THE ASSASSINATION OF TALAAT PASCHA IN 1921 IN BERLIN
A CASE STUDY OF JUDICIAL PRACTICES IN THE WEIMAR REPUBLIC

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By

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ABSTRACT

THE ASSASSINATION OF TALAAT PASCHA IN 1921 IN BERLIN

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The assassination of Talaat Pasha, the former Minister of Interior and the Grand Vizier of the Ottoman Empire and the trial of his assassin, Soghomon Tehlirian (Salomon Teilirian in the court record), in 1921 in Berlin constitute the topic of this study.

This paper will examine in detail the files created by the German police, the state prosecutor, and the Ministry of Justice in order to determine, as much as possible, the reason for Tehlirian’s acquittal. What set him free: his mental state or politics?

The trial took place on 2-3 June 1921, two and a half months after the assassination. While the defense counsel was trying to extend the process in order to collect additional evidence, the prosecuting authorities, together with the German Foreign Office, tried to hasten the proceedings and have a short trial and a quick verdict. Why?

The assassination served to remind Germany, and the world, of the horrific events that had taken place in the Ottoman Empire during World War I. It was during this time that the ethnic Armenian population in the Ottoman Empire was driven out of their homes to perish on their forced march into the Syrian Desert.

The Ottoman Empire had been Germany’s ally during that war, and German military officials were stationed in every province of the empire. These officials...
witnessed the massacres and reported the events to their superiors as the horrors were unfolding. Though the Allied governments at the time accused Germany of taking part in the atrocities, no attempts were made by the German government to exert any influence on its ally.

The assassination renewed those accusations. Many major newspapers worldwide began to report on the Armenian massacres again and on the fact that not only had Germany failed to prevent its ally from committing those acts, but also sheltered the perpetrators.

To counter the adverse publicity surrounding the case, Weimar officials resorted to every kind of stratagy to hasten the proceedings and the trial and rid themselves of that “troublesome foreigner” (“lästigen Ausländer”) Tehlirian. By reducing the political significance of the case and emphasizing its criminal aspect, they managed to obtain an acquittal and summarily deport the defendant before a proper appeal could be filed.
Introduction

The trial of Soghomon Tehlirian (Salomon Teilirian in the court records), the assassin of Talaat Pasha, Minister of Interior (1913-1917) and Grand Vizier (1917-1918) of the Ottoman Empire,\(^1\) constitutes the topic of this study. Tehlirian was tried on 2-3 June 1921, two and a half months after committing the crime. He was acquitted and deported within few days after the trial.

The assassination and the subsequent trial not only gained worldwide attention but also aroused considerable concern among the German judicial, political, and military establishments. Why were these officials alarmed and what prompted them to resort to every kind of stratagem to hasten the procedures and rid themselves of that “troublesome foreigner” (“lästigen Ausländer”)?\(^2\) Why did the German judiciary try its utmost to reduce the importance of the case to a mere crime of passion and to prove that the accused, due to his epileptic condition, was deprived of his free will while committing the crime? Was this decision a deliberate step toward a process that made Paragraph 51 of the German Penal Code—a provision that could set a perpetrator free\(^3\)—applicable to Tehlirian’s case, even though Tehlirian had confessed that he had killed Talaat with “deliberation and premeditation”? If not, why were many clues, and, most importantly, the perpetrator’s confession, dismissed? If yes, what were the reasons for knowingly limiting the political

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\(^2\) As described in a letter to the Justice Minister. See Geheimes Staatsarchiv, Berlin, 1. HA Rep. 84a, Justizministerium, Nr. 55562. Hereafter: GStA 55562, 34. Unless stated otherwise, the translations are mine.

\(^3\) Paragraph 51 read: “Punishable conduct is not present if the culprit at the time of the commission of the act found himself in a state of unconsciousness or disturbance of the mental processes due to illness, by which the free formation of his will was rendered impossible.” Cited in Benjamin Carter Hett, *Death in the Tiergarten: Murder and Criminal Justice in the Kaiser’s Berlin* (Cambridge, Mass.: Harvard University Press, 2004), 195.
dimensions of the case and for ignoring the outrage of the Turks living in Germany, as well as that of the German military personnel who served in the Ottoman Empire?

Why did the state prosecutor play a passive role while his counterpart, namely the defense counsel, who was completely excluded from the pretrial investigation, provided an explanation for and rebuttal of every point that could implicate the defendant?

Moreover why did the presiding judge during the trial curtail the discussion of political issues while at the same time ignoring the half-hearted questions of the state prosecutor that could lead to a conviction of the defendant? What gave the judge and the prosecutor the leverage to do so in the first place? What was the political and judicial system that enabled the officials to implement their plans?

Furthermore, considering the context of the political justice system of the time, Tehlirian’s case was no anomaly, but rather typical of its era, namely: just another acquittal and another “blame the victim” approach. For example, the trial became known to contemporaries as the “Prozess Talaat Pascha,” (“The Trial of Talaat Pascha”) rather than of the defendant. Even the stenographic transcript of the trial was published under the same title. The argument was that, because during the trial the atrocities committed by Talaat were uncovered, the trial turned into the trial of the murdered not the murderer.

This case, however, was not unique case, as Emil Julius Gumbel, in his Vier Jahre Politischer Mord, in which he had analyzed the hundreds political murders from 1918 to 1922. Gumbel accused the German judiciary for their lax attitude toward those murders. In

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4 According to the German Code of Criminal Procedure, the defense counsel was excluded from the pretrial investigation but had the right to view and peruse its client’s files. See the section on Pretrial Investigation and Court Procedure.

5 Emil Julius Gumbel, Vier Jahre Politischer Mord (Berlin-Fichtenau: Verlag der Neuen Gesellschaft, 1922). Gumbel in the preface to his book noted that he “expected that [his allegations] would have had two effects: either the judiciary would believe that [he] spoke the truth, and thus those murderers would be punished, or it would believe that [he] lied, so [he] would be convicted as a slanderer.” He then maintained, despite the fact the book was noticed and perused by the officials, especially by the Reich’s justice minister, “not one murderer was punished.”
discussing the trends of these trials, Gumbel concluded that even in cases where indictments against the real criminals, namely the right-wing ultranationalists, were issued, the perpetrators could either flee or, after a show trial, be acquitted; even if there were convictions, the accused was usually set free after a “fictive sentence.” The presiding judges based their arguments on the fact that “the defendants, by their conducts, were led by the purest, noblest, and most selfless love for their fatherland.” The Weimar judges’ mentality, it has been claimed, was to “legalize the illegal.”

But if, in regard to Tehlirian’s case, German officials made every effort possible to downplay the political aspect of the case, why did it receive treatment similar to the other political murders of the time? How can this contradiction be reconciled?

And lastly, what was the significance of a legal case that attracted the attention not only of the contemporaries, but also the Nazis and the homicide squad of the Detroit police more than fifteen years later?

Previous analyses of this historical episode have made use of limited primary sources, such as the stenographic transcript of the trial and later memoirs written by the organizers of the assassination. Almost all treatments discuss the assassination within the broader context of Turkish and Armenian history and the genocide of the Armenians in the Ottoman Empire during the World War I. Other authors have analyzed the incident in relation to Armenian political parties, specifically the Armenian Revolutionary Federation.
(ARF) that organized the assassination. Again, these works did not, or rather could not at the time, make use of the case records created by the German police, the state prosecutor, the Ministry of Justice, and the German Foreign Office. Until recently, the existence of these files was unknown to researchers. Even after their reappearance in East German archives, only two of the until-now four known files were used by only one scholar, who limited her inquiry to a description of the content of the files in a brief article. This scholar, and others who based their argument on her conclusion, offered two explanations for the procedures and the subsequent acquittal of the defendant.

The first argued that the “state of mind of the accused … and the medical aspect of the case played an almost greater role than the political aspect.” This meant that German officials were convinced that Tehlirian’s epilepsy had truly impaired his judgment.

The second reasoning was that the political implications of the dispute over Upper Silesia determined both the course of the investigation and the outcome of the trial. The “fate of Upper Silesia” had indeed become “a subject of intense debate at the Paris Peace Conference”, the Allied powers, however, did not present unified and consistent position on the issue. France and Britain were reluctant to engage in another war over this issue,

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10 Rolf Hosfeld, Operation Nemesis; Jacques Derogy, Resistance and Revenge; Edward Alexander, Crime of Vengeance; Tessa Hofmann, “New Aspects of the Talat Pasha Court Case”; for the full citations, see Bibliography.


13 Rolf Hosfeld, Operation Nemesis (Köln: Verlag Kiepenheuer & Witsch, 2005), 19.


15 The British accused the French of trying to transfer Upper Silesia to Poland in order to “cripple Germany economically and perhaps to provoke a nationalist reaction which might be used to justify an invasion of the Ruhr,” while their “own hopes were that a favourable settlement in Upper Silesia would strengthen the parties in Germany committed to a policy of treaty ‘fulfillment’, especially over reparations.” See Peter J. Yearwood, Guarantee of Peace: the League of Nations in British Policy, 1914-1925 (Oxford: Oxford University Press, 2009), 196.
while the “growth of isolationist sentiment in the United States” put pressure on the War Department to bring American troops home “by Christmas.” Thus, considering the opposing interests of Britain and France on the one hand, and the disinterestedness of the Americans on the other, one can deduce that no real threat could arise from that quarter.

There is, however, another important dimension to the case that could have posed a real threat to Germany’s position by becoming the main subject of discussion during Tehlirian’s trial, namely: the “fear of openly discussing Germany’s role during the Armenian massacres.” With the peace talks still in progress, and more importantly, the issue of reparations not yet settled, Germany was concerned about “being held financially responsible” for the Armenian massacres as well. During and after World War I, the Allied powers had repeatedly accused German military personnel stationed in Turkey of “having instigated” the Armenian massacres, and having “supported” Young Turks in their extermination policy against Armenians in the Ottoman Empire.

Such accusations were not merely part of Allied propaganda. Harry Stürmer, correspondent of the Kölnische Zeitung in Constantinople, leveled similar charges against German officers, who, as he claimed, had “coolly [taken] the initiatives of aiding the mass extermination of Armenians.” He claimed that “Germans ‘of all ranks right up to the highest levels’” who were stationed in the Ottoman Empire uttered “venomous expressions, shortsighted condemnations of Armenians based on no awareness of the

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17 Hosfeld, 19.
20 Dinkel, 78.
facts,” which were based on, as Stürmer put it, “mindless recitations of official Turkish reports.”

Likewise, Ernst von Kwiatkowski, the Austro-Hungarian consul of Trabzon, in eastern Turkey, dispatched a telegram dated 22 October 1915 in which he stated: “I learn from usually reliable German sources that the first suggestions towards Armenian neutralization, though not the methods actually implemented, have come from the German side.”

A letter to Matthias Erzberger, a German politician, sent by P. Liebl, a Franciscan priest from Vienna, dated 26 March 1916, accused Wangenheim, the German ambassador to Constantinople, of “having suggested” the deportations of Armenians.

There were also “accusations made by British and American newspapers: That Otto Liman von Sanders was the main culprit of the Armenian persecution; that the Foreign Office files would incriminate the emperor” and other German high officials in office at the time of war.

Such “open secrets,” known “in domestic political and military circles” in Germany, together with a plethora of evidence in German archives, could confirm the Allied powers’ accusations about German military involvement in the massacres. Therefore, any reference to this issue during the trial had to be avoided at all costs, even if a killer was to be set free.

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22 Cited in Dinkel, 79.
23 Cited in Dinkel, 123.
24 Dinkel, 82.
25 Dinkel, 80, 84.
This aspect of Tehlirian’s case, although merely touched upon by Rolf Hosfeld,26 has not been properly examined. This paper seeks to bridge that gap without attempting to establish German guilt in the massacres of Armenians, or to refute other claims.

Moreover, this study is the first to make full use of the available German documents. Unlike previous analyses, it also examines the pretrial investigation and the trial itself in the context of German judicial practices and the historical context of postwar Germany and its military and political relationships to the Ottoman Empire.

Nevertheless, before analyzing the Tehlirian files, brief overviews of German military culture, court culture and judicial practices, and the political justice of the Weimar era will place the event in its historical context. Furthermore a brief history of the Armenian Revolutionary Federation (ARF), the political party that had planned the assassination, and with which Tehlirian was closely associated, will provide additional depth to the analysis.

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26 Hosfeld, 19.
German Militarism

The Armenian Genocide in the context of German military culture has been a topic of discussion in Isabel V. Hull’s *Absolute Destruction*. In her book, Hull analyzed wars conducted by the German army since the creation of the second Reich until the end of World War I and the fall of the imperial government. The main characteristic of the German military, she concluded, was its “institutional extremism,” which created the culture of, and the willingness to resort to, “terrific violence and destruction in excess” to a degree that it even endangered “Germany’s own security” and harmed its “political goals.” All these, Hull notes, were “in contravention of international norms, and even contrary to ultimate military effectiveness.”

It was this same military that acquired the task of reorganizing and training the Ottoman army. In 1882, the first military instructor, Major von der Goltz, arrived in Constantinople and paved the way for Germany to gain economic, political, and military footholds in the Ottoman Empire. Goltz, later a Field Marshal, encouraged the Ottomans not to fret over their losses in Europe and instead to concentrate on eastward expansion. This, it has been argued, disregarded the violent history of the region and, most importantly, the existence of the indigenous Armenian population there. But given the culture of military practices in Germany and in the Ottoman Empire, the former factor became the solution to the latter.

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30 Dadrian, xiv, 124.
In regard to the Ottoman-German alliance on the eve of the Great War, Germany’s
goals were “incompatible” with those of its ally. The alliance meant different things to
each of the partners. Germany wanted to achieve short-term goals, such as an expedient
victory in the war, while Ottoman Turkey wanted to use its stronger ally to rid itself of
burdens placed on it by foreign powers;31 in both cases, the adversaries were the Entente,
namely Britain, France, and Russia.32

With this in mind, the Turkish government decided to enter the World War I on the
side of Germany. The Turkish leaders, most powerful among them being Enver, Jemal, and
Talaat, known as the CUP triumvirate,33 wanted to use the support of its stronger ally to
create a homogeneous national state free from foreign intervention, as well as rid itself of
its internal “parasites.”34 The CUP leaders followed the recommendation of Ewald Banse,
a German geographer who studied the racial composition of the Ottoman Empire and
concluded that, “to get the Armenian Question out of the World, one had to get the
Armenians out of the world.”35 To achieve this, the CUP leaders implemented a plan,
recommended first by Major Von der Goltz, namely, to implement “the forcible evacuation

31 Hull, 266.
32 Foreign powers, over the years, had acquired capitulation rights from the Ottoman Sultans; and after the
Berlin Conference in 1878, they had begun to meddle in Ottoman affairs under the pretext of protecting the
rights of Ottoman Christian minorities. See Edward A. van Dyck, Capitulations of the Ottoman Empire since
the Year 1150 (Washington: Government Printing Office, 1881); and Richard S. Horowitz, “International
Law and State Transformation in China, Siam, and the Ottoman Empire during the Nineteenth Century,”
Journal of World History 15, no. 4 (December 2004): 460-461, 466; Dadrian, 107.
33 The CUP, the Committee of Union and Progress, was also known as the Young Turks; sometimes referred
to with its Turkish name: Ittihad ve Terraki.
34 Huberta von Voss and Alasdair Lean. Portraits of Hope: Armenians in the Contemporary World (New
35 Cited in Hilmar Kaiser, Imperialism, Racism, and Development Theories (Ann Arbor: Gomidas Institute,
1997), 19.
of the Armenian population residing in eastern Turkey.” 36 This evacuation ended in the annihilation of over a million Armenians living in the empire. 37

Despite continued reports being sent by German consuls stationed in every province of the Ottoman Empire, no attempt was made by Germany to intervene in the “internal affairs” of its weaker ally. Max Scheubner-Richter, German vice consul of Erzurum, one of the Armenian provinces, reported the minutes of a meeting with the Young Turks’ leaders, in which he noted:

The first item on the agenda concern[ed] the liquidation of the Armenians. Ittihad will dangle before the Allies a specter of an alleged revolution prepared by the Armenian Dashnak [ARF] party. Moreover, local incidents of social unrest and acts of Armenian self-defense will deliberately be provoked and inflated and will be used as pretexts to effect the deportations. Once en route, however, the convoys will be attacked and exterminated by Kurdish and Turkish brigands, and in part by gendarmes, who will be instigated for that purpose by Ittihad. 38

Not only German soldiers, “from their unique position as overseers of the Ottoman army … watched as the genocide was carried out.” In some cases, even high-ranking German military officials issued deportation orders of the Armenians living in areas under their control. 39 General Bronsart von Schellendorf and Lieutenant Colonel Böttrich, for example, “issued orders” to deport the Armenians, 40 a “foolish” act, as described by Franz Günther, the director of the Baghdad Railway. Günther was compelled to alert Foreign

36 Dadrian, xiv.
Minister Von Jagow, who in turn informed Falkenhayn, chief of the German High Command, to take action. Günther had reported:

Our enemies will someday pay a good price to obtain possession of this document … They will be able to prove that the Germans have not only done nothing to prevent the Armenian persecutions but they even issued certain orders to this effect, as the [Turkish] Military Commander has ecstatically pointed out.

Such documents, which were known to German officials at that time, could seriously implicate Germany in the Armenian atrocities. Moreover—despite the fact that several German military officials and civilians helped the Armenians—there was enough evidence in German archives whose disclosure would have been detrimental to the already troubled Germany. This had to be avoided at any cost, even if it meant setting a killer free.

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41 Dadrian, 132-133.

Pretrial Investigation and Court Procedure

The files on Tehlirian reveal a great deal about how the prosecuting authorities steered the case toward its final outcome, namely the acquittal of the killer. But what gave those authorities the legal tools to do so?

In accordance with the German Code of Criminal Procedure, the pretrial investigation was conducted by an investigating judge and the state prosecutor. The investigating judge examined the case and interrogated the suspect to determine whether a crime had been committed. If the result was positive, the case would be transferred to the state prosecutor, who, with the help of the police, would continue the investigation.43

The defense counsel, on the other hand, was completely excluded from this process. This exclusion applied even to his right to visit his client, namely the accused. In order to do so, members of the defense counsel were required to request official permission from the prosecutor’s office, as well as request permission to view their client’s files so they could prepare the defense. When the pretrial investigation was complete, the case could proceed to the main trial, and in Tehlirian’s case, to a jury trial.44

The German court procedure was a combination of the old inquisitorial methods and the accusatorial procedure, which had infiltrated the German system through the liberal ideas of the French Revolution. It therefore differed considerably from Anglo-American court procedures. In a German system, a judge as “investigator, prosecutor, and trier of fact

43 An important feature of German court system was the extensive report created for a case during the pretrial investigation. Any case would proceed in three stages: the pretrial (Vorverfahren), the intermediate phase (Zwischenverfahren), and the main proceedings (Hauptverfahren). In the pretrial phase, it was determined whether a crime had been committed or not; in the intermediate phase, a judge would decide whether the case should proceed to the main proceedings, which constituted the third phase of the process, namely a trial. The defendant, depending on the stage of the proceeding, was referred to as suspect (Beschuldigte), accused (Angeschuldigte), and indicted or defendant (Angeklagte), respectively. Throughout the paper, I used the notation appropriate to the stage of the process; See Hett, 26; and Hans Julius Wolff, “Criminal Justice in Germany,” Michigan Law Review 42, no. 6 (June 1944): 1067-1088.

44 Hett, 33.
and law,” reached his verdicts based solely on the evidence presented during the trial. This gave the presiding judge in a trial the necessary “legal tools,” which “ensured his control of the courtroom,” granting him the responsibility of directing the trial. This also included the privilege of being the only person able to examine the defendant as well as the witnesses. The two associate judges, defense lawyers, prosecutor, and even members of the jury were able to direct their questions to a witness; but only with the permission of the presiding judge and usually only after the judge had finished his own cross-examination. The consequence of this procedure was that a “presiding judge dominated [his] court.”

This fact became evident during Tehlirian’s trial. The presiding judge cunningly avoided all references to political questions and conveniently disregarded the state prosecutor’s questions that, if answered, could have placed the defendant in a dangerous position.

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46 Based on § 81 of German Judicature Act, Gerichtsverfassungsgesetz (GVG), until 1924, the jury courts was composed of one presiding judge and two associate judges. See Werner Schubert, Die Deutsche Gerichtsverfassung 1869-1877: Entstehung und Quellen (Frankfurt am Main: Vittorio Klostermann, 1981), 983

47 Hett, 24.

48 For a discussion on this, see the section on the trial.
Political Justice of the Weimar Republic

In context of the political justice of the Weimar Republic, the case of Tehlirian was not an anomaly. Quite the contrary; there are many similarities between this case and other political murders. While Tehlirian was not a right-wing German nationalist, and Talaat was not a member of the Weimar government and did not belong to the camp of “November criminals” who had “stabbed in the back” of the German nation, the case received similar treatment.

Weimar judiciary’s extreme conservative leanings manifested themselves in the political trials of the Weimar era. The catchphrase, “Hard on the left, easy on the right,” characterized the attitude of the Weimar judges. Many political trials during the Weimar Republic received similar treatments, for example, the assassins of the communist leaders Rosa Luxemburg and Karl Liebknecht; and some members of the Weimar government, Matthias Erzberger and Walther Rathenau; as well as the architects of the Beer Hall Putsch, namely Hitler, Ludendorff, and their followers. The judge who presided over the Hitler-Ludendorff trial had argued that “the defendants, by their conducts, were led by the purest, noblest, and most selfless love for their fatherland.”

The conservative and homogeneous caste of the judiciary remained loyal to the imperial Germany that had provided them with power and prestige. This loyalty was not abandoned after the revolution and the founding of the Weimar Republic: “imperial judges

For more on this see e.g. Richard J. Evans, The Coming of the Third Reich (New York: Penquin Books, 2005).

Hett, 225.

Geus, 74.

in the Democratic Republic” remained “fiercely loyal to the monarchical system” and its officials.\(^{53}\)

This mindset, however, was not confined merely to civil servants. It has been argued that Germany’s government and society were much influenced by “militarism” and “military values.”\(^{54}\) On 11 October 1914, less than three months after the outbreak of World War I, ninety-three prominent German intellectuals, among them the scientists Max Planck, Fritz Haber, Walther Nernst, and Wilhelm Wien, signed the manifesto “An die Kulturwelt” (“To the Civilized World”), in which they rejected German war guilt and characterized the violation of Belgian neutrality during the war as a preventive measure.\(^{55}\)

The Manifesto emphasized the following:

1. It is not true that Germany was guilty of this war,
2. It is not true that we criminally violated Belgian neutrality,
3. It is not true that the life and property of a single Belgian subject were interfered with by our soldiers, except under the direst necessity,
4. It is not true that our troops behaved brutally in regard to Louvain,
5. It is not true that we disregard the precepts of international law in our methods of warfare, in which there is not unbridled cruelty,
6. It is not true that fighting our so-called militarism is not fighting against our civilization, as our enemies hypocritically allege.\(^{56}\)

The last point specifically characterized Germans’ attitude toward their military institution: “7.-Without German militarism German civilization would be wiped off the face of the earth.”\(^{57}\) It is then not surprising that when that institution and some of its members were threatened, every possible precaution had to be taken to protect them.

\(^{53}\) Hett, 1, 2. For detailed discussion on this issue, see e.g. Hannover and Hannover-Drück.

\(^{54}\) Hull, 2.

\(^{55}\) For atrocities committed by Germans and the protest raised by Belgians, see e.g., “Belgium Charges German Atrocities,” *New York Times*, 26 August 1914.


\(^{57}\) Ibid., xii.
Monarchical values were indeed carried over into the republican regime. Considering the fact that at the time of Talaat’s assassination trial hardly two and a half years had passed since the revolution, one could not expect social and moral values to have been transformed so rapidly. As Albert Einstein wrote in a letter to Max Born on 7 September 1944: “Do you still remember the occasion somewhat less than twenty-five years ago when we took a tram to the Reichstag building, convinced that we could effectively help in turning those fellows there into honest democrats? How naïve we were, for men of forty.” Einstein and Born had gone there to help release several professors and the rector of the University of Berlin who had been placed under arrest by revolutionary students.58

Even Lepsius, the renowned Armenophile whose testimony in court played a decisive role in Tehlirian’s acquittal, was first and foremost a German nationalist. “His patriotism was of the same radical nationalist brand as that of the Foreign Office officials with whom he shared an anti-Republican sentiment.” 59 In a book that he published at the request of the German Foreign Office, he complied with the Foreign Office’s instructions and tried his best to “whitewash the German role” in the massacres.60 Despite his tireless work on behalf of the Armenians, Lepsius nevertheless tried to exonerate Germany from any participation in or complicity with the massacres of Armenians during World War I. In the preface to his book, Deutschland und Armenien: Sammlung diplomatischer Aktenstücke, Lepsius noted that he took the task of publishing the documents available in the Foreign Office files “under three conditions: that he be granted access to all documents of the AA [German Foreign Office] and the [German] Embassy [in Constantinople]; that

60 Ibid., 68.
he be given complete control over the selection of documents for publication; and that the publication not be commissioned by the AA but by […] [Lepsius] personally.”\textsuperscript{61} Despite such assurances, the book contained a “collection of manipulated diplomatic documents: evidence implicating any Germans, and most of the material on the Ottoman politicians, was left out or deleted.”\textsuperscript{62} Lepsius’s motives, first and foremost, were to protect Germany’s interest.

\textsuperscript{61} Johannes Lepsius, \textit{Deutschland und Armenien: Sammlung diplomatischer Aktenstücke} (Potsdam: Tempelverlag, 1919), vi.

\textsuperscript{62} Kaiser, “The Baghdad Railway,” 68.
The Armenian Revolutionary Federation (ARF)

The Armenian Revolutionary Federation (ARF),63 one of the three major Armenian political parties,64 was founded in 1890 in Tiflis (Tbilisi) by three Armenian intellectuals: Kristapor Mikayelian, Stepan Zorian, and Simon Zavarian. ARF’s main objective, like that of other Armenian political parties formed during the nineteenth century, was to find a satisfactory solution to the Armenian Question in the Ottoman Empire, namely “political and economic freedom for Turkish Armenia.”65 Nevertheless, the ARF, despite its political program to reach “democratic freedoms in Turkish Armenia through revolutionary actions,” never strived for a political autonomy for Armenians, neither for independence nor for the unification of an Armenia that had been divided among the Russian Empire, Ottoman Empire, and Persia. The founders of the party envisioned the improvement of the situation through economic and cultural programs.66 The methods to be used to achieve their goals, as decided upon during the ARF’s First World Congress (1892),67 consisted mainly of “propaganda, revolutionary education of the people, the organization and arming

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63 Also known as Dashnaksutiun, Dashnak Party, and its members: Dashnaks. For a history of the ARF see, e.g., Hratch Dasnabedian, History of the Armenian Revolutionary Federation: Dashnaksutiun, 1890-1924 (Milan, Italy: Oemme Edizioni, 1990); and Ara Sanjian, “The ARF’s First 120 Years. A Brief Review of Available Sources and Historiography,” Armenian Review 52, nos. 3-4 (Fall-Winter 2011): 1-16.

64 The other two were Armenakan Party, founded by the Armenian intellectual and educator, Mekertitch Portugalian in 1885 in Van (in Turkish Armenia); and the Hnchak Social Democratic Party founded in 1887 in Geneva by six Armenian students: Avetis Nazarbekian, Mariam Vardanian, Gevorg Ghardjian, Christopher Ohanian, Ruben Khan-Azet, and Gabriel Kafian. See Louise Nalbandian, Armenian Revolutionary Movement: The Development of Armenian Political Parties through the Nineteenth Century (Berkeley: University of California Press, 1963), 90-131.

65 Anahid Ter Minasian, Nationalism and Socialism in the Armenian Revolutionary Movement (Cambridge, Mass.: Zorian Institute, 1984), 6, 11, 12; Hratch Dasnabedian, History of the Armenian Revolutionary Federation: Dashnaksutiun, 1890-1924 (Milan, Italy: Oemme Edizioni, 1990), 33.

66 Ter Minasian, 12.

of the people for self-defense, sabotage, the execution of corrupt government officials and all exploiters as well as Armenian informers and traitors.”

The ARF from its inception until 1919 held nine general (world) congresses during which the delegates determined the “strategic objectives, new military initiatives, organizational rules and regulations, amendments or radical changes in the Program and sometimes tactical variations.” The Ninth World Congress was held in the fall of 1919 in Yerevan, Armenia, during the short-lived democratic Republic of Armenia (28 May 1918 –2 December 1920). During that meeting, the participants decided to retain the article regarding terrorist methods until the 10th World Congress. This decision enabled the Party, even though it was at that time managing a state, to “take measures against those responsible for the massacres of Armenians during the war.” During the Congress a list had been compiled containing the names of those responsible for the Armenian massacres. From among 650 names on the list, forty-one were selected as having been most guilty of the massacres of Turkish Armenians. Number one on the list was Talaat.

Tehlirian, as a recruiter for the party, must have been informed of those decisions. What he referred to during the pretrial investigation was indeed what had been decided upon during the Ninth Congress, i.e., “Each regional central committee would be accountable to the congress for the individual executions decided on in its area.” In other words, any member of the ARF who located a perpetrator of the massacres but did not

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68 Dasnabedian, 33.
69 Dasnabedian, 9.
70 Derogy, 60. Minutes of the ARF’s Ninth World Congress.
71 Derogy, 59.
72 Derogy, 59; Minutes of the ARF’s Ninth World Congress.
follow the committee’s decision would be held accountable to the general congress.\textsuperscript{73}

Therefore, as Tehlirian noted during the interrogation, every Armenian, had the “duty” to “sweep out” the perpetrators of the massacres.\textsuperscript{74}

\textsuperscript{73} Derogy, 60.

\textsuperscript{74} Landesarchiv, Berlin, A Pr. Br. Rep. 030-03 (Tit. 198B), Nr. 1182 (hereafter: Landesarchiv 1182), 77.
Assignment Berlin

In his memoirs, Tehlirian recalled a question posed by the interrogator who asked him whether he acted alone. He had replied: “I would have not mentioned anything even if there were accomplices,” and to the question whether an organization ordered him to kill Talaat, he had answered that he had acted on his own initiative.\(^75\)

The question of accomplices was to a limited degree discussed during the pretrial investigation. On 21 March, a letter was sent to the Minister of Justice informing him about the “possibility of other accomplices who might have participated in the act.” The conclusion of the discussion, however, remained unknown due to damaged edges of documents caused by fire. The text reads: “[so far], investigations have [?] resulted in the criminal participation of other persons in the act.” From the context, however, and from the lack of other references on the issue of accomplices in the files, one can surmise that the missing part was “not,” and that the investigations had apparently resulted in the negative.\(^76\) Nevertheless, Tehlirian’s memoirs and the diary of the main organizer, Shahan Natali, clarify this issue.

On the morning of March 15, Tehlirian woke up early. Barely had he finished his tea when he saw Talaat on the porch of his house. Tehlirian took his gun and stood ready. When he saw Talaat leaving the house, he himself stormed out of the house too. He followed Talaat for a short distance, crossed to the other side of the street, tried to overtake him, crossing back to the other side again, walked toward Talaat, when he reached him, their eyes met for a second, it seemed that he sensed what was going to happen, but Tehlirian gave him no chance. Once he passed him, before Talaat could react, Tehlirian neared the gun to Talaat’s head and fired one shot. “The monster fell on the ground.”\(^77\)

\(^75\) Tehlirian, *Verhishoomner*, 209.
\(^76\) GStA 55562, 14.
\(^77\) Tehlirian, *Verhishoomner*, 195.
On 29 March, Schmidt, an employee at the office of chief state prosecutor, sent a letter to Lektor Hahn—teacher of Russian language at the Seminary for Oriental Languages in Berlin—requesting the translation of a postcard sent from Valjevo, Serbia (which was probably found in Tehlirian’s room) adding that quick action would be appreciated. Two days later, Hahn translated and returned the postcard together with the translated text. The card did not contain any relevant information except to indicate that Tehlirian had spent some time in Valjevo, to which he had already alluded during the investigation.

What the prosecutor could not uncover was that Tehlirian’s father had gone to Serbia in 1905. Almost a decade later, in 1914, Tehlirian and his two brothers, leaving Erzingan, joined their father in search for better work. “Barely had they reached Valjevo,” Tehlirian wrote in his memoirs, “when they heard the news of a Serbian nationalist who had assassinated [Archduke Franz Ferdinand], the heir to the Austro-Hungarian throne. One event led to the other and in a matter of weeks, the Great War had already begun.”

Later that year, Tehlirian’s father received a letter from an acquaintance in Sofia, Bulgaria that reported about the Armenian volunteer groups that were gathering together to create a volunteer force “to liberate the Armenian nation from the yoke of Turkish tyranny.” Upon hearing the news, Tehlirian, without his father’s knowledge and consent, left Valjevo to join the volunteer groups. He finally managed to reach Transcaucasia, and

78 Landesarchiv 1182, 135 and verso, 133.
79 Jacques Derogy states that Tehlirian “scarcely knew his father because he had gone to Serbia before 1905 where upon his return he was arrested, sentenced to six months in prison, and subsequently prohibited entering in Turkey” (see Derogy p. 65).
80 Tehlirian, Verhishoomner, 9.
unlike his claims during the trial, Tehlirian was not home when the deportations began, but instead he was already in Tiflis, signed up as a volunteer.\footnote{\textit{Tehlirian, Verhishoomner}, 10-12.}

In July 1916, the news that the Russian army had captured Erzurum erupted.\footnote{Erzurum was the province in which Erzingan, Tehlirian’s hometown, was situated. Russian army commanded by General Nikolay Yudenich reached Erzingan on 25 July 1916. See Spencer Tucker, \textit{World War I: A-D.}, Volume 1, (Santa Barbara: ABC-CLIO, 2005), 379.} Tehlirian rushed to join the volunteer group that was moving toward Erzurum. Upon reaching his home, Tehlirian did not find any of his family members. The family home had been turned into a dormitory for soldiers. He asked for permission to enter the house and when he went into the garden, he passed out. After regaining consciousness, he saw his older brother, who had also come from Serbia to look for the rest of the family, sitting by him. They learned that from among the 20,000 Armenians in the city, only a few had survived.

“After the failure of the Allied powers to keep their promise to punish the perpetrators of the Armenian massacres,” Tehlirian notes in his memoirs, he “decided to take the task into [his] own hand.”\footnote{Despite the strict censorship and a state of war, the news of Armenian massacres reached the outside world. American consuls, stationed in the Ottoman Empire, among other eyewitnesses, could dispatch the news about the unfolding horrors prompting the Allied powers, England, France, and Russia to issue a joint declaration on 24 May 1915: “In view of these crimes of Turkey against humanity and civilization, the Allied governments announce publicly to the Sublime Porte that they will hold personally responsible [for] these crimes all members of the Ottoman government and those of their agents who are implicated in such massacres.” After the war, however, as Tehlirian noted, the diverge interests of the allied powers in pursuit of their own economic and political interests left no room for justice. See Taner Akcam, \textit{A Shameful Act}, 2.} His only goal was to reach Constantinople and find Talaat. Once in Constantinople, he went directly to the Armenian Chakatamart publications headquarters.\footnote{First issues of the publication were titled Azadamart (see Library of Congress: Armenian Serials in the Near East Section).} There he met Ms. Yeranuhi Danielian, a member of the Hnchakian Party, who later assisted Tehlirian in his quest to find Talaat. Ms. Danielian informed Tehlirian that the main culprits of the Genocide had fled Turkey the day before
the armistice. She also told him about the Armenian traitor Harutiun Megerditchian, who had given a list of 300 names of Armenian intellectuals to Talaat. Those intellectuals were subsequently gathered and exterminated in April 1915. Tehlirian was stunned, unable to believe that nobody had sought revenge for the death of the leading figures of the Armenian community. For several days, he visited the café across the Megerditchian’s house, until one night, upon seeing Megerditchian stand up to make a toast to his guests, Tehlirian fired one shot. The traitor died in the hospital the following day.

The death of the traitor Megerditchian caused huge excitement among the Armenians in Constantinople. Within political circles, Tehlirian noted, the issue arose whether to contact all party members in Russia, Transcaucasia, Berlin, and Geneva and track down and punish the culprits. This endeavor, however, soon lost its appeal. More imminent issues were hovering over the lives of the Armenians.

Tehlirian, nevertheless, was trying to find help in his effort to find Talaat. His last hope was Ms. Danielian. By now she had gone to Paris, and from there to the United States. The only news he received from her, however, was a card containing only a short poem and greetings from Paris. For him the days were passing with only one thing on his mind: Talaat’s death. He pinned his only hope on Paris. After a few months of wandering, he finally received a letter from Ms. Danielian, instructing him to travel to the United States “for the issue they both knew about.” The letter surprised Tehlirian immensely. Why the United States? Was Talaat there? Two more letters from Boston, however, left no doubt for him. One of them instructed him to go there immediately; the other, from Armen...
Garo (Garegin Pastermajian),\textsuperscript{85} provided the necessary travel funds. Three days later, he was on a ship to the United States.\textsuperscript{86}

Once in the United States, he met with Armen Garo privately. “Everything that he was dreaming about had become a reality here,” Tehlirian wrote in his memoirs. Armen Garo had already done a large amount of preliminary work. Talaat was believed to be either in Geneva or Berlin. Armen Garo told him that he had sent a telegram eight days earlier, instructing him to wait in Paris for an agent from the United States. But, before the arrival of the telegram, Tehlirian had already departed for the U.S. The agent, Shahan Natali, who was by then in Europe, would set up the preliminary work. Nevertheless, now that Tehlirian was already in Boston, it would be advisable to wait there until the agent in Europe would send more information. A few days later, a telegram instructed Tehlirian to go to Geneva. He complied. Once there, he went to the Droshak headquarters.\textsuperscript{87} A letter from the coordinator told him “that he had received information from Constantinople that his acquaintance is living in Berlin, and if he wanted to register at the university, he had to hurry.”\textsuperscript{88} Tehlirian, with the help of the Dashnaks there, obtained a visa for Germany. He departed on 3 December 1920.

In Berlin he was briefed about the preliminary work that had been done and the situation of the Turkish fugitives. Tehlirian named three of the collaborators: Hrap

\textsuperscript{85}Armen Garo was a member of ARF who began his career with participating in the seizure of Bank Ottoman in 1896. After the Young Turk Revolution of 1908, he became a member of the Ottoman parliament until 1914. During the short-lived Republic of Armenia (May 1918-December 1920) he served as the Armenian ambassador to the United States. Garo died on 23 March 1923 in Geneva. See Armen Garo, \textit{Bank Ottoman. Memoirs of Armen Garo} (Detroit: Topouzian, 1990).

\textsuperscript{86}In his memoirs, Tehlirian writes that he left for the States in October (\textit{Verhishoomner}, 145); however, his records from Ellis Island show that he arrived there on 22 August 1920.

\textsuperscript{87}The Western Bureau and the editorial office of the official publication of the party. See Dasnabedian, 35, 36.

\textsuperscript{88}Tehlirian, \textit{Verhishoomner}, 160.
(probably Hrach Papazian), Vaza (Vahan Zakarian, who acted as interpreter during the pretrial investigation and the trial), and Hazor (Hagop Zorian). Hrap, with his Turkish facial features, had made friends with some Turkish students and could obtain intelligence from them. They had come to realize that knowing that Talaat was in Berlin was not sufficient. Much surveillance work was necessary. The group met regularly at the home of the vice-consul of the Republic of Armenia in Berlin, Libarit Nazariants. It was during one such meeting that Nazariants had advised the group to concentrate on Talaat: “I think that Enver will not take the risk of coming to Berlin. Despite the precautions you are taking, the Ittiahdists here have smelled a plot. You must restrict your investigations to Talaat alone.”

At the end of December, Tehlirian fell ill. Later during the trial, his illness helped him with his case by becoming the main subject of the trial. Upon his arrival he had stayed in the Tiergarten Hotel, then moved to a room on 51 Augsburg Street. Later one of his collaborators found an apartment across what they believed to be the house in which Talaat was living. He was thus able to engage in surveillance without standing outdoors in Berlin’s unbearably cold weather. During the trial, Tehlirian gave health reasons for moving to this second house. He told the court that he needed more sunlight and that gas heaters in his first apartment were detrimental to his health. On 5 March, he moved to Hardenberg Street 37, across the street from the house at number 4.

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89 See footnotes to A Crime of Vengeance by Edward Alexander, 51-53; History of the ARF by Hratch Dasnabedian, 154-155.

90 Shahan Natali, The Turks and Us; Turkism from Angora to Baku and Turkish Orientation. [Nagorno-Karabakh]: Punik Pub, 2002), xiv.

91 Derogy, 77.

92 Tehlirian, Verhishoomner, 191.
The first attempt to kill Talaat failed. A day earlier, Natali had given the weapon to Tehlirian. In his diary, Natali wrote:

“March 12, Friday”

...Along Hardenberg Street Soghomon and I are walking ... We reached his door. The lights in Hardenberg Street 4 were still on. I gave him the weapon, saying that “it is examined and ready under the command of your finger. Good night.”

The following day, instead of hearing news about the assassination, Natali received a phone call from Tehlirian, who, speaking in a shivering and agitated tone, hastened Natali to his room. Tehlirian waited outside the house for Natali to avoid the curious eyes of his landlady. Once inside, Tehlirian explained to him that he missed Talaat because he had been unable to open the front door and leave the house. Natali related the incident as follows: Tehlirian

saw the [Talaat] himself in his day’s outfit. He looks at the street left and right, and begins to walk. [Tehlirian] quickly grabbed the gun, put it in [his] pocket, drank a glass of cognac, and ran downstairs; the door [didn’t] open, fruitless; until the landlady came and opened the door. [Talaat] was not on the street.

This was a lucky incident, Natali argued. It gave Natali the opportunity to remove all the evidence from Tehlirian’s room. Undoubtedly, if he had been unable to flee and was arrested, the police would have searched Tehlirian’s room. Therefore all notebooks, papers and writing, and, most importantly, a pair of binoculars that Natali had bought under his own name, had to be removed. Natali then poured cognac into glasses, adding: “Let’s drink to toast the success of our sacred mission and your health, Soghomon.”

When they departed, Tehlirian told Natali to call him the following day. If he was not there, it meant that he had succeeded. Natali wrote in his diary that he called twice and

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93 Natali noted Friday, nevertheless, 12 March 1921 was a Saturday.
94 Nayiri, 14 June 1964, p. 4.
95 Natali, Part III, 14 June 1964, 4.
96 Natali, Part IV, 21 June 1964, 4.
spoke with the landlady. “Tehlirian left the house around 11 A.M. and had not returned yet,” the landlady had replied. After reading in the newspapers that Tehlirian’s second attempt had been successful, Natali began to make preparations to leave Germany.\footnote{Natali, Part IV, 21 June 1964, 4.}
The Arrest and Pretrial Investigations

Shortly after 11 A.M., Soghomon Tehlirian found himself at the cross-section of Fasanen Street and Hardenberg Street surrounded by an angry mob. Tehlirian wondered why they were so hostile toward him. What had happened that made these people, whom he did not know, behave in such a manner? What had he done to these people whose words he could not even understand? Why were they beating him?

Suddenly, he collected himself and shouted in broken German, “I want a police officer!” One man replied that he was one. Tehlirian, finding himself in the protection of the officer, felt relieved. He was safe from the pitiless mob. In the presence of the officer, Tehlirian gathered some strength and shouted: “I am a foreigner, and I dealt with a foreigner, I have nothing against the Germans.” This had the desired effect. The people around him calmed down and began to curiously inquire about the nature of the act.

The officer and another man holding on to Tehlirian began walking down Hardenberg Street toward the Zoological Garden. About 20-25 feet farther down the street, Tehlirian saw a group of people standing on the sidewalk. He wondered again why these people were there and what they were looking at. Close to the crowd, a corpse was lying on the sidewalk, its blood covering the pavement.

The officer, still holding Tehlirian’s hand, stood there for few seconds, and then continued his walk. On their way to the police station, Tehlirian felt a terrible, growing pain in his head.

The mob followed Tehlirian to the local police station and began to beat him again. Finally he was rescued and taken into a room. Unable to stand on his feet, he collapsed on the floor. A police officer approached him and began asking questions. But Tehlirian was unable to answer. The only thing he managed to utter was to ask for a cigarette. Instead of a cigarette, he received a strong kick in his stomach.

Another officer came into the room and began to bandage Tehlirian’s head. Tehlirian asked that officer, too, for a cigarette. The officer, after making sure no one else was there, gave him one. It had its magical effect. All his pain and confusion were gone with the first puff.98

The record of the state prosecutor at District Court III, Berlin, on Tehlirian indicates that on 15 March,99 Tehlirian was transferred to the criminal police station in

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98 Draft of Tehlirian’s memoirs, Armenian Revolutionary Federation Museum and Archive, Yerevan, Armenia, pp. 5-11. (Throughout the translation and transcription “I” is replaced with “he” as well as the respective pronouns).

99 If year not indicated, 1921.
Charlottenburg at noon. Escorted by some of the witnesses, he had been taken there by a police officer in an “injured state.”

The initial police report stated that “the killer shot a man with a parabellum in front of house number 17 on Hardenberg Street and injured one of the two ladies who were accompanying the victim.” In the killer’s pocket, in addition to his passport and other personal documents, the amount of 11,141.60 Marks was found and confiscated. At the police station, the perpetrator was questioned first by the two criminal sergeants, Krichen and Mahrow, then by Criminal Inspector Gnaß, who later testified in court. It was determined that the killer was a Persian citizen; his mother tongue was Armenian; he was single; his parents had passed away; his religious affiliation was Protestant; and he was a student of mechanics. At that time, he was residing at Hardenberg Street 37 and he had been in Charlottenburg for the past three months. Before coming to Berlin, he had spent some time in Geneva and Paris. Although the suspect was not fluent in German, Gnaß could gather from his statements that he shot the victim from behind. He would reveal his motives, however, only in the presence of an Armenian interpreter. The killer could also say in his broken German, Gnaß added, that the victim had killed his parents, and thus he had “searched for the victim and located him here.”

The identity of the victim was determined by a visiting card in his pocket, which read: “Ali Saiy Bey (Saly in the court records), currently at Hardenberg Street 4 I,

100 Landesarchiv 1182, verso of stamped 9-10, 11, 13.
101 Ibid., 8.
102 Ibid., 15 and verso, 17.
103 Ibid.
104 Ibid., 17.
Steinplatz 8853.” The body of the victim had been taken to the city morgue, and was officially identified by Dr. Behaddin Shakir (Chakirz in the court records), another prominent member of the Young Turks, also in exile.

Newspaper reports repeated the confusing and contradictory information that the initial police investigation had uncovered about the killer and the victim. Berlin evening newspapers reported rumors and unconfirmed news about the incident. The Berliner Tageblatt, a liberal newspaper, for example, reported the event in its evening edition with the headline, “Murder on Open Street. A Persian Student Caught as the Perpetrator.” The Vossische Zeitung, another liberal newspaper, reported the same information, adding that a news agency had claimed that the victim was the former Turkish minister Talaat Pasha. Nevertheless, the report added, they were unable to confirm the veracity of this information.

The rumors about the identity of the victim, the former Grand Vizier Talaat Pasha, might have originated from a close friend, Ernst Jaeckh, founder of the German-Turkish Union, who wrote the following in his diary:

On March 15 at 11:30 A.M., the exact day and hour of his death, I had an appointment with Talaat Pasha in the Hardenbergstrasse Hotel where he lived with Nazim Bey and other Young Turkish friends and refugees. As I drove past the Zoo, I saw a crowd gathered on the other side of the street.... I stopped before Hardenbergstrasse No. 4 where he lived, hurried up the stairs, rang the bell, and while I was waiting I heard a woman weeping and moaning. The door opened. Nazim Bey was standing before me and said:

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105 Landesarchiv 1182.
106 Ibid., 11, 13.
“Praise Allah you are here! Help us get Talaat’s body. ... I hurried with him to the scene of the murder, pushed through the crowds, showed my credentials to the police official and requested immediate possession of the body ... emphasizing that the man lying in the street was, in a way, the “Turkish Bismarck” and our loyal ally in the war.\(^{110}\)

The police and state prosecutor files on Tehlirian do not contain any information about another interrogation of the suspect on the day of the incident. The Berlin press, on the other hand, reported that a hearing was scheduled in the presence of an interpreter.\(^{111}\)

The *Berliner Tageblatt* was one the first to publish accurate information about the identity of the victim in its morning edition of 16 March.\(^{112}\)

The official investigation of the murder that took place yesterday on the Hardenberg Street in Charlottenburg has now confirmed that the victim had indeed been the former Grand Vizier Talaat Pasha, as we reported in [yesterday’s] Evening Edition.

The article also reported on the information obtained by the police, even on facts not mentioned in the police report. For example, the article noted that the killer had a deep scar on his neck, which probably had been caused by the heavy blow of a stick, and that the Charlottenburg police would conduct the criminal investigation, adding that a hearing was scheduled for that day and an interpreter was requested. The article also noted that Talaat, for the preceding two years after his flight from Turkey, had been residing in Berlin with his wife.\(^{113}\)

Another *Berliner Tageblatt* article reported that “unlike what was previously claimed, the incident was not the result of a jealousy feud but was primarily a crime of a

\(^{110}\) Ernst Jäckh, *The rising crescent Turkey yesterday, today, and tomorrow* (New York: Farrar & Rinehart, 1944), 269-270.

\(^{111}\) The influential Berlin press had its special agents standing with their motorcycles outside the police stations and district courts to deliver reports to their respective newspaper editors. See Hett, 48, 49.


\(^{113}\) Ibid.
political nature, and therefore the case would be handled by the political department of Berlin police headquarters.”

On the day following the incident, Gnaß questioned some of the passersby who had witnessed the incident and took their testimonies. Among them were some who also testified during the trial: Nikolaus Jessen, Boleslaw Dembicki, and Fritz Resch. For unknown reasons, Resch, whose testimony most corresponded to Tehlirian’s account of the incident, did not appear in court. His testimony, however, can be found in the state prosecutor’s file and was as follows:

On 15 March 11 o’clock, I was coming from my workplace on Joachim Street and went to Hardenberg Street on the outer side of the sidewalk. An older man, whom I had encountered several times there, was walking toward me. He was walking on the inner side of the sidewalk. Suddenly from the other side of the street a younger man walked over, neared himself to the older man, and without uttering a word shot him. The man who was shot collapsed. The perpetrator gazed at his victim for a moment, threw away his pistol, and began to flee toward Fasanen Street. I ran after him and upon reaching him, received a blow to my stomach. With the help of a bike rider and another man, we managed to get hold of the killer and hand him over to the police.

Resch added that the perpetrator “crossed the street alone. A woman was walking ahead of the victim who fainted at the sound of the shot.”

Testimonies of other witnesses differ only in minor details, such as the time of Tehlirian’s crossing the street. At the end of the page continuing the testimony given by Jessen, one of the witnesses, Gnaß wrote:

The perpetrator had come to Berlin from Geneva, had first taken residence at 51 Augsburg Street then, for reasons known, had moved to 37

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114 Ibid.
115 Landesarchiv 1182, 17.
116 Ibid., verso of 17.
117 Ibid.
118 Ibid., 20 and verso, 18 and verso.
Hardenberg Street. This is located opposite the victim’s house, so the perpetrator could watch his victim and choose the right moment to carry out his plan.\(^{119}\)

Tehlirian was questioned by Gnaß once more, again in the absence of an “adequate interpreter.” In this report, Gnaß, repeating some of the already known information, wrote: “As much as the suspect could make himself understood, he had killed Talaat because he was responsible for the death of his parents.” Gnaß also noted that the few Armenians who wanted to see Tehlirian told him that Talaat was the “worst among those who persecuted Ottoman Armenians, for which he had been sentenced to death by the present Turkish government.”\(^{120}\)

Gnaß also mentioned that a family member of the victim told him that “already a few years earlier, in Constantinople, another assassination attempt had been made on Talaat, or had been planned,”\(^{121}\) adding that, according to the family member, Talaat was contemplating a return to Turkey within a few months. Gnaß ended his note by mentioning that “the newspapers must have pieced together their articles from such incomplete sources.”\(^{122}\)

The *Vossische Zeitung*, for example, reported on 16 March on an encounter between the perpetrator and the nephew of the victim, adding that the perpetrator had refused to speak Turkish and insisting that he knew only Armenian and Farsi.\(^{123}\) A reference to this incident is also missing from the files.

Tehlirian, however, in his memoirs, described the same encounter in great detail:

\(^{119}\) Ibid., 19.

\(^{120}\) Ibid., 41.


\(^{122}\) Landesarchiv 1182, 41.

\(^{123}\) “Die Ermordung Talaat Paschas,” *Vossische Zeitung*, 16 March 1921.
In the evening, I was taken to a room on the second floor. A man with a goatee and glasses was sitting opposite the door. I saw my revolver on a desk. A man with Asiatic features was standing near it. He was staring at me with hateful eyes. ... The man with the goatee began to interrogate me. With much difficulty I understood one or two words. I asked for an Armenian interpreter. The interrogator was trying to formulate the same questions in different ways. He was interested in knowing how and why I killed Talaat Pasha. ... He took the revolver and, aiming at various points on his head, tried to find out how I shot the bullet. Not receiving any answer, he put down the weapon and looked at the Asiatic-featured man, who then shouted in Turkish:

"Rascal, how could you bring yourself to kill such a brave man?"
"The same way he killed one million innocent people," I replied.
"So he knows Turkish," the interrogator exclaimed.
"Better than me," the young man replied.
"So we can interrogate with your help. Please ask him why he killed Talaat Pascha."

... Resolutely I refused to answer any question in Turkish.124

The first official interrogation, Tehlirian’s records show, took place on 16 March in the district court, Charlottenburg, in the presence of Judge Privy Legal Counselor Schulze, court stenographer Habetka, and interpreter Georg Kalustian.125

In his memoirs, Tehlirian recounted this event in the following way:

[He] was taken into a room for interrogation where [he] saw Kalustian who greeted him in a perturbed state, but nonetheless managed to add hastily: “Don’t worry. The entire [Armenian] diaspora stands behind you to support you.” Kalustian then took out boxes of cookies and chocolates, but, confused, put them back on the chair.126

Schulze’s testimony in court about the same event described the scene as follows:

“Kalustian had brought sweets and chocolates.” Schulze had admonished him, saying “What? You want to give sweets to a murderer?” To which Kalustian had instantly replied: “What? A murderer?! This is a great man whom we all admire!”127

124 Tehlirian, Verhishoomner, 203-204. This might be the source of Gnaß’s note in regard to the “absence of an adequate interpreter.”
125 Landesarchiv 1182, 22.
126 Tehlirian, Verhishommer, 208.
During the interrogation, Tehlirian confessed that on 15 March he killed Talaat Pasha on Hardenberg Street “with premeditation and deliberation.”\footnote{Landesarchiv 1182, 23.} According to his testimony, it was under Talaat’s orders that the Armenian population in Erzingan, his hometown, was driven out into the desert where they suffered agonizing deaths. The same fate befell his parents and his siblings; only he was spared and was able to flee. At that time, he continued, he decided to kill Talaat and avenge his parents. With such a plan in mind, he maintained, he came to Berlin in December 1920, on the one hand to study, and on the other to kill Talaat, as he had ascertained that Talaat was living in Berlin. He had actually seen Talaat in January near the zoo and would have killed him then if he had a weapon with him. He was able to rent an apartment across the street from Hardenberg Street 4 to enable him to monitor Talaat’s activities. On 15 March, he saw Talaat leaving his house, took his revolver, and followed him with the intention of carrying out the long-intended plan. He concluded his testimony with the claim that he had acted alone and did not have any accomplice or confidant. The testimony was signed only by Tehlirian.\footnote{Ibid., 22-24, 56-60. The fact that the testimony was signed only by Tehlirian became an important issue during the trial. See the discussion in the Trial section.}

On 21 March 1921, Tehlirian was transferred from the court jail in Charlottenburg, to the pretrial detention center in Alt-Moabit, Berlin.\footnote{Ibid., 66.} Upon his arrival, he was officially charged with premeditated murder. The document, however, still indicated Salmas, Persia, as Tehlirian’s birthplace.\footnote{Ibid., 44.} The murder weapon, including 8 cartridges, was appended to his file, which was designated folder number “A.J. 9/21.”\footnote{Ibid., 21, 22.}
Tehlirian, in his memoirs, described his experience in the district court jail in Charlottenburg as follows: After his first interrogation,\(^{133}\)

Tehlirian was taken back to his cell. He was perspiring heavily and his wounds had grown more painful. Another prisoner, on good behavior, came into the cell with water and fresh bandages and re-dressed Tehlirian’s aching wounds. … Levine [the prisoner] already knew all about the assassination of Talaat, all about the details of the interrogation thus far, and a great deal about the massacres. He was openly sympathetic to the Armenians.

Levine said that every newspaper in Berlin, with bold headlines, carried the news of the assassination. He prophesied that the case would gain international attention, because the real issue was the crime of the Turks … but there were legal considerations. For example, did Tehlirian know that the mandatory penalty for a political crime was death? Whereas he might get off with fifteen years hard labor if it were a personal crime of passion. Then Levine criticized Tehlirian for having colored his initial statements with so many political facts. He advised Tehlirian to try to undo the harm already done with his defiant admission of guilt. Tehlirian’s conviction would morally exonerate the Turks.

Levine left, after grabbing a handful of sweets which Tehlirian offered him, leaving him to mull over these utterances. Tehlirian now realized why Kalustian [the interpreter] had frowned, and why he had refused to sign the official transcript of the interrogation. Tehlirian had long since made his peace with God. He was perfectly willing to give his life for his act, and for his people … he had confessed without a tremor. He had not even given a thought to his own salvation while going down this path for three long years. “Oh, my God,” he sobbed out loud, “there are so many things I did not even think of …” And he suddenly knew he wanted to live … he had to live, for no matter how just his cause, blind world opinion would exonerate the Turk if he were convicted. His conviction would be the conviction of all Armenians. The world would brand this deed, which he carried out to get justice to which Armenians was entitled, as an injustice. He had to live, if not for himself, then for Armenia, so that the tragedy of the past would somehow inspire hope for the future.

… Sometime later, Levine slid a newspaper under the door. …Tehlirian saw the headlines in the *Morgen Post*. His name was emblazoned in bold letters and he could understand well enough what he read. Talaat had been assassinated by a young Armenian student for political reasons. By implication, the death penalty seemed assured. By extension, the defamation of Armenian rights would also be assured.

Although after his transfer to Alt-Moabit, Tehlirian was “deprived of Levine’s friendship and counsel,” he nevertheless took Levine’s advice. By changing his statements,\(^{133}\) I took the translation of Tehlirian’s memoirs by Sarkis Atamian. See Sarkis Atamian, “Soghomon Tehlirian,” *Armenian Review* 14 (1961): 19-21.
he began to emphasize the “personal aspects of the case … namely, his extreme emotional agitation caused by the ruthless extermination of his family and relatives.” The shift in Tehlirian’s argument is reflected in a letter, dated 21 March, written to the Foreign Office and Ministry of Justice.

A few days after Tehlirian’s transfer to Alt-Moabit, the official investigation began. On 23 March, the chief of police at Division IV was to obtain information about the suspect’s previous crimes; also about his reputation, lifestyle, moral conduct, trustworthiness, credibility, and occupation; and about the Armenian colony in Berlin and the possible existence of an organization that might be in contact with the Armenians living in Russia; any information had to be reported immediately.

Tehlirian’s file (# A.J.9/21) was also forwarded from Charlottenburg to the investigating judge in Alt-Moabit and was assigned a new number— C.J.22/21. The investigating judge then sent the file to the Ministry of Justice with the request that it be sent back quickly, to be used during the next interrogation, scheduled for Saturday, 26 March 1921.

The scheduled hearing took place at the presence of investigating judge Amende, court stenographer Lehman, Dr. Lepsius, and Zakarian (Zachariantz in the court records). Dr. Johannes Lepsius, 62 years old, director of the German-Orient Mission in Potsdam and at that time an employee of the Foreign Office, had been recommended by

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134 Ibid., 20.
135 Landesarchiv 1799, 101; GStA 55562, 15; Landesarchiv 1182, 43 and verso.
136 Landesarchiv 1182, 65.
137 Landesarchiv 1799, 100.
138 Landesarchiv 1182, 396.
139 Ibid., 65, 144. It must be noted that both the stamps on the documents and the internal notes indicate that several times the files had been sent to different departments, institutions, and offices for perusals.
140 Landesarchiv 1182, 73-74 recto and verso.
the Armenian Association at the oriental languages department of the University of Berlin to act as an interpreter. Lepsius, however, recommended as interpreter the 38-year-old Armenian merchant Vahan Zakarian, whom he “had known for several years as the head of the Armenian-German society and could vouch for his impartiality and trustworthiness.”

Lepsius recused himself on the grounds that he did not speak the dialect of the accused, which he denoted as Yerevan dialect.

Zakarian testified that he became acquainted with the accused in late 1920 when he was working at the Persian Consulate in Berlin. Tehlirian had gone there to complete the necessary paperwork for his stay in Berlin. He had planned to enroll in the university. After a while, Zakarian met Tehlirian again though “he could not remember when and where.” At that time Tehlirian told him that he had been suffering from nervous debility and asked Zakarian to accompany him to a doctor. Zakarian took him to see Dr. Cassirer, who prescribed some medication. Dr. Cassirer had diagnosed Tehlirian with epilepsy and had recommended taking the medication and having a second examination after two weeks. On their way to the second appointment, Tehlirian told Zakarian that he had once passed out on the street in front of a bank. During the follow-up visit, Tehlirian received more medications. About the family situation of the accused, his political views, or his motives for coming to Berlin, however, Zakarian was not knowledgeable, “nor did he hear anything from elsewhere to that effect.”

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141 Ibid., verso of 73.
142 The two different dialects mentioned here are the eastern and western Armenian dialects. The eastern dialect was spoken by Armenians under the Persian rule, which lasted until 1828, but was continued to be used even to this day; the western dialect was spoken by Armenians in the Ottoman Empire; and today by Armenians from countries formerly under Ottoman rule.
143 Landesarchiv 1182, 74 and verso.
After Lepsius’s and Zakarian’s statements were taken and signed, Tehlirian was interrogated in the presence of the investigating judge, Amende, the court stenographer, Lehman, the Armenian interpreter, Zakarian, and two officials, one sent by the chief state prosecutor, Schweitzer, and other from the Foreign Office. Before the interrogation, the accused was informed that he had been officially charged and asked whether he had anything to say in relation to the charges. The accused replied:

He had not been born in Salmas but in Pakarij in Turkey. From his early childhood he had lived in Erzingan in Turkey. He admitted to having shot Talaat Pasha because his parents had been killed during the Armenian massacres in 1915. The survivors of the massacres were convinced that Talaat Pasha had been the initiator of those massacres. And this conviction had been reinforced by the fact that Talaat Pasha—after the fall of his government at the end of WWI—had been sentenced to death in absentia by a Turkish court.

When he came to Berlin, Tehlirian continued, his only intention was to study at a university. He insisted that he was unaware that Talaat was residing in Berlin. Sometime around mid-January, he claimed, he accidentally saw Talaat and recognized him because he had seen photos in newspapers. He then became convinced of Talaat’s identity when one of the men accompanying Talaat addressed him with “pasha.” “At that moment,” Tehlirian continued, “the shocking images of the massacres and the murder of [his] parents splashed before [his] eyes.” Stalking the “pasha,” Tehlirian saw that he entered a house near the Motivhaus on Hardenberg Street and found out where he was living. At that time, Tehlirian claimed, he did not have any intention to kill Talaat. “Nevertheless,” he

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144 Ibid., 75-80 recto and verso.
145 Ibid., 75
146 Ibid., verso of 76.
147 Today Renaissance-Theater.
continued, “it must be emphasized that actually every Armenian felt it was his duty to sweep out of the way the instigator of the massacres.”

Two days after Tehlirian’s encounter with Talaat, he had a nervous breakdown near a bank on Jerusalem Street. He was first taken into a nearby bank, and then an employee of the bank had accompanied him to the underground railway. After the incident, he added, he suffered acute nervous exhaustion.

The idea to kill Talaat, Tehlirian continued, came to him only two weeks before he committed the act. Suddenly the scenes of massacres had come alive in front of his eyes, especially the image of his mother, who told him: “You are not my son, because you live in Berlin, and you know that Talaat Pasha resides there, too, yet you are not doing anything.” Tehlirian’s other motive, he added, was that “because continuing life had no meaning for him, he decided to kill Talaat.” So as to be able to watch him closely and find the best opportunity to carry out his plan, he rented a room on the same street across Talaat’s house approximately eight days before the incident. On the day of the incident, while sitting at the window in his room, he noticed Talaat stepping onto the balcony. Upon seeing this, Tehlirian felt a great agitation, and again the scenes of the massacres came alive in front of his eyes. He looked at Talaat again, and shortly thereafter saw him stepping out of the house. Tehlirian instantly grabbed his revolver out of his trunk, walked toward him, and without saying anything shot him in the back of his head. At that time he was only one step behind Talaat.

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148 Landesarchiv 1182, 77.
149 Ibid., verso of 77.
150 Ibid.
151 It seems that either Tehlirian or the interpreter had difficulty finding the right word since the words “drawer” and “handbag” had been crossed out and replaced with “trunk.” Landesarchiv 1182 78.
152 Ibid.
As to the weapon, Tehlirian claimed that he had bought the revolver already after the massacres for his own protection and had kept it with him ever since. It had been fully loaded for the entire time he was in Berlin.\(^{153}\)

At the end of the hearing, Tehlirian agreed that the results of his medical examination, performed by Dr. Cassirer, could be used in court. He added that his parents did not die in their homes, nor did they die in the city, but that they, together with many other Armenians, were driven out of the city in caravans and massacred about half an hour outside the city. He too received three injuries and remained unconscious for two or three days under the corpses; when he regained consciousness again, he fled.\(^{154}\)

The testimony ended with two more statements. Tehlirian stated that the tradition of blood revenge did not exist in Armenia. About his schooling, he said that he received his primary education in an Ottoman school and decided to continue his studies in Berlin. His compatriots had recommended German technical schools because they were particularly well known in the Ottoman Turkey.\(^{155}\)

The transcript was read, translated, approved, and then signed by Tehlirian and, this time, also by the interpreter Zakarian.\(^{156}\)

At the end of the hearing, Dr. Lepsius added that because of the dangerous and uncertain situation of the roads, it was common for travelers in the Orient (Middle East) to carry weapons with them for self-protection. And in that regard, as well as Tehlirian’s remarks about German schools, Lepsius added, “what the accused was alluding to seemed

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\(^{153}\) Ibid., verso of 77.

\(^{154}\) Ibid., verso of 78, 79.

\(^{155}\) Ibid., verso of 78.

\(^{156}\) Ibid., verso of 35, 79.
perfectly believable to [him].” Lepsius concluded his statements with remarks about the 1915 massacres, pointing to two eyewitness reports sent by Red Cross nurses, which could be found at the German Foreign Office. According to Lepsius, the Foreign Office had given him permission to examine the files and publish the result under the title: *Sammlungen Diplomatische Akten: Deutschland und Armenien 1914 bis 1918*. He promised to send a copy of the book to the court.

After this interrogation, the preliminary investigation, which was conducted by an investigating judge, was officially closed and the case was forwarded to the state prosecutor who, with the help of the police, continued the investigation.

On 29 March, Schmidt, an employee at the office of the chief state prosecutor, wrote an express letter to police headquarters requesting an investigation of the veracity of Tehlirian’s assertions. Tehlirian had received mail in December 1920 in care of cigar manufacturer Terzibachian, “Cigaretten,” 75 Oranien Street. Tehlirian had obtained this address from Terzibachian’s brother-in-law, Eftian, who studied in Paris, and whom he had met while he was also residing in Paris. Schmidt requested Terzibachian be questioned to find out the nature of his acquaintance with Tehlirian, or whether Terzibachian knew anything about the assassination. Moreover, Schmidt requested an investigation of Tehlirian’s assertion about his epileptic seizure on Jerusalem Street. He supposedly had

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157 Ibid., 80
158 Ibid., 80 and verso. Lepsius’s testimony too was read, approved, and signed by Amende, Johannes Lepsius, and Lehman.
been taken into a bank and had been helped by a bank employee. It was also necessary to question that employee. Furthermore, the prosecutor requested information about the district in Berlin in which Tehlirian had first registered, and the time of his registration.\textsuperscript{161}

Schmidt wrote another note to Criminal Inspector Gnaß and requested an investigation be conducted to determine whether Tehlirian, as he had claimed, had stayed in Tiergarten Hotel at Knie between 2 December 1920 and 6 January 1921. He had arrived on 2 December 1920 in Berlin but had registered on 6 January 1921 as a tenant at 51 Augsburg Street.\textsuperscript{162}

The result of the investigation, which came in on 1 April, showed that on 3 December 1920 Tehlirian had registered in the guestbook of the Tiergarten Hotel as arriving from Switzerland,\textsuperscript{163} and on 11 December, he had de-registered, indicating that he was leaving for Bern.\textsuperscript{164}

A “remark” noted that “a questioning of the employees of all the banks on Jerusalem Street could not confirm Tehlirian’s claims. None of the employees knew anything about the matter.”\textsuperscript{165}

Another note indicated that Tehlirian had moved to Hardenberg Street on 5 March 1921, was a “quiet and sound human being,” had come to Germany to learn German, had taken up residence with a Persian student, and had been without any occupation.\textsuperscript{166}

\textsuperscript{161} Landesarchiv 1182, 141.
\textsuperscript{162} Ibid., 99.
\textsuperscript{163} In the original letter it reads: “place not indicated” but it seems that “Geneva” was added later in another hand.
\textsuperscript{164} Landesarchiv 1182, 100.
\textsuperscript{165} Ibid., verso of 142.
\textsuperscript{166} Ibid., verso of 138.
Regarding the Armenian colony in Berlin, the police reported that no particular information relating to the case could be found, and nothing about any connection with their compatriots within the country or abroad. The report, however, indicated that some former Young Turk officials, such as Sia-Bay, former police high official, and Mirsa Hassan, a teacher at the Oriental Seminary, could provide information about the activities of the Armenians. The report also noted that most Young Turks living in Berlin were concerned about their safety because they believed that the Armenians had planned to kill, in addition to Talaat, another grand vizier and ten former governors-general. The Young Turks in Berlin believed that the Armenian Embassy and its staff were involved in those plots.\textsuperscript{167} Those Turkish officials also indicated that the trial and the sentence were greatly anticipated since the condemnation of the murder of their highest official was of utmost political importance for the entire Muslim world.\textsuperscript{168}

\textsuperscript{167} Ibid., 194.
\textsuperscript{168} Ibid.
Contact between the Prosecuting Authorities and the German Foreign Office

The seventy-nine-page case record created by the German Ministry of Justice contains correspondence between the prosecuting authorities and the German Foreign Office. The correspondence reveals the nature of the contacts and a great deal about the strategies used by these officials to tone down the political significance of the case. The chief state prosecutor, Schweitzer, kept the authorities informed about every detail uncovered during the interrogations.

Schweitzer sent several express letters notifying the Attorney General and the Ministry of Justice, first about the incident, and then about the results of the interrogations. The hearings were conducted in the presence of officials from the Foreign Office and the office of the chief state prosecutor. On 29 March, Schweitzer informed the authorities that the preliminary investigation was closed, formal charges against Tehlirian were concluded, and a request was made for the case to proceed to a jury trial. The next court session was to begin on 18 April 1921. “Unless unforeseen circumstances occur[d],” Schweitzer wrote in his letter, “Tehlirian’s conviction was highly probable.” Schweitzer also informed the Ministry of Justice that he had arranged for the accused to be thoroughly examined in regard to his state of mind because during the investigation, he had learned that the accused was suffering from a neurologically-related illness. Tehlirian was thus examined by Dr. Störmer who, in his forty-one-page report, concluded that

Tehlirian is really an intelligent person. … The epileptic diagnosis is verified by Tehlirian’s own vivid description of his nerve-related seizures. … I was amazed

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169 GSTA 55562, 14; Landesarchiv, Berlin. A Pr. Br. Rep. 030-03 (Tit. 198B), Nr. 1799 (hereafter Landesarchiv 1799), 72 and verso. GSTA 55562, 13 and verso, Landesarchiv 1799, 77 and verso, and 75 and verso.

170 Landesarchiv 1799, 101; GSTA 55562, 15.

171 Landesarchiv 1182, verso of 94; Landesarchiv 1799, 101; GSTA 55562, 15.
how he was able to describe his illness in accurate medical terms. … Nevertheless, despite his illness, Tehlirian’s case does not qualify for §51.\textsuperscript{172}

The investigation had also revealed that the accused had come to Berlin using a Persian passport, issued on 18 November 1920 by the Persian consulate in Paris. The passport, however, contained traces of “razors and alterations.”\textsuperscript{173} Schweitzer also noted that Tehlirian, at the time of his arrest, had been “calm and sedate and on the question of why he had shot the other person, he had answered straightforwardly that ‘He knew why he had done it. No harm to Germany.’”\textsuperscript{174}

In an internal note dated 2 April, Schweitzer indicated that, based on the administrative order of 20 [29]\textsuperscript{175} March 1921 by the Reichspresident Ebert, an “extraordinary court” (“außerordentliches Gericht”) would be responsible for the case, and that in the meantime an arrangement had been made for the case to appear before the District Court III.\textsuperscript{176} Two points, Schweitzer noted, qualified the case for such a court: first, the case was declared a homicide based on §211 of the Code of Criminal Procedure, point 2 of which applied to this case; and second, the case was deemed urgent. Initially, Schweitzer added, the prosecuting authorities had requested an ordinary procedure, but he had succeeded in transferring the case to an extraordinary court, so it could be handled “quickly.”\textsuperscript{177} It must be noted that the directive for the formation of extraordinary courts was a measure against those arrested during the communist uprising in March during which more than 200 people were killed. The “extraordinary courts” had to handle the

\textsuperscript{172} Landesarchiv 1182, 153-193, 255-295; see 21 and 41 of the report.

\textsuperscript{173} Landesarchiv 1799, 102; Landesarchiv 1182, 89.

\textsuperscript{174} Landesarchiv 1182, 19, 89-90; Landesarchiv 1799, verso of 102.

\textsuperscript{175} The date is given 20 March; however, the 29 March is the correct date and was consequently corrected in the final draft sent to the Ministry of Justice. See GStA 55562, 19 and verso; and http://www.documentarchiv.de/wr/1921/ausserordentliche-gerichte_vo.html, (accessed 12 December 2011).

\textsuperscript{176} Landesarchiv 1182, verso of 94.

\textsuperscript{177} Landesarchiv 1799, 114.
cases of those arrested. The directive was issued on 29 March, but could be applied retroactively to all crimes committed after 10 March 1921;\textsuperscript{178} another tool for the prosecuting authorities for hastening the case.

The trial was therefore scheduled for the upcoming jury trial session that was to begin on 18 April. Nevertheless, Schweitzer, after a conference with a member of the defense counsel, expressed his doubts about the plan. On 6 April, he informed the Minister of Justice that “since the defense counsel was planning to obtain extensive evidence and subsequently present it to the prosecuting authorities, one could not with absolute certainty count on a quick trial.”\textsuperscript{179}


\textsuperscript{179} GStA 55562, verso of 19, a draft of which can be found on Landesarchiv 1799, verso of 114.
Defense Counsel: Oskar Cohn

Concerning the defense counsel, Tehlirian’s files provide further insight into the peculiarity of the case. The members of the defense counsel who represented Tehlirian in court were Adolf von Gordon, Johannes Werthauer, and Kurt Niemeyer. Yet, the file created by the Ministry of Justice reveals the involvement of one more attorney, namely Oskar Cohn, whose interest in the case had raised another concern for German officials.

On 30 March, Oskar Cohn, attorney-at-law, wrote to the investigating judge requesting permission to visit Tehlirian in the investigative detention center. In his letter, Cohn mentioned that he had been commissioned to represent Tehlirian, but did not specify by whom. The investigating judge, however, did not grant permission. When Cohn complained to the Kammergericht (court of appeal), the investigating judge justified his action by arguing that Cohn had failed to provide a written power of attorney.180

Cohn appealed again and this time mentioned that Mr. Garabedian, a member of the Armenian Society in Berlin, had commissioned him to represent Tehlirian. All his further appeals went unheeded again.181

The significance of this incident most likely lies in Cohn’s credentials. Oskar Cohn (15 October 1869 – 31 October 1934) was an attorney-at-law, a member of the Independent Social Democratic Party, and a deputy in the Reichstag.

Cohn had been an outspoken critic of German militarism. Convinced by his anti-militaristic sentiments, in May 1917, Cohn, in a speech in the Reichstag, had suggested that the Supreme Army Command (Heeresleitung) and Reich Marshall von Hindenburg “had to be kept in check.” He had even refused to sign a congratulatory telegram to

180 GStA 55562, 17, 18.
181 GStA 55562, 22, 23 and verso, 25.
Hindenburg, rationalizing his reluctance in a speech in the Reichstag that the German
“‘troops abroad’ were not fighting for the nation and the glory of the fatherland, but rather
were the victims of a policy that did not want to see and comprehend its mistakes—a
policy unwilling to strive for peace and the democratization of military affairs.” This act
prompted his own party members to denounce Cohn and “distance themselves” from him.
In an official statement they announced that Cohn “did not represent the opinion of the
majority of their circle anymore.”182

In another Reichstag speech on 14 May 1917, Cohn had demanded the Reich’s
government to exert influence on the Ottoman government and “prevent a repetition of the
massacres as had been committed against Armenians during the war.” His intervention
concerned the fate of the Jews in Palestine, who were about to meet “the same gruesome
fate of some hundred thousands Armenians near Aleppo—extermination of a nation
through hunger, thirst, and epidemics.” Cohn’s initiative received the support of some of
the members of other political factions who “brought themselves to assist a parliamentary
colleague.” The German government, “reacting remarkably quickly,” prevented a further
“deportation” of the Jews in Palestine.183

By 1921, Cohn was well known for his pro-democratic and anti-militaristic
principles and by then had a long history of fighting for the rights of the oppressed. And
therefore the prosecuting authorities made every effort to prevent Cohn from visiting
Tehlirian, as he would not have had any reservations about discussing the political aspect
of the case.

182 Ludger Heid, Oskar Cohn: ein Sozialist und Zionist im Kaiserreich und in der Weimarer Republik,
(Frankfurt am Main: Campus-Verl, 2002), 78-80. The term “Heeresleitung” also refers to the Kaiser and the
officials at the general headquarters. See Dinkel, 85.
183 Heid, 81, 83, 84, 85.
German Military and Civilian Officials’ Interest in the Trial

Former German military and non-military officials—who had spent considerable time in the Ottoman Empire before and during World War I—began an intense campaign on behalf of the Turks in advance of the trial.

The first to contact the state prosecutor was lieutenant commander of the navy and marine attaché Hans Humann. Humann had been a personal friend of the Turkish war minister, Enver Pasha, and a “staunch advocate of Ottoman expansion into the Caucasus.” In a letter to Gollnick, Humann hinted to a meeting between him and state prosecutor Gollnick at which General Friedrich Freiherr Kress von Kressenstein, the former chief of military operations in the Ottoman War Ministry, was also present. On 31 May, a day after the meeting, Humann sent his promised letter in which he listed the names and addresses of those who “possibly could be considered as potential witnesses in the trial against Tehlirian.” The names on the list were as follows:

1. Mr. Paul Weitz, Berlin
2. Colonel General Baron Kress von Kressenstein, Ministry of Defense, Berlin
3. Former chief of Turkish Operations at the general headquarters in Constantinople, retired Colonel Lieutenant Otto von Feldtmann, Erfurt
4. Former chief of staff of the Ottoman Caucasian Army, retired Colonel Lieutenant Felix Guse, whose existing address was unknown to Humann.

In addition to the military officials, Humann recommended Franz Günther, former representative of the Deutsche Bank in Constantinople and general director of the

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186 Landesarchiv 1799, 2 and 78.

187 Throughout the paper, I have omitted the addresses except the few already published.

188 Landesarchiv 1799, 2 and 78.
Anatolian Railway. However, Humann noted, Günther had gone to Switzerland at the time to attend an “important meeting, and was planning to go to a health resort thereafter but was ready to answer in writing any possible question that [Gollnick] would want to formulate.”

A few days later, on 26 May, Humann sent another letter informing Gollnick that he received a second letter from Günther, in which he had emphasized “that in the interest of Talaat Pasha—whom he always kept in high esteem, he was gladly willing to correspond in detail regarding any question.” Humann also informed Gollnick that he appended to his letter a written comment that Günther had sent to the daily newspaper Vorwärts, in which he had responded to an article about the Armenian massacres published in the same newspaper. “Nevertheless,” Humann added, the “Vorwärts had not published [Günther’s] comment.” Therefore, he noted, he was appending it to his letter, which “might be of interest” to Gollnick.

Günther’s response was as follows:

The argument with which the Vorwärts justified Tehlirian’s act and through which it attempted to influence German public opinion stands on shaky ground and does not equate with the truth.

... It is true that the Armenian population of the Turkish Empire suffered severely during the war ... nonetheless, by no means is it true that the Armenians were the only party that has suffered, as the article argued. Compared to all the horrors that the war has brought, the “Armenian atrocities” have lost its importance for us Germans! A swift barbaric death is not always the most excruciating death that one could receive from the hands of one’s enemies. We Germans need only remind ourselves of the hunger blockade that inflicted an unwholesome existence upon millions of German children.

Günther concluded his comment:

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189 Ibid.
190 Ibid.
191 Ibid., 94.
192 Ibid., 78.
I do not believe that the assassination of Talaat qualifies as a “political liberation.” He was not in the office anymore and his elimination cannot change the political situation of the Armenian nation. Tehlirian himself has confessed that it was an act of personal revenge. And in reality it was a foolish act because whoever knows about the structure of oriental mentality will realize that the Armenians will suffer thousand times more in retaliation for Talaat’s death.193

Another issue Humann discussed in his letter concerned a brochure written by Mansur Rifat under the title of “The Secret of Talaat Pasha’s Assassination: A Key for British Propaganda,”194 a copy of which was given to Gollnick by Von Kressenstein. Humann also appended a copy of an article on the same brochure published in the Deutsche Allgemeine Zeitung to his letter.195 Rifat had claimed that “Talaat Pasha became the victim of British propaganda in Armenia,” and that the “Armenian atrocities were a mere propaganda tool for the destruction of the Turkish Empire.”

Humann’s third letter was sent on 31 May as a cover letter to Günther’s letter to Gollnick. The author (supposedly Günther)196 began the letter apologetically: “I don’t know whether the code of procedure permits a German citizen to make comments about a pending judicial matter in order to spread light and truth.” Some friends, he continued, who also lived in the Orient (Middle East), had encouraged him to write. He wished to make “two important points,” of utmost significance to the case. “The first one,” Günther argued, “was the political aspect of the case.” The persecution of the Armenians, he maintained, was justified because Turks acted upon the principle of “raison d'état” and military exigencies. Nevertheless, Günther maintained, he was reluctant to state his personal

193 Landesarchiv 1799, 3-4 recto and verso.
194 A wealthy Egyptian who had studied in the United States and France and claimed himself as the representative of the Turks living in Berlin. the brochure was “Die Geheimnis of …complete
195 Due to space limitation, a discussion of the brochure and the newspaper articles is beyond the scope of this paper.
196 The letter appears to be typed transcript of the original letter and carries the title: “Copy!” (“Abschrift”). The typewriter used for this letter also appears to be the same as the one Humann used for his own letters. It is therefore not certain that the text in its entirety is a faithful transcription of Günther’s letter. See Landesarchiv 1799, 96-97, 95 (the numbers on the pages were stamped in the wrong order).
opinion on the Young Turks’ policies concerning the Armenian question. The issue, he
continued, had to be addressed in the context of political and public life in Turkey; and the
result of such a study, he added, “would hardly be relevant from a legal point of view,
specifically in relation to the assassination of the former Grand Vizier,” about whom he
commented:

It would be wrong to view Talaat as the instigator of the Armenian deportations. Among all the Turkish rulers, Talaat was the strongest supporter of the constitution. Regarding himself as the executor of the state’s needs, he always tried to find a balance between his personal opinion and the requirements of the state. Therefore, it becomes evident that although Talaat’s name is associated with many things that happened in connection with the Armenian question, nevertheless, it does not follow that he acted, or even was able to act, by free will.197

The second issue Günther wanted to discuss was the rumors about Talaat’s corrupt
personality. He believed that

Talaat’s hands have remained clean during his entire political career, and one can find no one who can prove otherwise. It is true that he was a politician, and one from a country with Asian attributes. Nevertheless, [Günther] too agreed with Kant that moral imperatives were not always in harmony with the laws and essence of politics. … All these did not rule out that Talaat was basically a decent-thinking, well-intentioned, and, in every respect, an approachable person; led an impeccable lifestyle; was selfless in regard to his thinking and emotions; and had only the welfare and glory of his fatherland in mind.198

In addition to Humman, von Kressenstein also corresponded with Gollnick. He
recommended that retired General Lieutenant Bronsart von Schellendorf, Enver’s longtime chief of staff, testify in court. Von Schellendorf, due to the nature of his services in the Ottoman army, was able to gain insight into the motives of the Turkish government and state exigencies that influenced the decisions made by the Turkish government.199

Von Kressenstein then mentioned a meeting he had with the defense counsel, von
Gordon, to whom he had expressed his willingness to testify in court, an offer which von

197 Landesarchiv 1799, 96-97.
198 Ibid, 95.
199 Ibid., 92.
Gordon had rejected. Nevertheless, from his discussion with von Gordon, von Kressenstein had discovered that the “defense counsel was planning to broach the subject of the Armenian massacres, and under no circumstances would he allow himself to be prevented from presenting a large number of witnesses and evidentiary materials to prove that Talaat was the instigator of, and therefore the culprit behind, the Armenian massacres.” Moreover, von Kressenstein added, “Von Gordon spoke many times about the worldwide attention the case would attract.” Therefore, “in view of important political consequences that might ensue from an acquittal of the defendant,” von Kressenstein noted, it was “necessary to invite many witnesses and expert witnesses who would not speak merely in favor of the Armenians but—in order to provide a moment of respite for our former ally—would portray an objective depiction of the exigencies that our ally was facing.”

Despite meetings with Gollnick and the assurances they received from him, none of those officials were invited to testify in court. They voiced their annoyance and frustrations in articles published mostly in the Deutsche Allgemeine Zeitung. Due to space limitation, a discussion of the newspaper articles is beyond the scope of this paper.
The Trial

“No matter if it’s day or night, alone or before the eyes of the police, you will kill the number one mass-murderer. You will stay at your place with your foot on the murdered waiting to be arrested. … And in the Berlin court you will become the prosecutor in the name of our millions of victims. … Only in this way will we receive justice.”

The Armenians and their supporters were hoping for a “proper tribunal-type” trial during which the atrocities committed by the CUP leaders could be investigated. The annihilation of more than a million Armenians, however, became “no more than a trivial detail in the question behind the motive of the act.” By reducing the number of court days and witnesses, and by restricting the discussion to mere “psychological and medical questions,” the prosecution succeeded in reaching an acquittal verdict without “slipping into the political realm” and thus endangering Germany’s reputation.

The defense counsel had initially requested “a three-day trial, at least.” The first day of the trial would be allocated to hearing the witnesses who would speak about the incident and everything closely related to it. On the second day, expert witnesses would testify on massacres in Armenia, as well as on the mental condition of the defendant. For these, the defense counsel had subpoenaed twenty-two witnesses.

The third day of the trial could then be allocated to the closing arguments. “Evidently,” the defense counsel had argued, “it could not be ruled out that the hearing of evidence would not extend to a third day, so that the trial would probably require a fourth day as well.” Despite requests and complaints voiced by the defense counsel, the

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204 Landesarchiv 1799, verso of 59, which is a draft of the letter sent to the Ministry of Justice, GStA 55562, 60. Documents in this file were damaged by fire, but since the drafts exist, it is possible to reconstruct the entire text.
205 408-409 of Landesarchiv 1182, 250 and 250verso.
length of the trial was reduced to a mere one-and-a-half days, and in the end only nine of
the twenty-two witnesses testified.

The hearing of evidence in its entirety took place on the first day of the trial during
which the defendant, witnesses, and expert witnesses were cross-examined by the
presiding judge, Dr. Lehmberg. The questions directed to the defendant were mainly
repetitions of issues discussed and uncovered during the pretrial investigation.

The session began when the defendant took the witness stand. The presiding judge,
Dr. Lehmberg, asked the defendant about his family life in Ottoman Armenia, his
education, his family’s financial situation, and the massacres. He specifically emphasized
the need to examine incidents prior to the assassination to elucidate some relevant
information for the jury, namely how his parents, brothers, and sisters had died.207

Tehlirian stated that during the deportation, everybody in the caravan was attacked
by the gendarmes who were accompanying the caravan and by the Turkish population of
Erz ingan. He was the only one, as far as he could tell, to have survived the horror despite
the severe head injury he had received during the attacks. He had survived because his
brother’s body had fallen on top of him, and he had remained under his brother’s corpse
for probably two days.208

Tehlirian, during the questioning, denied the accusation that he had killed Talaat
with premeditation, which prompted Dr. Lehmberg to respond: “Prior to the trial, you
thought differently. You admitted that you had premeditated the act.” Tehlirian replied:

206 Landesarchiv 1182, 250 and verso.
208 Yeghiayan, Trial, 10; Hofmann, Der Prozeß, 8.
“When did I say that?” Georg Kalustian, the interpreter who was present during the first interrogation, stepped in to add that Tehlirian “was in no condition to be interrogated. His head was injured and bandaged at the time,” adding, “I told the interrogators that the defendant did not know what was going on, did not understand what he was saying, and that we should not interrogate him in that condition,” and for the same reason, he had not signed Tehlirian’s confession. The defense counsel also intervened to argue skillfully and forcefully that since the interpreter had not signed the confession, it could not be considered as inculpatory evidence.209

During the trial, neither the presiding judge nor the state prosecutor made a genuine effort to incriminate the defendant. The state prosecutor buried his half-hearted comments among discussions on other subjects. And on rare occasions when he did pose incriminating questions, the presiding judge directed his comments to him before the defendant could utter a complete reply. The following are few examples:

State Prosecutor: I would like the defendant to answer a question. He said that he had found his brother’s body. Did he bury his brother?
Defendant: No
Presiding Judge: The defendant fled. His life was in danger.210

In another instance, the state prosecutor commented: “It seems strange to me that the defendant was able to find a place on Hardenberg Street in such a short period of time.”211 But he buried this question within the discussion about whether it was the Kurdish bandits who attacked the caravan or the Turkish gendarmes. The importance of the prosecutor’s question was therefore significantly diminished. Had he pressed the question, the answer most probably could have clarified the issue of accomplices.

209 Yeghiayan, Trial, 76; Hofmann, Der Prozeß, 50.
210 Yeghiayan, 30. Hofmann, Der Prozeß, 22.
211 Yeghiayan, Trial, 30; Hofmann, Der Prozeß, 23.
Again in other instances, the prosecutor asked how the defendant managed to bring 4,800 Turkish gold pounds to Germany; or how Tehlirian managed to hide his revolver, despite the fact that the landlady had checked Tehlirian’s luggage, where he claimed he hid his weapon. But the prosecutor did not press for these answers, and those questions too remained inconsequential.

Criminal Inspector Gnaß, who had conducted the police investigation, was also called to testify. He stated that the defendant moved to 37 Hardenberg Street—across Talaat’s house—to be able to “keep the victim under house surveillance.” But instead of following upon this clue, the presiding judge concentrated on testimonies of those who had witnessed the murder and the discrepancies in their statements, essentially ignoring Gnaß’s statement.

When the two landladies were called on the witness stand, the presiding judge asked them mainly about the defendant’s habits and his illness: “Was he ever sick?” “Which physician did he go to?” “Was he neat?” “Did he take dancing lessons?” “Did he play a musical instrument?” Or, for example, could Mrs. Dittmann, the landlady on Hardenberg Street, “tell [the court] something about [the defendant’s] behavior and conduct?” “Did he seem nervous?” “Did he ever become incoherent?” “Did [she] ever notice that he looked sick?” And so on. Both landladies were asked about Tehlirian’s visitors, to which Mrs. Stellbaum answered: “Only one,” and Mrs. Dittmann: “None at all.” They were not asked about phone calls, specifically Mrs. Dittmann—with whom, on the day of the incident, Natali claimed to have called and spoken with. Had the

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212 Yeghiayan, Trial, 32; Hofmann, Der Prozeß, 24.
213 Yeghiayan, Trial, 26; Hofmann, Der Prozeß, 19.
214 Yeghiayan, Trial, 40; Hofmann, Der Prozeß, 28-29.
215 Yeghiayan, Trial, 50; Hofmann, Der Prozeß, 31-35.
presiding judge or the prosecutor pressed for a thorough cross-examination of the witnesses and the defendant, the outcome of the trial would most probably have been different. There was no investigation by the police of the phone calls placed or received by Tehlirian.216 Therefore a simple question could probably have led the investigators closer to the truth.

From among experts on Ottoman Turkey’s affairs, only Dr. Lepsius and General Liman von Sanders testified.217 Lepsius spoke in favor of Armenians and blamed Talaat as the author of the massacres, while Liman von Sanders saw the deportation as a “strategic military move,” adding:

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

I can say without hesitation, as Dr. Lepsius was good enough to stress, that there was not a single German officer involved in any of the 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 wherever we could.218 … Some of the most libelous reports of the world press have stated that German officers, and I think the same applies to all German officials, took part in the planned deportation of the Armenians. On the contrary, in accordance with our duty we intervened whenever we could to assist the Armenians.219

General Liman’s testimony was to provide logical explanation for the deportation without denying the truth.

216 According to the Berlin address book of 1920-1922, Mrs. Dittmann possessed a telephone. See Zentral - und Landesbibliothek Berlin. Berliner Adressbücher. It must be noted, however, that probably due to misprints, the phone number is not listed for the year 1921, but for years 1920 and 1922 the same phone number (10334) is listed under Dittmann, Hardenberg Street 37, ZWG (Zwischengeschoss). http://adressbuch.zlb.de/searchResultAdressbuch.php?&CatalogName=adre2007&CatalogCategory=adress&CatalogLayer=1&ImId=252937 (accessed 12 December 2011).

217 The others who were subpoenaed were: Dr. von Scheubner-Richter, Senior Lieutenant Ernst Parraquin, Consul Rössler in Eger, Captain Franz Karl Enders, and Armin T. Wegner. Also Sister Thora von Wedel, Sister Eva Elvers, Sister Beatrice Rohner, Sister Paula Schäfer, Missionery Ms. M. Didszum, who had provided missionary services in the Ottoman Empire during and after World War One. See 163-182 Landesarchiv 1799, .

218 Yeghiayan, Trial, 93-94; Hofmann, Der Prozeß, 61-62.

219 Yeghiayan, Trial, 95; Hofmann, Der Prozeß, 63.
Political and Legal Ramifications

The acquittal of the defendant caused different reactions. While few regarded the outcome of the trial “a sensible verdict,” 220 many considered it a “judicial scandal.” The outrage among the Turks, their German supporters, and many Muslims living in Germany manifested itself in complaints addressed to the offices of the Attorney General, Foreign Office, and even Reichspresident Ebert.221

A day after the trial, Gollnick sent a request to the police department asking Tehlirian to be deported “as quickly as possible” because he had been a “troublesome foreigner.” In another letter, he informed the Ministry of Justice about his decision, justifying it by stating that “because two of the medical expert witnesses confirmed the applicability of §51 of Code of Criminal Procedure, … the detention order was therefore revoked and the defendant was released.” 222

On 10 June, however, Gollnick, with the insistence of Talaat’s wife, filed an appeal and again communicated his decision to the Ministry of Justice. He argued that he refrained from appealing against the acquittal because [he] regarded it as pointless. Only after Mrs. Talaat pointed to several issues, which to her opinion, required further examination, [he] decided to appeal. This, however, in all probability had to be retracted.223

On 11 June, an express letter from the office of the Ministry of Justice demanded an explanation that “in view of complaints expressed, specifically in newspapers, why the

220 Landesarchiv 1799, 144; GStA 55562, 63.
221 GStA 55562, 54-57. The open letter to the Reichspresident was published in Deutsche Allgemeine Zeitung, 18 June 1921, a copy of which is in GStA 55562, 68.
222 GStA 55562, 37; GStA 55562, 34, a draft of which is in Landesarchiv 1799, 138.
223 GStA 55562, 38 and verso; 54 GStA 55562, a draft of which is in Landesarchiv 1799, 143. The last line was added to the draft with a different hand but is included in the final version.
state prosecutor failed to request an exclusion of the public during the discussion of the Armenian atrocities.”

The appeal, as predicted by Gollnick, and while he was on vacation, was retracted by the Attorney General on 15 June.

A reply by the Attorney General was sent out on 25 June informing the Ministry of Justice that since Gollnick was on vacation in Bavaria and Tirol, and would be back on 11 July, an extensive report would be prepared only upon his return. Nevertheless, he added, the issue of the exclusion of the public had been discussed with the representatives of the Foreign Office, Graf von der Schulenberg and Frhr. von Thermann. Gollnick had informed the representatives that the court would not agree to such a scheme, and with the representatives’ “explicit approval,” decided not to ask for public exclusion.

Upon his return, Gollnick offered his explanation in an extensive “top secret” report. The report reveals the strategies used by the prosecutor in handling the case. The appeal was “pointless,” Gollnick argued, because he could not find legal grounds for it, and, most importantly, because the defendant had already left the country.

The complaints directed to the Reichspresident, Gollnick noted, were also groundless because the authors of those complaints disregarded the judicial practices of Germany. It was true that three of five medical expert witnesses agreed that Tehlirian’s epileptic fits were nerve-related and therefore denied the applicability of Paragraph 51 to Tehlirian’s

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224 GStA 55562, 35.
225 Landesarchiv 1799, 166.
226 GStA 55562, 44, a draft of which is in Landesarchiv 1799, 146-147 recto and verso.
227 Landesarchiv 1799, 58 and verso, 63, which is the draft of two copies sent out: GStA 55562, 47-50 recto and verso, 59-62 recto and verso.
case. Nevertheless, the jurors, who deliberated for one-and-a-half hours, had their doubts about Tehlirian’s soundness of mind at the time of the act.\(^{228}\)

Moreover, in response to complaints about the fact that Tehlirian’s past activities in Asia Minor, Paris, and Geneva had not been explored properly, Gollnick argued that “the investigations were conducted as thoroughly as the circumstances permitted.” He added that it was true that Tehlirian and Apelian, the secretary at the Armenian Embassy to Berlin, lived in the same building but there was no indication that Apelian was involved in the case.\(^{229}\)

In regard to other complaints, Gollnick prided himself on the fact that it was due to his efforts that the trial had been limited only to the medical and criminal aspects of the case, and that he had therefore prevented the discussion from “slipping into the political realm.” A complete exclusion of Armenian atrocities, Gollnick continued, would not have been possible, because the defense counsel had rested its defense on the fact that Tehlirian committed the act in revenge for the death of his entire family. Therefore the discussion on the massacres had to be permitted, though, only to a limited extent.\(^{230}\)

Again, it had been an accomplishment on his part, Gollnick argued, to have disallowed the testimonies of the Turks and their German supporters because the issue had to be restrained to mere criminal aspects of the case.

It was probable that the prosecution had at some point agreed to subpoena German supporters of the Turks if the defense counsel had tried to present exhaustive material on the Armenian massacres. Nevertheless, had the prosecution permitted those witnesses, the result would have been days-on-end discussion of the massacres and their perpetrators.\(^{231}\)

\(^{228}\) Landesarchiv 1799, 58 and verso.

\(^{229}\) Ibid., 59.

\(^{230}\) Ibid., verso of 59, which is a draft of the letter sent to the Ministry of Justice, GStA 55562, 60.

\(^{231}\) Landesarchiv 1799, 60.
Therefore, Gollnick continued, the prosecution tried every means to “hasten the process” to prevent the case from becoming a “political sensation.”

In regard to the nonexclusion of the public during the discussion on the Armenian massacres, Gollnick noted:

The prospect of success appeared slim from the beginning. Precisely in regard to endangering the state’s security, … the exclusion of the public could hardly achieve anything. On the other hand, the mentioning of the atrocities could offer Germany’s enemies the occasion to ascribe joint-guilt to Germany on this matter, and by it, for example, change the course of the events in the Upper Silesian question.

Thus, after discussing the matter with the presiding judge, Gollnick noted, he decided not to exclude the public. Moreover, a day before the trial, Gollnick had met with Graf von der Schulenberg and Frhr. von Thermann and had thoroughly discussed the same issue with them. Gollnick also noted that

from the discussion with those gentlemen, [he] gathered that raising the question of Upper Silesia was not appropriate. … Thus considering all circumstances, … and the fact that such a request would weaken the position of the state prosecutor unnecessarily, it was decided not to file a request for the exclusion of the public.

Regrettably, due to lack of more references to topics discussed by Gollnick with the representatives of the Foreign Office, the interpretation of the Upper Silesian issue remains open to speculation. Nevertheless, what is evident is that the issue of Upper Silesia, as claimed by some scholars, was not the main subject of concern, but a consequence of discussion on Germany’s “joint-guilt” in the Armenian massacres.

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232 Ibid.
233 In the original draft: “guilt,” (“Schuld”). The “joint” (“Mit”) is added later.
234 Landesarchiv 1799, verso of 60.
235 Ibid., 63.
Years Later

On 10 June 1935, Criminal Inspector Hofmann met with two detectives, Henry W. Piel and Paul H. Wencel from the homicide squad of the Detroit police department in the United States. Hofmann was briefed about the investigation of an Armenian communist who had organized the assassinations of some Turkish officials in Berlin years earlier. Although the actual killer was apprehended and convicted, the organizer had fled and was then living in the United States, more specifically, in California, where he was involved in Communist activities.236

Upon his return to Berlin, Hofmann began his search for the files on the case. After several inquiries, he was able to find the file created by the police department, perused it, wrote an extensive report, and mailed to Detroit.237

In consequence of his search, the Berlin police department decided not to destroy the file but keep it for study purposes because it was considered an “important criminal and political case.” Therefore the file, a “reservoir of criminal ideas,” was to be indexed and kept to be used as “study and illustrative material.”238

Cover letters and stamp imprints on the pages indicate that the file had been viewed by Nazi officials several times. One, for example, dates from 17 February 1939.239 An undated note characterized the file as “Interesting.” Reason: “The extermination of Armenians by the Turks in 1915 is described in the files.”240

236 Landesarchiv 1799, 152 and verso.
237 A follow-up on the issue is beyond the scope of this paper.
238 Landesarchiv 1799, 150, 153 and verso, 154.
239 Ibid., 70, 71.
240 Ibid., 1 and verso, 1a.
On 22 August 1939, on the eve of his attack on Poland, Hitler has been quoted to have said: “Who, after all, speaks of the annihilation of the Armenians?”241 Some scholars have argued that lax measures taken against those responsible for the Armenian massacres “led Hitler to believe he would not be held responsible for his own crimes against humanity.”242


Conclusion

The assassination in Berlin of Talaat Pasha, former minister of interior and Grand Vizier of Ottoman Empire, and the trial of his assassin, Soghomon Tehlirian, in spring of 1921 constitute an integral part in the history of the Armenian diaspora. But in addition, this episode and its background, as well as the later fallout from the decision to set the assassin free, constitute a significant example of political and social German history during the first year of the Weimar republic. The trial raised anew earlier accusations of the complicity of the imperial German government in the internal, military, and social affairs of the Ottoman Empire, and, more disturbingly, accusations of direct involvement in the massacre of Armenians during World War I.

Thus, the events analyzed in this study have been studied both from the perspective of Armenian and Ottoman history, but also more specifically, and more innovatively, from the point of view of German court politics, the German legal system, and the specific political environment of the immediate postwar period in Germany.

The detailed analysis of court records, diaries, correspondence, newspaper accounts and secondary sources has shown that Weimar officials resorted to multiple avenues that enabled them to dismiss many items of evidence, testimony, and expert opinions, all aimed at the speedy resolution of the trial that would ensure a swift closing of any political debate. They accomplished this by minimizing the political significance of the case, and by limiting and emphasizing it criminal, personal, and psychological aspects. The rapid acquittal and summary deportation of the defendant ensured the end of any future appeal or debate.

The assassination of Talaat Pasha created a labile and delicate political episode for German officials. Under the watchful eyes of the public, both within as well as outside
Germany, they limited the discussion of the case’s political dimensions. Any discussion of the Armenian massacre was confined to a “personal” and highly disturbed, medicalized interpretation. The defendant having been shown to suffer from epilepsy-induced delusions; such delusions, even when of a political nature, could be reduced to the presentation of a mentally incompetent defendant, deprived of his free will at the time of the act.

The massacres of the Armenians in the Ottoman Empire were allowed to be only discussed to the degree that they made the defendant’s claims believable. Furthermore, to minimize any political consequences, General Liman von Sanders was invited to denounce fallacious press reports about any complicity of the German officers in the Armenian massacres. In addition, the prosecuting authority took advantage of a presidential directive that allowed speedy trial procedures under certain circumstances. The unusual judicial powers that allowed for a speedy trial were the result of emergency legislation introduced in the wake of political uprisings, and violence and were thus aimed at stabilizing the social and political life of the new republic.

Thus, the entire trial, from its early investigative stages to its conclusion, constitutes a test-case for the understanding of both the continuity and the changes that took place in the German judicial system after the end of the war. The episode illustrates the pervasive role played in the judicial proceedings by the interests of the state, the military, and the local authorities in maintaining their power structure—even though fundamental and deep changes in the structure of Germany had taken place in the wake of its transition from a monarchy to a social-democratic republic. By casting the Talaat assassination as the act of a single, demented individual, and by controlling courtroom procedures, the judicial system ensured that further talk of political assassination be dampened.
In Armenian historical literature, the assassination and the subsequent trial have not received systematic and detailed attention. The episode has mostly been discussed in terms of “heroic” accolades and narratives in the popular literature. The material analyzed above shows the complexity of the historical background, the deep ties among certain members of the Armenian community in Turkey, France, the United States, and Germany, and concretely illustrates how such networks facilitated clandestine activities and how a relatively marginalized and obscure member of the community was used for the implementation of long-sought political goals. The trial and its outcome did not afford the hoped-for platform and publicity for the plight of the Armenian people.

The verdict has been seen as a vindication of the national aspirations of the Armenian people. Armenian narratives have stressed the hopeful elements of this episode. His execution would have meant yet another vindication of Turkish oppression.

Thus, for different reasons, the trial of Tehlirian provided a positive outcome for all parties concerned. The German involvement in Ottoman affairs and in particular in the Armenian atrocities was minimized; Tehlirian remained a hero to Armenians; and the Turks could claim that their former official was assassinated by a mentally ill lone individual. The crimes committed by the CUP leaders remained unexamined, and therefore German interests in the Muslim world were not compromised.

This study has been one focused on primary sources never before examined. The transcription and analysis of these documents highlights the significance of detailed source-based historical research. While this episode has been described in numerous instances, it has never before actually been examined in terms of the rich archival documentary record. The materials collected in preparation of the documentary and historical work could not all be analyzed above. Certain intriguing issues deserve further
examination. For example, I intend to pursue an analysis of the numerous press reports in many languages and countries; of the Nazi examination and summaries of the Tehlirian files begun by a German criminal inspector.
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