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Dept. of H.M. Procurator General,
Storey's Gate,
St James's Park,
S.W. 1.

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29th July 1921.

Sir,

My A

I am directed by H.M. Attorney General to acknowledge the receipt of Mr Oliphant's letter of the 31st May, E.5845/132/44, asking for his opinion as to which of the 42 Turkish prisoners interned at Malta can be prosecuted with a reasonable prospect of success.

The charges made against the persons named in the Foreign Office list are of a quasi-political character, and are for this reason to be distinguished from those cases in which Turks have been held as prisoners on the advice of the Law Officers upon charges of cruelty to British Prisoners of War.

My C
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The difficulty of securing proof in the former cases is necessarily greater than in the latter case, and the Attorney General feels he cannot do better than refer Mr Ruxton's minute of the 11th August, 1920, which is Appendix A in the case of Vali Nadjet Bey, in which attention is called to the inherent difficulties with which the prosecution will be faced, if the Military Tribunals, before which these persons are to be arraigned, require the production of evidence of a character which alone would be admissible before an English Court of Justice. Up to the present no statements have been taken from witnesses who can depose to the truth of the charges made against the prisoners. It is indeed uncertain whether any witnesses can be found and it is hardly necessary to dwell upon the difficulty of finding witnesses in a country so remote and inaccessible as Armenia, especially after so long a lapse of

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time and so many political changes. If the charges made are substantially true, it seems more than probable that the great majority of those who could appear as witnesses against the accused are dead or have been irretrievably dispersed.

Moreover, the Law Officers are not informed whether the Armenian Government is willing and in a position to assist in providing the evidence which will be necessary in the cases in which they may be considered to be interested, nor how far, the Turkish Government can be relied upon to assist by the production of their archives or otherwise in proving the guilt of the accused in accordance with the Treaty when ratified.

Without the effective assistance of these two Governments it seems improbable that the charges made against some of the accused will be capable of legal proof in a Court of Law.

The Law Officers have not up to the present received from the Cabinet any reply to the memorandum communicated on the 18th January last; and no authority has been given to collect the evidence and prepare for the trials of the eight Turkish prisoners held in custody at Malta upon their advice. No steps have, therefore, at present been taken to collect the evidence against them.

If the facts stated in the dossiers appended to Sir H. Rumbold's despatch No. 277, of the 6th March last can be satisfactorily established by admissible evidence, it is probable that some of the prisoners will be convicted of the charges which are made against them; but until more precise information is available as to the nature of the evidence which will be forthcoming at the trials, the Attorney General does not feel that he is in a position to express any opinion as to the prospects of success in any of the cases submitted for his consideration.

I am, Sir,

Your obedient Servant

