

The Stockholm Conference on Dêrsim genocide

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Dear Members and friends,

First of all I want to thank the organizers of this conference for their invitation and pay a tribute to the martyrs of our land, who died for a free, unified and democratic Kurdistan.

I think it's very important to organize such a conference on Dersim genocide to highlight the responsibility of the colonialist States in the methods of genocide in Koçgiri, Dersim and in Kurdistan and to make people know all around the world the history of the genocide upon our nation. I know that you are an organization who defends the victims of the chemical genocide of Halabja and that you make a campaign about it since 2002.

Before developing that issue I'd like to insist at first on the definition of concepts such as massacre, genocide and ethnocide, which have been differently used by European researchers and even by Kurdish writers and are therefore confused; instead of genocide, they use terms as massacre or ethnocide. Secondly, I want to expose the genocidal process in time and space. Researchers have often ignored the contradictions in reality, example given the case of Koçgiri and Dersim in which the point of view of sociology of genocide, which is a physical, biological, cultural and ecological genocide, is ignored. Thirdly, we'll examine the necessity to found an international juridical instance to judge the people responsible for the genocides of Koçgiri, Dersim and Kurdistan.

Let us define, in ancient Greek, the concept γενεα, γενεη, η, γενος: *genea, genee, genos*. In Latin, it means **generatio natales**¹. We see a passage from ancient Greek to classical Latin. Michiel de Vaan, in the Etymological Dictionary of Latin, uses **gens, gentis**, which means "race, nation, people" and is itself derived from the concept **gentilis**, that means "member of the same family": "a member of the same gens²"; or gentilitas: "members of a gens"

In Latin the verbe gigno, geui, genitum; gignere that gives genus, eris, derived from the greek verb γιγνομαι³ :gignomai, which means "to be born" for Homer, "become and be born"

Genus, Και γαρ θεος ειμι ψενος δε μοι εν θεν ο θεν σοι.⁴

The perfectum is genui and the supine genitum. Nominal forms and derivatives, genitor, m, genetrix f. Genitura, generation⁵

There are two kinds of verbs in Greek, the verb κτειω,(kteio)and Σφαγω, sfazo. In Latin several verbs mean the same: jugulo, macto, interrimeo, caedo, occido, neco. Among these, the one that is the most similar to κτειω "kteio" is occido "make somebody die, assassinate⁶". The concept of massacre is σφαγη "sfaze", that comes from the verb "to massacre" Σφαγω "massacre the enemies"

φονον πολυν των πολρμεων ποιεω⁷

According to the Italian researcher Aldo Duro, "geno" – terminal element derived from the Greek γιγνομαι, gignomai and from the Latin gignere, to be born, gives genocide, methodical extermination of an ethnic, racial or religious

¹ Lexicon Graeco Latinum, Benjamie Hederico, Pars Prima, Romae, 1832, p.184

² Michiel de Vaan, l'Etymological Dictionary of Latin

³ Pierre Chantraine, Dictionnaire étymologique de la langue grecque, Nouvelle édition 2009, Klincksieck, p.212

⁴ Thesaurus Graecae Linguae a Henrico Stephano, Volumen Secundum, Parisiis, 1833, 574

⁵ Dictionnaire Etymologique de la langue Latine, A Meillet 14 Ed, 1985, Paris, 270

⁶ , C Alexandre, Dictionnaire Grec Français, Paris, Hachette, 1901, p ;819

⁷ C Alexandre, Planche et Defauconpret Dictionnaire Français, Grec Paris, Hachette, 1905, p .623

group.⁸ Occidio, onis, means a complete destruction⁹. In this sense Genus Occidere is the complete destruction of a nation, a folk. To ignore the term genocide and to use the concept of massacre is a negation of the reality, which leads to the negation of crimes against humanity, war crimes and genocide crime and therefore provides a beneficial protection to the criminals and the colonialists States in Kurdistan.

I think that scientific research must distinguish political sociology of genocide and ethnology, because ethnology is a human science linked to anthropology, whose subject is the explicative and comparative study of the whole social and cultural characteristics of human groups. It can't handle with issues that are studied by sociology of genocide. This science appears with the beginning of colonial expansion; the first ethnologists have worked with descriptions left by explorers, colonial officers or missionaries. Ethnology has long focused on the study of extra-european traditional communities's social phenomena, which have been considered as primitive cultures for a long time.

I think we must not confuse political sociology of genocide with ethnology. The subject of the first one is the genocide, that of the second one is ethnocide. The analysis of written sources and the comparison enable the construction of a representation of the scientific knowledge in order to better understand the story of Dersim's resistance.

Dersim genocide isn't a massacre. The Turkish State doesn't accept genocide, but Erdogan spoke about massacre. Many Kurdish journalists and writers used the same word while the UNO Convention describes genocide with at least one of the actions that follow, done on purpose to destroy, totally or partially, a national, ethnic, racial or religious group, such as:

- a) Murder of group members;
- b) Serious moral or physical injury of group members;
- c) Deliberately inflicting existence conditions that lead to the total or partial destruction of the group;
- d) Measures to prevent births within the group;
- e) Forced transfer of children from the group to another one.

⁸ Emidio de Felice –Aldo Duro, Dizionario delle lingua et della civiltà italiana contemporanea, 1988p.845

⁹ Henri Goelzer, Dictionnaire Latin Français, Flammarion, 1966, p.405

Article III

Shall be punished the following actions:

- a) genocide
- b) agreement in order to commit genocide
- c) direct and public incitation to commit genocide
- d) attempt of genocide
- e) complicity in genocide

In view of this situation we could say about some Kurdish writers, who have considered Koçgiri and Dersim genocide as a massacre, that they have tried to exonerate Mustafa Kemal from his crime of genocide; at least they don't know the right word.

Here we see the years in which Dersim was militarily occupied and its people fought off:

1907, 1908, 1909, 1911, 1912 and during the First World War Dêrsim and Koçgiri as well.

We also see that the foundation of an independent and free Kurdistan has been the subject of two historical letters of Koçgirizade Alicher Efendi

Alicher's letters of March 3, 1920:

To excellence Sherif Pasha, president of the Kurd delegation nearby Peace Conference, through Kurd rehabilitation association in Constantinople.

God grant the victory to the Entente because she fight 1° = to ensure to all nations the right to live and develop herself freely and 2° = to triumph the justice and equal rights of all mankind. But this victory is complete only if today the rights of each nation are recognized. Also, to this end, the Kurdish nation, which is attached to the Ottoman nation by religion and neighborhood locations, addresses again to your Supreme Court the recognition of this right?

The Kurds, whose homeland lies between Kharput and Dersim until Kizil Irmak by Zare and Cotchghiri Sivas had beaten several times every century and that for 400 years with the Turks to save their lives and their national rights. If they had not addressed when the Powers of Europe, they had yet heard the roar of the cannons of the Turks levied on Dersim.

Hang this war we have given asylum to thousands of Greeks and Armenians who had sought refuge at our home. At this time, the Turks killed in the cazas of Nazim and Pah over 17'000 peaceful Kurd farmers and were

thrown into the Euphrates. On the other hand, under the false pretext that the Cotchghiri Kurds cut the withdrawal of Ottoman forces, troops were levied against the population. After fighting and meetings which took place, Ali Sheriff from Cotchghiri passed in 1916 in Erzingan at the Russian side and as head of a delegation of Kurds, he presented in November 11 1916 to the Emperor of Russia and Allied a memoir signed by himself and eleven other heads of tribes of Dersim, awarding for after the war, the independence of the Kurdish nation and recognition of their rights. This memoir has been translated by a special commission formed to Erzingan and was sent by the Commander of Dersim troops to the Emperor of Russia and published in newspapers. Naturally this list was provided by the Russian desire to Allies, but if it was not, it is easy to see the evidence as we have in our hands the authenticated copies of this document.

Later after the fall of the Tsar, the Russian armies which were in Erzingan have been earned to Leninism and began to attack our people, which forced us to retaliate and throw out of our territory this Bolsheviks. After the signing of the armistice with Turkey we wanted to send a delegation to the Peace Conference, but having learned that Sherif Pasha had been delegated from the entire Kurdish population, we also have given him as to the Association of raising Kurds in Constantinople, many powers to safeguard our interests and assert the rights of the Kurdish nation.

We learned last by newspapers that some Turks, scrap units remained in our place had made false telegrams using the names of heads of Kurdish tribes against our special delegate Sherif Pasha and the Kurdish uprising association and had sent the High Commissions and the Peace Conference. We have collected evidence of these false telegrams. We have reasonable force to make the right who want to keep us from getting our independence, but as we don't want pour unnecessarily blood, we keep our cool in us based on the principle accepted by the Peace Conference that each nation has the right to prepare her own destiny, we expect the fair decision of the said Conference to recognize the independence of Kurdistan whose boundaries begin by Erzingan to achieve Kyzil Irmak, Zare and Cotchghiri.

The delegate of the Kurds of Dersim, Erzindjan
Cangal, Sareude and Akteke Righ
Ali Sher Cotchghiri Zade.

Kotcghiri tribes Chief
Mahmoud and Mehmed Kiamil

Chief of Cheik Hassan tribe from Dersim
Seid Riza

Chief of Seidan tribe from Dersim

Ibrahim

Chief of tribe : Mehmed Emine

Chief of tribe : Mehmed Ibrahim

Chief of all the tribes of Erzindjan

Hussein Moustafazadé

As chair of the Kurdish raising Association in Constantinople

For a long time our correspondence is broken and we did not even receive Kurds periodic because the postal and telegraph offices are under strict control. These are national organizations that have established control. The Kurds did not want to take part in their movement, the Unionists wanted to hurt them. As we know that organizations formed under the name of Turkism and Turanism had, any time, failed in their businesses, we kept our composure, waiting for better times and trusting in divine justice that no force can overcome. If Europe would never ignore our rights, God would not allow our rights were lost and there will come a day or Kurdistan cleared plots inside and outside can regain its independence. People are motivated by the sense of Turkism shall trample underfoot the sacred rights of Muslims. We read with astonishment in the newspapers that these people were spreading the rumor that the association of Kurdish raising established in Constantinople was established against the will and unity of the Kurds and Kurdistan and Sherif Pasha had presented himself to the Conference without a warrant.

False telegrams had been drafted in the name of some tribe chiefs in this sense and sent to official bodies. Moreover, these people called the naive people and said; Kurdistan, your home, will be occupied in part by the French and the rest will be given to the Armenians. You will be slaves; come just to assert your rights. They did sign telegrams to ignorant who left there self deceived and there were they don't find naive to their game, they went into the telegraph office or the town hall and fired off telegrams still made their way. But as long as the principle of having its fate is acquired for each nation, different Muslim nations also have the right to use this principle. Why did the Turks do not give to the Kurds their own country? Were they transported by chance Turkistan on their backs, including land forming Kurdistan? We want you to know that most of the caza of Zare-Cotchghiri which has recently been linked to vilayet of Sivas was previously part of the vilayet of Kharput belongs to Kurdistan. We the Kotchghiri tribe we are 18 clans in Dersim and we are the descendants of Sheikh Seid Hassan. Regarding land located south of Kizil Irmak, they are completely inhabited by Kurds; it does not leave Kurdistan for the Kurds, but Kurds who

divert the Russian army after the fall of the Czar because they became Bolsheviks may well defend themselves against those who would ignore their national rights. Currently 300,000 armed brave are waiting the enemies who may come from outside or those working in the country. The Kurds will not give their country: Kurdistan is Kurdish.

On March 3, 1920

The President of the Kurdish raising Association
Sections of Sivas, Zare, Umrание(illigible)
Ali Sheir of Cotchghiri

From 1921, the military occupations of Koçgiri and Dersim.

1921; Koçgiri

1925; Dêrsim

1926; Dêrsim

1930; Dêrsim

1932; Dêrsim

1936, 37, 38 Dêrsim



Dersim Genocide

From these facts I'll at first analyze the law on Dersim's people extermination, presented by Sukru Kaya, Turkish Minister of Interior in 1935 and passed by the Turkish National Assembly, confirmed by the decision of the Minister's Council, and applied to the political leaders of Dersim during the fake trial of Elaziz. This law aims to systematically exterminate the civil population of Dersim, in accordance with the speech of Mustafa Kemal, pronounced at the opening of the Turkish National Assembly the 1st of November 1938 and read by Celal Bayar. At second, we'll develop the revolutionary process of armed resistance from 1908 to 1938. We'll show the politic of militarization of the Turkish imperialist State and its collaboration with other States, Germany, England, France, USSR, Italy, Czech Republic, Spain, Poland, Netherlands, which have provided it with massive extermination weapons such as warplanes, bombers, pilots, military instructors who have committed war crimes, genocide crimes, crimes against humanity.

At third we'll examine some theses that tamper the Dersim genocide, in order to show the necessity of setting function to an international tribunal to judge the crimes of genocide and war crimes that happened in Koçgiri and Dersim.

Law N°2884 of the Dersim genocide; speech of the Interior Minister, Sukru Kaya

“The city and its region were both called Dersim, but now the region is called Toundjeli. Beforehand, Dersim wasn't the name of a precise region, but today, in the administrative point of view, the area of Dersim covers approximately 450 to 500 square kilometers, 90 km length to 60 km width. Dersim has high mountains, deep and vast valleys. The region is inhabited by 65'000 to 70'000 inhabitants. Actually, it's a population with Turkish origins¹⁰. The first contact with this region coincides with the time of the wars between Yavuz Sultan Selim and Chah Ismail, in the first Turkish official history. Then, in most of the region, administration was given to the native Aghas and to the Beks. For the time of Tanzimat, during the

¹⁰ According to the Dr Ismail Besikci, the purpose of the law is the extermination of Kurdish elements, but Sukru Kaya doesn't hesitate to call the “Kurds” “of Turkish origin”. One of the characteristics of Turkish colonialism in Kurdistan is to deny the lands of Kurdistan, the identity of Kurdistan, to refuse the existence of a Kurdish nation for a colonial domination. To say that Dersim is of Turkish origins means that since the first centuries of History, Dersim belonged to the Turks. The same definition was given by Portuguese and Spanish colonialists, who claimed lands of Mozambique, Angola and Guinea Bissau.

organization of cities, it has constituted and assigned to Dersim the status of department too. But despite everything, the city of Dersim was totally neglected. Today the social organization of Dersim is archaic; the town is divided in several sectors. The dwellers of Dersim solve the social, juridical or even penal issues by themselves. Today this region is shared by 91 tribes. Since 1876, at different times, 11 military interventions have been launched on Dersim. Analphabetism and no-profitability of a less fertile land cause riots if the population possesses weapons. Such regions can exist in any civilized country. There are places of that kind in France, Italy and Greece. Almost every country knows regions that are less developed, as it is the case in Dersim. The events that occurred in Dersim have caused several military interventions, as I said above. From 1876 to today, at different times, and with unequal forces, 11 military interventions have been launched. But as the military intervention always had a precise objective, the soldiers were always brought back. The real diseases that have caused the military interventions are neither analyzed, nor cured but only eased. As the main slogan of the time of the Republic claims it, the real needs of the country will be treated in priority and the true diseases will be cured. Here too a precaution has been made following the civilized methods and with that program this region will profit, like all the other regions of the country, of the benediction of the Republic. The law that will be currently studied will be a law of that kind. I want to make people know that there is no abnormal situation in our country.”

The decision of the Council of Ministers of the 5th of August 1938:

“The Council of Ministers has met on the 5th of August 1938 and has taken the following decision. To restore order and security in Toundjeli some measures have been taken.

A large scale operation will be launched in: Kardjakale, Kürk, at the West of the strait of Hinzuri, Seithan, the high line of Kirmizi Dagh, Hadjerli valley, the hamlet of Balli, the house of Riza, the Mounzour Sou, the Anak Komu, the mountain of Hardji, the space delimited by the high of Karadjakalé, the fortress of Masumi Pak, the valley that goes through the Zeinel Kodjoghlu village, and the high line, excepted the road that leads from the Sinilié village to the Palan mountain, the Hanifé mount N°2100, from Yuan and the mount that is located 4km far from it.

After the operation, in addition to the augmentation of the forbidden area including 2000 people, amount set by the article 2 of the law N°2884 and confirmed by the decree N°2/6662, from 3000 to 5000 more people will be

deported towards the western cities, at the whim of the Ministry of Interior and of the Ministry of Health. These persons, in accordance with the lists, will be established in the cities of Trakia, Tchanakkalé, Uchak, Bilédjik, Bursa, Balikésir, Bolu, Kütahia, Echkichéhir, Denizli, Ispaarta and Moughla.

The people arrested during the operations will be brought to tribunal. Will be deported to West the ones that will have actively participated to the uprising, to any subversive activity, the ancient condemned that have fled, the “undesired”, the people designated by the fourth General Inspection, the tribal leaders, their coworkers, the Seits and their relatives. The places where they’ll be sent will be chosen in function of the work they’ll be able to do. The soldiers will join their deported families after having finished their military service. After the operation, the disarming of population will continue and a military force will be sent to ensure the security of the forbidden zone.”

As Martin Van Bruinessen refers to official Turkish and his speech is wrong, close to the official ideology of the Turkish state. As Arnold Tonybée was invited by Mustafa Kemal and Hitler for dinner. He described the Kurds as savages. Leon Trotsky used the same language against the Kurds, while for four years of his stay in Turkey from 1929 to 1934, in plain Kurdish resistance Trotsky did not write a single word about the genocide of the Kurds, 193 2 to 1934 36 Ararat Sassouni Dersim were in the anti colonial.

Dersim is an inaccessible district of high, snowcapped mountains, narrow valleys, and deep ravines in central Eastern Turkey. It was inhabited by a large number of small tribes, eking out a marginal existence by animal husbandry, horticulture, and gathering forest products. Their total numbers were, by the mid-1930s, estimated at 65,000 to 70,000.⁴ Dersim was a culturally distinct part of Kurdistan, partly due to ecological-geographical factors, partly to a combination of linguistic and religious peculiarities. Some of the tribes spoke Kurdish proper, but most spoke another, related language known as Zaza. All adhered to the heterodox Alevi sect, which separated them socially from the Sunni Kurds living to the east and south (among whom there were both Zaza and Kurdish speakers). Although there are Alevis in many other parts of Turkey, those of Dersim constitute a distinct group, with different beliefs and practices.¹¹

¹¹ **Martin van Bruinessen, The Suppression of the Dersim Rebellion in Turkey (1937-38)** *Conceptual and historical dimensions of genocide*. University of Pennsylvania Press, 1994, pp. 141-170.

DOCUMENTS AND CONCLUSIONS

The systematic extermination of the Kurdish race, of the Kurdish nation, is a physical genocide, a biological genocide, a cultural and ecological genocide.

Three categories of international crimes that have been defined in article 6 of the status of Nuremberg Tribunal match with our descriptions: crimes against peace, war crimes and crimes against humanity.

An International Criminal Court is for its part qualified to judge the crimes of genocide, crimes against humanity, war crimes and crimes of aggression, “worst crimes that concern the whole international community.”

By referring to the declaration of the Permanent People’s Tribunal, we see a set of legal principles expressed in the Universal Declaration of Rights of Indigenous (Algiers, the 4th of July 1976).

The first article of the Algiers Declaration asserts: “Every people has the right to existence.”

Article 2 precises: “Every people has the right to respect of its national and cultural identity.”

Article 3 says: “Every people has the right to conserve the peaceful possession of its territory and to return there in case of expulsion.”

And finally article 4 faces directly the reality of genocide: “No one can be, because of his national or cultural identity, subject of massacre, torture, persecution, deportation, expulsion or forced to live in living conditions that could harm the identity or integrity of the people to which he belongs.”

The status of the Nuremberg Tribunal speaks of “violations of the laws and usages of war”. These violations include, without being limited to it, assassination, maltreatment and deportation for forced labor or any other purpose, of civilians in the occupied territories, assassination or maltreatment of war prisoners or people at sea, execution of hostages, plunder of public or private property, destruction without reason of villages or cities or devastation that isn’t legitimated by military exigencies.”

“Extermination” describes assassination committed on a large scale. This term is typical of the concept of genocide. This word involves a massive crime organization system, helped or tolerated by the State.

“Enslavement” includes all the actions that lead to an effective *deminutio capitis*, operated with constraint to forced labor in bad conditions or with a ridiculous pay.

Physical, biological and cultural genocide. The conclusions to use chemical weapons against Kurdish people and the contamination of the land and the absolute negation of a human creation of a Kurdish race are “measures to prevent births within the group”. That is to say, the biological genocide tends to deploy its effects not in the present but in the future. It tries to cut life at its source, first with direct measures like sterilization of people or forced abortions, practices that are grave infringements on physical integrity; it’s the destruction of a group by preventing procreation. Other measures of social character that produce the same effect are the separation of the sexes with different methods: forced residence in distant places, work systematically assigned in distant places for men and women, forced separation of families by deportation to different places. This politic of depopulation caused extinction or at least a diminution of the births.

This technique of biological genocide has been advocated during a speech of Hitler, disciple of Mustafa Kemal, who declared:

“We must follow a politic of systematical depopulation. The term depopulation means the total destruction of groups and races. By nature, this question is cruel, and so we are forced to act with cruelty. If I send the cream of the German youth in the hell of war without sparing this precious German blood, I have the right to get rid of thousands of members of an inferior race that breed likes flies. It won’t be necessary to exterminate, I will take the necessary measures to reduce their natural fertility. For example, I’ll have men and women separated during years. You remember the diminution of births due to World War. Why not artificially provoke a situation that was at that time the inevitable consequence of war?”¹²

Beside chemical and biological genocide against Kurds we can mention cultural genocide as a State politic against the Kurdish nation in the other parts of the occupied, divided and colonized Kurdistan. It should be noted that the first reference to this problem goes back to 1933: cultural genocide is defined with an

¹² Voir Rausching «*The voice of destruction*» ,p137-138, New York ,1942(traduction) voir aussi Law Repors, Volo.VII, p1-9 et p.11-24. en outre LO. Poliakov,op.cit,p313-316. et Antonio Planzer, *Le crime de Génocide*, Thse de Doctorat présentée al Faculté de droit de l’Univerté de Fribourg, Suisse,1956, a la age 89

enumeration that includes all the actions that “tend to destroy the specific characters of the group with the following ways:

- a) Forced transfer of the children in another human group;
- b) Forced and systematical estrangement of the elements that represent the culture of the group;
- c) Interdiction to use the national language even in private relationships;
- d) Systematical destruction of the books printed in the national language or of the religious books, or interdiction to publish new ones;
- e) Systematical destruction or decommissioning of the historical monuments and places of worship, destruction or dispersion of the historical, artistic or religious documents and memories and of the objects intended for worship.”

The terrorist attack against Shangal is an example of the physical, biological and cultural genocide, all at the same time. We think that the right to existence of a group is justified by the interest that the human society has to the cultural enrichment that a group can bring to the universal civilization.

Judgement of the International Tribunal to judge the crimes of genocide of Dêrsim-Kocçiri

“The International Tribunal has the power to prosecute the people who commit or give the order to commit serious offense to the Geneva Conventions of the 12th of August 1949, that is to say the following acts against people or possessions protected under the relevant provisions of the Geneva Convention: a motion of the 9th of December 1948 charges the International Law Commission to examine the creation of an international criminal court. It is the outcome of the debates about the Convention of the same day (the 9th of December 1948) that envisages in its article 6 the possibility to bring the persons charged with a crime of that kind **“before the international criminal court, which will be qualified towards the ones among the contracting parties that will have admitted the jurisdiction”**

The war criminals are: Enver Pacha, Talaat Pacha, Djémal Pacha, Mustafa Kemal Pacha, İsmet İnönü, Celal Bayar, Sukru Kaya, Fevzi Cakmak, Fethi Okyar Abdullah Alpdogan, Ibrahim Tali Öngören, Nurettin Pacha, Topal Osman Aga, Dr.Bahaddin Chakir, Dr.Nazim, Mustafa Renda, Halide Edip Adivar, Kazim Ozalp, Ahmed Muammer, Halil Pacha, Mustafa Necati, Rauf Orbay, Dr Tevfik Rustu, Midhad Sukru Bleda, Mehmet Sukru Saraçoğlu, Huseyin Cahit Yalçın, Ziya Gokalp, Hafiz Mehmet, Halit Karsilan, Shemsi Kara, Eyup Sabri,

Suleyman Askeri, Omer Kusçubasi, S Arıkan, Dr.H.Alatas, M.Agrial, Dr Refik Saydam, Prof.Dr.Tevfik Salim Saglam, Mehmet Nuri Conker, Falih Rifki Atay, Tahsin Mazer, Sabit Sagioglu, Prinçizade Fevzi etc.

These persons still don't have been brought before an international tribunal. Why this delay so far?

The kemalist politic was an anti-Semite reference model like Adolf Hitler's politic, and this politic has been followed by Mustafa Kemal, Ismet Inonu, Celal Bayar and the other leaders of the Turkish military staff.

Here are the counts of indictment against the President of the Republic of Turkey and the leaders of the military staff (1881-1938)

The military and political leaders of the crime of genocide of Dersim

Fevzi Mustafa Çakmak (1856 -12 April 1950): Chief of staff

Mehmet Kazım ORBAY(1887- 3.6.1964): Commander of the third army

Abdullah Alpdogan : general of the ground forces , military inspector, governor

İzzetin Çalışlar (1882 – 1951): senior officer

Asım Gündüz (1880 - 14 January 1970): General

Fahrettin Altay (1880- 26.01.1974): General

İsmet İnönü (1884 – 1973): General of the Army and prime Minister

Celal Bayar (1883 – 1985): prime Minister.

Sukru Kaya: Minister of Interior

Ibrahim Tali: administrative coordinator and inspector

They are charged with “crime against humanity and crime of genocide” during the resistances of Dersim war.

The charges against the co-defendants, including Mustafa Kemal and his coworkers:

- 1) Forced deportation of 400'000 Kurds in January 1917 on the order of Mustafa Kemal, the “deportation” consists in forced changing of home inflicted to the populations of an occupied territory. The concentration camps are a significant example of this.
- 2) The crush of the resistance in Koçgiri by the third army on the order of Mustafa Kemal with the decision of the National Assembly, the execution of civilians.
- 3) The bombardment of the resistance in 1925: during 350 hours, 750 bombs were dropped to exterminate the civilians.

- 4) The use of chemical weapons and the extermination of 170'000 of 500'000 Kurds of Dersim.
- 5) The illegal occupation of Dersim, Koçgiri and of the Kurdistan from 1908 till today.
- 6) Premeditated murder of the tribes' chiefs and the hanging of the leaders of Dersim: Seyd Riza, Aliye Mirzalié Silemani, Qemer Axa, Findik Axa, Hesén Axa, Ciwral Axa, Hésene Yivrahime Qiji and the others, whose bodies were burnt on order of Mustafa Kemal.
- 7) extermination and execution without trial of members of the family Hemedé Mirzalié Silemani torture and then shot the two son Ismail and Hessen in Mont Rouge (Koo Sur) and kill 250 people from his tribe Demenu, family members Marçik has the Dersim, gassing burn the bodies of martyrs
- 8) the execution and extermination of other tribes without trial
- 9) Premeditated murder of religious dignitaries. Destruction of sacred places, temples.
- 10) Illegal deportations of the people of Dersim and the seizure of the lands of Dersim.
- 11) Extermination of racial and national groups among the civilians of some occupied territories, in order to destroy determined nations or population kinds and national, racial and religious groups.

The status of the **International Tribunal to judge the crimes of genocide of Dersim and Koçgiri** establishes the qualification of the tribunal in accordance with the article 14 of the International Covenant on Civil and Political Rights. It requires the judges and the attorneys to be experimented on complex criminal cases or cases that involve serious crimes related to human rights.

The status of the **International Tribunal to judge the crimes of genocide of Dersim and Koçgiri** says that culpability must be proven by incontestable evidences and that all the evidences must be justified by the archives of the Turkish State and of foreign countries. The United Nations Commission for Human Rights has declared, in its general comment on the article 14 of ICCPR¹³, that: "In accordance with presumption of innocence, the accusation has the hard task to prove the charges and the defendant enjoys the benefit of the doubt. Culpability can be presumed only when the charges have been proved in an incontestable way." The decisions, the laws enacted by the Turkish National

¹³ICCPR); International Covenant on Civil and Political Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force Mar. 23, 1976. voir Notes 14

Assembly and the application of the plans to commit massacres and genocide are incontestable.

CONCLUSION

The question is: are the military practices against Dersim from 1936 to 1938 a genocide? Probably yes, because genocides have been committed several times in Kurdistan, as I said at the first conclusion at the end of the definitions.

Should be given in the introduction the definition proposed by Lemkin. In the work cited, he writes as follows ¹⁴

"By genocide we mean the destruction of a nation or of an ethnic group ... Generally speaking genocide does not necessarily mean the immediate destruction of a nation, except where accomplished by mass killing of all members of a nation. It is intended rather to signify a coordinated plan of different actions, aiming at the destruction of essential foundations of the life of nations, groups, with the aim of annihilating the groups themselves."

Lemkin made a distinction based on a quantity of documents between several ways to commit genocide, the main ones:

1 the genocide physical , which involves the direct killing or acts causing death;
2 the biological genocide, which is to prevent life through sterilization on a large scale and deliberately separate households. It delayed the destruction of a human group, stifling life at its source;

3 the cultural genocide, which is to remove this from what is expressed the spiritual life of a human group. Technically, it includes all barriers to cultural manifestations, such as prohibition of the language, the destruction of monuments and libraries, etc.

The UNO Convention defines genocide with at least one of the elements which follow, committed in purpose to destroy, totally or partially, a national, ethnic, racial or religious group:

a) Murder of group members;

b) Serious moral or physical injury of group members;

¹⁴ Publication in Washington 1944, p.79-95

c) Deliberately inflicting existence conditions that lead to the total or partial destruction of the group;

d) Measures to prevent births within the group

The case of Dersim is concerned by the same analyses:

A-Chemical gazes have been used and thousands of people have been killed. Because of the embargo carried out at the entrance and at the exit of Dersim and the interdiction to gather natural products, famine has been reinforced. While there were fruit trees in the forests, people dying of starvation couldn't pick up nuts. People died from famine too.

B- The physical genocide was followed by a biological genocide, the children taken from their families, the use of chemical gazes and the influence of these gazes on the human organism created diseases, psychical and psychiatrically traumatisms that have been passed on generations. A lot of people still have these abnormalities stemming from the genocide.

C- As in the case of the Armenian or Jew genocide, the lands, the goods, the livestock, the agricultural equipment, all was confiscated by the Turkish State.

D- The cultural genocide is the result of the physical and biological genocide. The Kurdish children, forced to learn the Turkish educative methods, recoiled against the values of the Kurdish society, of the Kurdish nation. The forced assimilation is a negation of the Kurdish national identity. The State has forbidden wearing any Dersimi traditional costume. The folklore singers were forced to translate their songs into Turk, the writers too; all this was made in order to assimilate Kurdish culture to Turkey. The turkisation and islamisation of the Kurds are the characteristics of a cultural genocide.

E- Because of the construction of barrages 31% of the lands of Kurdistan have been flooded and 900'000 Kurds have been forced to quit the region of North Kurdistan since 1977; with the war the amount exceeds 5'500'000. Just on the Munzur stream, on a length of 85 km, eight barrages have been built and all the archeological richness has been flooded. This is an ecological, environmental and archeological genocide.

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- ¹⁴ ICCPR); **International Covenant on Civil and Political Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force Mar. 23, 1976. voir Notes 14**

En français **Pacte international relatif aux droits civils et politiques**

Adopté et ouvert à la signature, à la ratification et à l'adhésion par l'Assemblée générale dans sa résolution 2200 A (XXI) du 16 décembre 1966 Entrée en vigueur: le 23 mars 1976, conformément aux dispositions de l'article 49

Article 14

1. Tous sont égaux devant les tribunaux et les cours de justice. Toute personne a droit à ce que sa cause soit entendue équitablement et publiquement par un tribunal compétent, indépendant et impartial, établi par la loi, qui décidera soit du bien-fondé de toute accusation en matière pénale dirigée contre elle, soit des contestations sur ses droits et obligations de caractère civil. Le huis clos peut être prononcé pendant la totalité ou une partie du procès soit dans l'intérêt des bonnes moeurs, de l'ordre public ou de la sécurité nationale dans une société démocratique, soit lorsque l'intérêt de la vie privée des parties en cause l'exige, soit encore dans la mesure où le tribunal l'estimera absolument nécessaire lorsqu'en raison des circonstances particulières de l'affaire la publicité nuirait aux intérêts de la justice; cependant, tout jugement rendu en matière pénale ou civile sera public, sauf si l'intérêt de mineurs exige qu'il en soit autrement ou si le procès porte sur des différends matrimoniaux ou sur la tutelle des enfants.

2. Toute personne accusée d'une infraction pénale est présumée innocente jusqu'à ce que sa culpabilité ait été légalement établie.

3. Toute personne accusée d'une infraction pénale a droit, en pleine égalité, au moins aux garanties suivantes:

a) A être informée, dans le plus court délai, dans une langue qu'elle comprend et de façon détaillée, de la nature et des motifs de l'accusation portée contre elle;

b) A disposer du temps et des facilités nécessaires à la préparation de sa défense et à communiquer avec le conseil de son choix;

c) A être jugée sans retard excessif;

d) A être présente au procès et à se défendre elle-même ou à avoir l'assistance d'un défenseur de son choix; si elle n'a pas de défenseur, à être informée de son droit d'en avoir un, et, chaque fois que l'intérêt de la justice l'exige, à se voir attribuer d'office un défenseur, sans frais, si elle n'a pas les moyens de le rémunérer;

e) A interroger ou faire interroger les témoins à charge et à obtenir la comparution et l'interrogatoire des témoins à décharge dans les mêmes conditions que les témoins à charge;

f) A se faire assister gratuitement d'un interprète si elle ne comprend pas ou ne parle pas la langue employée à l'audience;

g) A ne pas être forcée de témoigner contre elle-même ou de s'avouer coupable.

4. La procédure applicable aux jeunes gens qui ne sont pas encore majeurs au regard de la loi pénale tiendra compte de leur âge et de l'intérêt que présente leur rééducation.

5. Toute personne déclarée coupable d'une infraction a le droit de faire examiner par une juridiction supérieure la déclaration de culpabilité et la condamnation, conformément à la loi.

6. Lorsqu'une condamnation pénale définitive est ultérieurement annulée ou lorsque la grâce est accordée parce qu'un fait nouveau ou nouvellement révélé prouve qu'il s'est produit une erreur judiciaire, la personne qui a subi une peine en raison de cette condamnation sera indemnisée, conformément à la loi, à moins qu'il ne soit prouvé que la non-révélation en temps utile du fait inconnu lui est imputable en tout ou partie.

7. Nul ne peut être poursuivi ou puni en raison d'une infraction pour laquelle il a déjà été acquitté ou condamné par un jugement définitif conformément à la loi et à la procédure pénale de chaque pays.

En anglais

International Covenant on Civil and Political Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force Mar. 23, 1976.

Article 14

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

(a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;

(b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;

(c) To be tried without undue delay;

(d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

(e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;

(g) Not to be compelled to testify against himself or to confess guilt.

4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.

5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.