9.
[46] For the whole closing statement, see ibid., 157–64.
[47] For these three lawyers' defence pleadings, see ibid., 164–202.
[48] See below.
[49] *Justicier du génocide arménien*, 165.
[50] Ibid., 171.
[51] Ibid., 185.
[52] Ibid., 191.
[53] Ibid., 197.
[54] Ibid., 202.
[55] Ibid.

> "On my honour and in good conscience, I witness that in reply to the question 'is the accused Soghomon Tehlirian guilty of the premeditated murder of a man, Talaat Pasha, in Charlottenburg, on 15 March 1921?', the verdict of the jury is not guilty."[56]

Judge Lehmberg then declared that "the accused is acquitted" and that "the costs are to be borne by the state."[57] The Ministry initially requested a review of the trial, before dropping this demand.

"Why is the killing of a million a lesser crime than the killing of an individual?"[58]

Quoting Luigi Ferrajoli, Ginzburg writes that "the trial is, so to speak, the only case of 'historiographical experimentation' – sources are set out *de vivo*, not only because they are heard directly, but also because they are made to confront one another, submitted to cross-examination, and encouraged to reproduce, as in a psychodrama, the affair being judged."[59] The trial of Soghomon Tehlirian echoes these words while also *overturning* conventional relations: it reverses roles and functions, transforming the criminal judgement of the accused into the political judgement of the victim – indeed, the *Berliner Tageblatt* of 4 June 1921, along with other newspapers, carried the headline "What we have Learned from the Trial of Talaat Pasha and the Acquittal of Tehlerian."[60] However, the "historiographical experimentation" which took place on 2 and 3 June 1921 itself occurred in a post-WW1 context which it is important to re-examine here.

Firstly, in general terms, the postwar period witnessed a profusion of legal texts and theoretical writings, marked as it was by the creation of the League of Nations (LN, introduced by the Treaty of Versailles which had been drawn up at the Paris Peace Conference of 1919).[61] The stage was set for the declaration of a new worldwide legal order based on the objective of preserving peace, and with it the protection of the rights of individual human beings.[62] André Mandelstam, author of *La Société des Nations et les Puissances devant le problème arménien* (*The League of Nations and the Great Powers in the Face of the Armenian Problem*),[63] a passionate supporter of the LN and from 1921 onwards a permanent member of the *Institut de droit international* (International Law Institute, or ILI), coordinated the activities of the *Commission de la protection internationale des droits de l'homme, du citoyen et des minorités* (International Commission for the Protection of Human Rights, the Rights of Citizens and of Minorities). He made particular reference to the Armenian Question as a means of enriching his thinking on fundamental rights. He had already, in 1917, denounced the "crimes of lese-humanity" of which the Armenians had been the victims, [64] and argued that these acts ought to be sanctioned by a universal humanitarian law which would place them outside the arbitrary purview of the state.[65]

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[56] Ibid., 204.
[57] Ibid.
[58] Raphael Lemkin, quoted in Donna-Lee Frieze, *Totally Unofficial. The Autobiography of Raphael Lemkin* (New Haven and London: Yale University Press, 2013), 19.
[59] Ginzburg, *The Judge and the Historian,* 18.
[60] This article was written by the famous journalist Ernst Feder, forced into exile in France and Brazil by the Nazis.
[61] See below.
[62] On developments occurring in this period and related issues, see Sévane Garibian, *Le concept de crime contre l'humanité au regard des principes fondateurs de l'Etat moderne. Naissance et consécration d'un concept* (Geneva, Paris and Brussels : Schulthess, LGDJ and Bruylant, 2009), 104 ff.
[63] André Mandelstam, *La Société des Nations et les Puissances devant le problème arménien* [1926], 2nd ed. (Lebanon: Edition des Universitaires Arméniens, 1970).
[64] André Mandelstam, *Le sort de l'Empire ottoman* (Paris: Payot, 1917).
[65] See Dzovinar Kevonian, "Exilés politiques et avènement du 'droit humain': la pensée juridique d'André Mandelstam (1869-1949)," *Revue d'histoire de la Shoah*, no. 177–178 (2003): 260 ff. André Mandelstam revisited his own ideas from 1917 on the Armenian Question to argue in an important article for the need to generalize the protection of human rights: "La généralisation de la protection internationale des droits de l'homme," *Revue de droit international et de*

Secondly, and more specifically, the Paris Peace Conference of 1919 was where the fate of a beaten Germany and its ally, Turkey, would be decided.[66] One of the investigative commissions, known as the "Commission of Fifteen," examined the responsibility of individuals for breaches of the laws and customs of war. It also considered prosecuting Turkish officials for "crimes against the laws of humanity" committed against the Armenian population of the Ottoman Empire outside the scope of the international armed conflict: this was a direct reference to the joint declaration issued by France, Great Britain and Russia on 24 May 1915 condemning the "new crimes against humanity and civilisation" committed by Turkey, and marking the first appearance of this concept in an international context.[67] Although the work of the conference on this particular point would in fact only have a very limited impact in practice, two historic treaties did emerge from it: the Treaty of Versailles of 28 June 1919, which set out the terms of the peace between Germany and the Allies, and the Treaty of Sèvres of 10 August 1920 which dealt with the peace between Turkey and the Allies.[68] The latter made provision for the creation of an international tribunal to judge those responsible for the massacres of the Armenians (Article 230) – a first in international law, albeit one which would never come to fruition. What was created was no less ground-breaking for that: the work done at this time laid the foundations for what would, a quarter of a century later, become the new law relative to crimes against humanity which was applied at the Nuremberg trials of Nazi war criminals.[69] In the meantime, the gradual disappearance of the Armenian Question from the international scene at the beginning of the 1920s coincided with the launch of the Turkish state's negationist policy and, in Berlin, Soghomon Tehlirian's trial.

Lastly, before the work of the 1919 Peace Conference had even begun, the Allies had suggested that Turkey should set up an extraordinary national tribunal with the objective of prosecuting those responsible for the mass crimes committed against the Armenian population. A court martial was set up in Constantinople in order to judge the Turkish cabinet and the leadership of the Union and Progress Committee.[70] Various reasons lay behind the readiness of the Ottoman authorities to accept this recommendation: on the one hand, they hoped to be treated less harshly in the coming Peace Conference; on the other, the internal political and media context was favourable to putting on trial those responsible, who were all drawn from the now discredited Young Turk government.[71] However, at the same time as preparations were being made for these trials – the repeatedly stated aim of which was to judge crimes of a considerable scale, "of a nature that would forever cause the conscience of humankind to quiver with horror,"[72] which "drew the revulsion of the entire humankind" [73] and were contrary to the "rules of law and of humanity"[74] –a large proportion of the archives of the Union and Progress Committee were destroyed. It was a prelude to the politically orchestrated negationism which would be seen in Kemalist Turkey from 1920 onwards. In the end,

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législation comparée (1930): 699. This is developed further in André Mandelstam, "La protection internationale des droits de l'homme," *Recueil des cours de l'Académie de droit international de La Haye* (1931): 129–229.

[66] One of the members of the Armenian delegation at the conference was Aram Andonian (cf. *supra* note 35).

[67] Cf. Garibian, *Le concept de crime contre l'humanité*, 82 ff.

[68] For an analysis of these treaties' content and significance, see ibid., 73 ff.

[69] On these developments, see Sévane Garibian, "From the 1915 Allied Joint Declaration to the 1920 Treaty of Sèvres: Back to an International Criminal Law in Progress," *Armenian Review* 52, no. 1–2 (2010): 86–103.

[70] Subsidiary trials were also organized to try the less high-ranking accused, in particular at Yozgat, Trabzon and Harpoot (see Vahakn Dadrian, "Genocide as a Problem of National and International Law: The World War I Armenian Case and Its Contemporary Legal Ramifications," *Yale Journal of International Law* 14, no. 2 (1989): 308 ff. and Raymond H. Kévorkian, "La Turquie face à ses responsabilités. Le procès des criminels Jeunes-Turcs (1918-1920)," *Revue d'histoire de la Shoah*, no. 177–178 (2003): 195 ff.).

[71] Dadrian, "Genocide as a Problem," 292 ff.

[72] The words of the new Grand Vizir Damat Ferid, sworn enemy of the *Ittihad*, in a note from 17 June 1919 addressed to the Paris Conference (Mandelstam, *La Société des Nation*s, 23).

[73] The Grand Vizir Damad Ferit again (Dadrian, "Genocide as a Problem," 304).

[74] These were the words used by a Turkish deputy during the preliminary enquiries and investigations prior to the trial (ibid., 293–4).

the so-called Unionist trials, although of undeniable importance from a historical point of view, would take great care "not only to avoid bringing the mass murders too directly into the public eye and mentioning the victim group by name, but also to situate the arguments on ground which had been thoroughly prepared by the perpetrators in order to justify their acts."[75] These trials resulted in the top leaders of the Union and Progress Committee and the Council of Ministers (in particular the Interior Minister Talaat, the Minister of War Ismail Enver, the Navy Minister Ahmed Djemal, along with Mehmet Nazim, a medical doctor and politician who was an influential member of the Central Committee of the *Ittihad*) being sentenced to death *in absentia*. Lower-ranking *Ittihadists* were given prison sentences of fifteen years with hard labour, and some former ministers were acquitted.[76] On 13 January 1921, the newly-formed Kemalist regime abolished all the courts martial and passed their jurisdiction over to regular military tribunals. In the meantime, most of the criminals had already fled or been released.

It was in this context that Talaat, having escaped to Germany following his death sentence, was assassinated by Soghomon Tehlirian. This context would be referred to on multiple occasions in the courtroom during his trial, through descriptions both of the scale of the genocide and of the *de facto* impunity of its perpetrators. Talaat's death made the front pages of the newspapers in Ankara and Constantinople the next day, which were printed with a black border.[77] Turkey went into national mourning. His body was buried on 20 March 1921 in Germany, at the cemetery of Matthaus in Berlin, amidst enormous crowds. His coffin was draped with a Turkish flag and topped by his minister's fez. The eulogy was given by Behaeddine Shakir, the secretary general and ideological firebrand of the Union and Progress Committee, one of the most zealous promoters of the genocide.[78] October 1921 saw the publication of fragments of Talaat's memoirs, in which he justified the massacres and the deportations inflicted on the Armenians.[79] Not long afterwards, on 7 April 1922, Shakir would in turn be gunned down by two avengers along with Cemal Azmi, nicknamed the "monster – or butcher – of Trabzon" on account of the zeal with which he pursued the liquidation of the Armenians of his province.[80]

The not-guilty verdict in Soghomon Tehlirian's trial was thus reached in the circumstances described above (showing excessive harshness towards him would have brought Turkey's former ally Germany, weakened and beaten following the Great War, no political advantage), with no civil claim against the accused (in accordance with the rules of German law on this point) and no prosecution witnesses.[81] These three key elements added to the undeniably powerful impact of the witness accounts (including his own) which were being heard for the first time by a European court.

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[75] "*d'éviter à la fois de mettre trop directement sur la place publique les meurtres de masse, de mentionner nommément le groupe victime et de placer les débats sur un terrain préalablement préparé par les bourreaux pour justifier leurs actes*." Kévorkian, "La Turquie face à ses responsabilités," 170.

[76] On the Unionist trials, see Vahakn Dadrian and Taner Akçam, *Judgement at Istanbul: The Armenian Genocide Trials* (New York: Berghahn, 2011) and Marc Nichanian, "Les procès des responsables du génocide arménien à Constantinople (1919-1920)," in *Le génocide des Arméniens. Cent ans de recherche 1915-2015* (Paris: Armand Colin, 2015), 166–77. See also *Justicier du génocide arménien*, 259–77, for the transcript of the trial along with the bill of indictment and the final verdict.

[77] Djemal would himself be killed by two avengers in Tbilisi (Georgia) on 21 July 1922. Enver was probably killed in an attack by a detachment of Armenians in the Emirate of Boukhara in central Asia on 4 August 1922, while fighting alongside Basmachi rebels against Bolshevik rule. Doctor Nazim, having returned to Kemalist Turkey following his exile in Germany, would be hanged in Ankara on 26 August 1926 on a charge of conspiracy relating to an assassination attempt against Mustafa Kemal.

[78] *Justicier du génocide arménien*, 23.

[79] Talaat Pasha, "Posthumous Memoirs of Talaat Pasha," *The New York Times Current History* 15, no. 1 (October 1921): 287–95. His memoirs, which were released to the public by his wife shortly after the Tehlirian trial, were originally published in Turkish before being translated, it is thought, by Zekeria, an Armenian from Constantinople.

[80] See the autobiography of one of the two avengers: Arshavir Shiragian, *The Legacy: Memoirs of an Armenian Patriot*, trans. Sonia Shiragian (Boston: Hairenik Press, 1976).

[81] Talaat Pasha's wife was not asked to give any evidence, save to confirm that she was not with her husband at the time of the assassination (*Justicier du génocide arménien,* 16). See also note 79, above.

The fact remains, however, that his crime was the first of a series of assassinations (a campaign known as Operation Nemesis, named after the Greek goddess of justified anger and vengeance) which would, in the early 1920s, eliminate a number of former high-ranking Young-Turks involved in instigating the genocide.[82]

Nevertheless, the Tehlirian case received wide press coverage, constituting "a real revelation for German public opinion, which the government had up until then kept carefully in the dark regarding the massacres carried out by its imperial ally in the East."[83] Nor did this "revelation" end at the country's borders. In faraway Ukraine, Raphael Lemkin, a young student at the University of Lvov, was particularly struck by what he learned about the trial: "Why is the killing of a million a lesser crime than the killing of an individual?" wrote the man who would become the father of the concept of genocide and an advisor to Robert H. Jackson, the American Supreme Court Judge and Chief U.S. Prosecutor at Nuremberg.[84] Fascinated by this case which, in a single trial, encapsulated the key problem with which legal doctrine was struggling at this time, and deeply disturbed by the question of impunity, Lemkin embarked upon a study of state crimes and their international prosecution. His study would later be grimly informed by a policy of extermination that was closer to home, more immediate – namely that pursued by Nazi Germany. The author would return to the subject of the Tehlirian trial and its influence in his recently-published autobiography,[85] as well as in an interview given to CBS in 1949.[86] The work of this great legal thinker, by then exiled in the United States would, in 1944, give birth to the concept of genocide as developed in his famous book *Axis Rule in Occupied Europe*.[87] Four years later, he persuaded the United Nations' General Assembly to adopt the Convention for the Prevention and Repression of the Crime of Genocide on 9 December 1948, on the eve of the adoption of the Universal Declaration of Human Rights.[88]

In the meantime, the Treaty of Lausanne signed on 24 July 1923 between Kemalist Turkey and the Allies, had replaced the Treaty of Sèvres, which was never applied or even ratified by Turkey. It granted an amnesty covering all the crimes committed by Turkish officials between 1914 and 1922. In 1943, following a decision by Hitler, Nazi Germany returned Talaat's remains to Turkey. They were transferred to Istanbul amidst great pomp and placed in a mausoleum erected in memory of this hero of the fatherland, set on the hill of the Monument of Liberty (*Abide-i-Hürriyet Tepesi*), looking out over the Bosphorous in the very heart of the capital, and now "squeezed between two motorway slip-roads, a hospital and the Çağlayan Justice Palace, shaped like a gigantic flying-saucer."[89] In August 1996, it would be the turn of the remains of the former Minister of War Enver

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[82] As well as the book by Shirakian referred to above (note 80), see Jacques Derogy, *Opération Némésis. Les vengeurs arméniens* (Paris: Fayard, 1986) and Eric Bogosian, *Operation Nemesis* (New York: Little, Brown and Company, 2015).

[83] "*une véritable révélation pour l'opinion allemande que le gouvernement avait jusque-là soigneusement tenue dans l'ignorance des massacres perpétrés par son allié impérial d'Orient.*" Derogy, *Opération Némésis*, 22.

[84] See above, note 58.

[85] Frieze, *Totally Unofficial*, 19 ff.

[86] On Lemkin and the Tehlirian case, see Samantha Power, *"A Problem from Hell." America and the Age of Genocide* (New York: Harper Perennial, 2003), 17 ff.; Steven L. Jacobs, "Raphael Lemkin and the Armenian Genocide," in *Looking Backward, Looking Forward: Confronting the Armenian Genocide*, ed. Richard G. Hovannisian, (New Brunswick: Transaction Publishers, 2003), 125–35; Tanya Elder, "What you see before your eyes: documenting Raphael Lemkin's life by exploring his archival Papers, 1900-1959," *Journal of Genocide Research* (2005): 469–99. For more general information, see Annette Becker, "Raphael Lemkin, l'extermination des Arméniens et l'invention du mot génocide," in *Le génocide des Arméniens* (see note 76) and Olivier Beauvallet, "Lemkin et le génocide arménien sous l'angle juridique," in *Le génocide des Arméniens* (see note 76), 192–211.

[87] Raphael Lemkin, *Axis Rule in Occupied Europe. Laws of Occupation, Analysis of Government, Proposals for Redress* (Washington: Carnegie Endowment for International Peace, 1944), 79–95. For an overview of the author and his thought, see Olivier Beauvallet, *Lemkin. Face au genocide* (followed by an unpublished text by Lemkin) (Paris: Michalon Editions, 2011).

[88] On Lemkin's role in this process, see: Elder, "What you see before your eyes," 480 ff.

[89] "*coincée entre deux bretelles d'autoroute, un hôpital et le gigantesque palais de justice de Çağlayan, bâti en forme de soucoupe volante.*" Laure Marchand and Guillaume Perrier, *La Turquie et le fantôme arménien* (Arles: Actes Sud,

Pasha to be repatriated from Tajikistan and placed by Talaat's side.[90] Originally meant "for a few high-ranking heroes of Turkish modernism and for the seventy-four soldiers killed during the assault carried out on [13 April] 1909 by the Islamists against the Chamber of Deputies," this cemetery is a powerfully symbolic location, and the decision to bury Talaat and Enver there is "ideologically significant." The Armenian genocide was, "after all, committed in the name of a certain notion of modernity."[91]

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Soghomon Tehlirian's trial placed the judge and the twelve jurors of the Criminal Court in the unwitting position of being a secondary witness: another – *other* – witness possessing particular authority, which recognised not only, of course, the crime for which the accused was being tried, but also the crime for which Talaat was killed. This recognition "in itself effectively causes those in question to be reborn with the status of victims, allowing their descendants to constitute a genealogy which gives the death of their ancestors back its true meaning, a meaning recognized by a third party, in this case a *judicial third party*."[92] These meanings are particularly resonant in French, where to "recognize" (*reconnaître*) carries the idea of "making known" (*faire connaître*) but also suggests being "reborn" (*renaître*), as well as its primary sense to "take to be valid, admit to something's validity."[93] *Via* an unconventional path, then, the Berlin trial would give a public hearing to an avenger who killed in order to make himself heard. Not only that: he would have access to a judge, and address a court which would bear witness to the *fact* of the genocide through the construction of their judicial narrative of events.[94]

The not-guilty verdict handed down to the killer of a perpetrator who had himself previously been sentenced to death in his own country thus emphasized the latter's guilt by implication, along with that of his accomplices: in a curious reversal, Tehlirian's acquittal took the form of a moral condemnation of those responsible for state crimes. Indeed, it holds particular significance in the light of the fact that, two years later, a general amnesty would be applied to the crimes in question – crimes which are to this day denied by Turkey just as systematically as the genocide itself was carried out. This significance was not lost on Hannah Arendt. Like Raphael Lemkin before her,[95] in *Eichmann in Jerusalem* (1963) she compares Tehlirian's actions to those of Samuel Schwarzbard, who assassinated Simon Petliura (the former head of the Directorate of Ukraine, who organized

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2013), 129. The monument was designed by the Turkish architect Muzaffer Bey and takes the form of a cannon pointing skywards. The first stone was laid on 23 July 1909 and the monument was inaugurated on 23 July 1911 in the presence of Enver Bey (later to become Enver Pasha). Television footage of Talaat's "return" to Turkey is available on the internet:
https://www.youtube.com/watch?v=vZ34TGq5AuE (accessed December 20, 2017).

[90] See above, note 77.

[91] "*après tout, a été commis au nom d'une certaine idée de la modernité.*" Marchand and Perrier, *La Turquie et le fantôme arménien*, 129–130.

[92] "*elle seule, fait naitre effectivement au statut de victime et autorise, pour les descendants de celle-ci, la constitution d'une généalogie qui redonne à la mort des ascendants son sens véritable reconnu par un tiers, en l'occurrence le* tiers de justice." Muriel Paradelle, "L'émergence de la figure de la victime par la reconnaissance judiciaire du crime: le jugement pour déconstruire le pseudo de l'idéologie génocidaire," in *Génocide: les figures de la victime*, ed. Catalina Sagarra and Jacques Lemaire (Brussels: La Pensée et les Hommes, 2012), 17 (emphasis added). This analysis should be seen in parallel with the approach of the philosopher Paul Ricoeur, who regards the criminal trial as a form of direct access to a "recognition of the past" (*reconnaissance du passé*) *via* witness statements and testimony (see for example Paul Ricœur, *La mémoire, l'histoire, l'oubli* (Paris: Editions du Seuil, 2000)).

[93] "*tenir pour valable, faire aveu de validité*." Paul Ricœur, *Parcours de la reconnaissance. Trois études* (Paris: Stock, 2004), 288.

[94] On the concept of the *judicial narrative* as an account constructed by a judge, addressed to the "archi-reader" (*archilecteur*) or "universal audience" (*auditoire universel*), see Pierre Moor, *Dynamique du système juridique. Une théorie générale du droit* (Geneva, Paris and Brussels: Schulthess, LGDJ and Bruylant, 2010), 83 ff.

[95] Frieze, *Totally Unofficial*, 21.

anti-Jewish pogroms during the Civil War following the 1917 Revolution) on 25 May 1926, in Paris.[96] Schwarzbard was similarly acquitted following a trial at the Paris Court of Assizes which lasted from 18 to 26 October 1927. She notes that both avengers "insisted on being tried" in order to "show the world through court procedure what crimes against his people had been committed and gone unpunished."[97] Paradoxically, then, their actions gave rise to a situation in which the function of a third-party tribunal, with the same focus as that found in opinion tribunals[98] or "truth trials,"[99] acquires a *(re-)cognitive* dimension.

Here, in short, the court pardoned, justified and even, in some way, sublimated the *mad* action of a survivor who claimed to be answering the commands of his mother's corpse – an act of criminal revenge which the state monopoly over the right to punish was supposed to move in and suppress. Hidden behind the verdict of 3 June 1921 is the question of this odd form of recognition: a recognition whose testimonial power counteracted the systematic policy of concealment which had distorted History and cemented a feeling of injustice. Almost a century later, while – as the monument's caretaker seems to regret – official ceremonies are no longer held at Talaat's tomb in Turkey, the reality is that this genocidal criminal is still being commemorated.[100] He has become a conduit for the "denial industry" spoken of by Taner Akcam.[101] This is shown, for example, by the large number of housing developments, roads, schools and parks bearing his name[102] – along with the "dozens of high-ranking officials, links in the genocidal chain in 1915, (…) [who have] given their names to streets, airports, stadiums."[103] Further proof is given by the creation in 2006 of the Talaat Pasha Committee, the aim of which is to glorify the perpetrator's memory. Among its members are numerous politicians. One of them, Doğu Perinçek, the leader of the Workers' Party (renamed the Party of the Fatherland – *Vatan Partisi*), was at the centre of a recent case of genocide denial before the European Court of Human Rights.[104]

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[96] On the Schwartzbard case, see Boris Czerny, "Paroles et silences. L'affaire Schwartzbard et la presse juive parisienne (1926-1927)," *Archives juives*, no. 34 (2001): 57–71; Jean Nainchrik, *Les vengeurs: un même geste désespéré* (Paris: Fayard, 2004).

[97] Hannah Arendt, *Eichmann in Jerusalem. A Report on the Banality of Evil* [1963] (Harmondsworth and New York: Penguin, 1977), 256.

[98] We refer here to the Permanent People's Tribunal, an opinion tribunal founded on 24 June 1979 in Bologna. It issued a verdict relating to the genocide of the Armenians at the end of its 11th session, held in Paris at the Sorbonne between 13 and 16 April 1984.

[99] This *sui generis* judicial practice was created in Argentine in the 1990s in reaction to the amnesty given to those responsible for the "disappearances" carried out during the military dictatorship between 1976 and 1983. This hybrid practice – somewhere between a truth commission and a classic criminal trial – was used to issue a verdict concerning the genocide of the Armenians on 1 April 2011. See Sévane Garibian, "Ghosts Also Die. Resisting Disappearance Through the 'Right to the Truth' and the *Juicios por la verdad* in Argentina," *Journal of International Criminal Justice* 12, no. 3 (2014): 515–38.

[100] See Marchand and Perrier, *La Turquie et le fantôme arménien*, 130.

[101] The author also notes that the *modus operandi* of the assassination in 2007 of the Turkish journalist of Armenian origin, Hrant Dink, is strangely reminiscent of that used in the murder of Talaat Pasha, as if the assassin had sought to avenge Talaat's death. See Taner Akman, "Talat Pasha has been avenged," *Armenian Weekly*, February 8, 2012 (translation of an article from the Turkish newspaper *Taraf*, January 23, 2012). Accessible at: http://www.armenianweekly.com/2012/02/08/akcam-talat-pasha-has-been-avenged/ (accessed December 20, 2017).

[102] A list is available at http://akunq.net/tr/?p=27455 (accessed April 4, 2017; site now discontinued). It would also appear that the bloodstained shirt worn by Talaat when he was shot in Berlin is on show in a cabinet at the Istanbul Military Museum, near Taksim Square. See Robert Fisk, "On an Istanbul street, have I just witnessed a positive step in history?" *The Independent*, April 26, 2015, accessible at: http://www.independent.co.uk/voices/comment/on-an-istanbul-street-have-i-just-witnessed-a-positive-step-in-history-10204966.html (accessed December 20, 2017).

[103] "*dizaines de hauts fonctionnaires, maillons du génocide en 1915, (...) [ayant] laissé leur nom à des rues, des aéroports, des stades*." Marchand and Perrier, *La Turquie et le fantôme arménien*, 128.

[104] Cf. Sévane Garibian, "On the Breaking of Consensus: the Perinçek Case, the Armenian Genocide and International Criminal Law," in *Denialism and Human Rights*, ed. Jan C.M Willems, Hans Nelen and Roland Moerland (Cambridge: Intersentia, 2016), 235–50. See also the interview published in *Agos* on 27 October 2015: http://www.agos.com.tr/en/article/13158/svane-garibian-the-polarization-in-grand-chamber-is-important (accessed December 20, 2017).