



Stakeholder Report on

Violations of Rights in Consulates

for the United Nations' Universal Periodic Review of

TURKEY

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INTRODUCTION

1. With unlawful and discriminatory practices, the embassies and consulates do not process the demands of some citizens particularly members of Gulen Movement or persons associated with the movement and these practices lead to victimization of those people. "Witch hunt" initiated by Erdogan after the corruption investigations not only affected Turkish citizens living in Turkey but also the "hunt" which crossed the borders of Turkey led to very serious violations of rights abroad. After the coup attempt that took place on July, 15, 2016, Gulen Movement-related institutions operating abroad and Turkish citizens working in these institutions were determined. Consulates have been instructed not to provide any citizenship services to these people and their families regarding travel documents (passports). This report focuses on rights of violations and unlawful practices that Turkish citizens living abroad have experienced in consulates in the post-coup period. Data on rights violations in the consulates were collected from interviews with the victims who were victimized in person or from the cases available in open sources. Identities of the interlocutors, who did not want their name to be disclosed, was kept confidential and only the grievances experienced were included.

INTERNATIONAL CONVENTIONS

2. Pursuant to paragraphs d, e and f of article 5 of the 1963 Vienna Convention on Consular Relations , officials working in consulates are obliged to issue passports and travel documents to their citizens, to assist real and legal persons and provide notary services.¹ Approved by Grand Assembly of Turkey in 2004, Turkey is a party to the UN's convention titles as "The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families" Migrant Workers Committee (CMW) working in association with United Nations High Commissioner for Human Rights which inspects how the convention is applied and analyzes violations and complaints emphasized in the report dated 05.31.2016 that there are a number of violations and deficiencies in Turkey.² Before the report was released, Turkey used the expression "Regardless of the status of citizens living abroad, whether they are employers / employees, refugees / asylum seekers,

¹*The Vienna Convention on Consular Relations April 24, 1963 .Article 5 Consular duties:*

d) to issue passport and travel documents to nationals of the Sending State, as well as visas and necessary documents to persons who wish to travel to that State;

e) to assist real and legal persons of nationality of the Sending State;

f) acting as a civil servant in the case of a notary and a person, and performing other administrative duties to the extent that it is not contrary to the laws and regulations of the receiving State;

²CMW/C/TUR/CO/1 paragraph 11 and so on.

all kinds of services in the context of citizenship and civil status, passports, notary services are provided by Consulates or Consulates within the Embassy" in the written answer in response to the questions posed.³ However, in practice, the practices, which continue to accelerate in the opposite direction of this discourse, have gained a quality that will lead to systematic violations of rights.

RIGHTS VIOLATIONS IN CONSULATES

3. The grievances experienced due to the lack of consular procedures are as follows:
4. Citizens who go to the Turkish Consulates to get their processes handled are beaten, insulted and threatened.
5. Citizens visiting the Consulates learn that their passports are canceled and they are trying to be convinced to return to Turkey with one-way travel documents.
6. Citizens applying to the Consulates for renewing their expired or out-of-page passports cannot get results. Their passports are not extended or renewed.
7. Since passport and identity cards are not issued to newborn children, they become stateless.
8. A large number of Turkish citizens had to apply to the UN because they or their children did not have a valid ID or passport.
9. Since there is no valid ID or travel document, there is a large number of citizens who experience problems with a residence permit, work permit and travel.
10. Children are deprived of their right to education because they do not have a valid ID or passport.
11. Notary public operations cannot be performed. The process of giving procuration is not provided for attorney's operations, banking transactions, land registry office procedures and etc in Turkey. This situation causes economic loss for Turkish people living abroad. They cannot make transactions such as sales, renting, payment and money transfer.
12. Consulates do not issue documents such as procuration and deed of consent that need to be sent to Turkey for passport procedures to reunite the families. Therefore, families drift apart.

³CMW/C/TUR/CO/1

13. The requests of the applicants are denied by the consulate officers based on the pretexts such as: there is not enough personnel; system is not working; our personnel is on leave etc.
14. Although, it is not a requirement to ask how to proceed a request made by citizens, consulate officers ask Turkey before proceedings and taking necessary steps, and act according to the response of Turkey.
15. The applicants' legal requests were not often met with the pretext of the "State of Emergency".
16. An official letter sent by the Turkish Ministry of Interior, whose content is never explained, is shown as a justification for not processing the requests of the applicants.
17. Furthermore, a circular note no. 124420 sent by the Turkish National Police dated 08.22.2016 is shown as a justification for not processing the demands, however, the content of the circular note is not known.
18. In some cases, citizens were informed that their online applications have been completed. When these citizens went to the consulates in person to complete the remaining procedures, their demands were rejected.
19. Although some citizens have valid travel documents, they were unlawfully stopped when passing from the borders of some countries, based on an explanation that Turkey asked to act in this direction.
- 20. The countries, in which Turkish citizens experienced violations of rights in consulates, are as follows.**
21. **Germany.** Mustafa Kemal Basa served as a Consul General in Essen Consulate General of Turkey between the years 2015-2017.
22. A Turkish citizen working as the General Manager of the International Turkish Schools in Bangladesh went to the Consulate General of Essen in May 2017 to renew his child's expired passport. He was beaten by the first clerk and 3 policemen in front of his family, laid down, his clothes were torn and he was threatened to be cut his throat.⁴
23. **Nigeria.** Nigeria is one of the countries where Turkish citizens suffer most due to arbitrary consular procedures in the Turkish Embassy in Abuja. Hakan Çakıl worked as an

⁴ <https://medyabold.com/2018/12/28/turkiyenin-essen-konsolosluguda-tc-vatandasi-ogretmeni-polisler-dovup-bogazini-kesmekle-tehdit-etti/>

ambassador in Abuja Embassy of Turkey between the years 2015-2018. Ahmet Melih Ulueren has been carrying out this duty since July 2018.

24. Twenty-two Turkish babies born in Nigeria after the coup attempt in Turkey in 2016, do not have ID Cards and are stateless, because their families' requests to get passports and identity cards have not been processed by the embassy officials. Additionally, 11 adult passports have expired; their passports have not been extended. Likewise, the passports of the children of 4 families have not been renewed despite the expiration of their passports.
25. **Egypt.** Turkey has no ambassador in Egypt. Turkey's Ambassador to Cairo, Hüseyin Avni Botsalı was declared persona non grata and was forced by Egypt to return to Turkey in November 2013. However, the Turkish Embassy in Cairo continues to process requests of Turkish citizens living in Egypt.
26. In July 2016, passports of a family with 4 children expired and their passports were not extended without justification.
27. **Ukraine.** Yönet Can Tezel served as an ambassador to the Embassy of Kiev between the years 2014-2019. Yağmur Ahmet Güldere is currently the ambassador.
28. In November 2016, a Turkish woman's passport was illegally confiscated at the consulate without any reason and her childrens' passports were not renewed.
29. **Thailand.** Osman Osman Bülent Tulun worked as ambassador in Bangkok Embassy of Turkey between the years 2013-2016. Since February 2017, Evren Dağdelen Akgün has been carrying out this duty.
30. Shortly after the coup attempt, expired passports of the children of a couple working as teachers in Thailand were not renewed arbitrarily without any justification.
31. **Gabon.** Nurdan Bayraktar Golder worked as an ambassador in Libreville Embassy of Turkey between the years 2015-2017. Fevzi Süphan Erkula has been carrying out this duty since July 2017.
32. Although the passports of the children of 5 families working as businessmen and teachers in Gabon expired, their passports were not renewed without showing any justification.
33. **Niger.** Hüseyin Özdemir worked as an ambassador in Niamey Embassy of Turkey between the years 2014-2018. Mustafa Türker Arı has been carrying out this duty since January 2019.

34. Three Turkish families in Niger suffer from the fact that the embassy does not extend the term of their passports even though their passports have expired.
35. **China.** Ali Murat Ersoy worked as an ambassador in Beijing Embassy of Turkey between the years 2013-2017. In December 2017, Mustafa Türker Arı was appointed to this post. Since January 2017, Sabri Tunç Angılı has been serving as the Consulate General of Shanghai, where Turkish citizens have problems.
36. Passports of two families living in China were cancelled without any concrete justification and expired passports of a family were not renewed. Also a family suffered from the consular services such as change of address and procuration. Furthermore, 3 Turkish citizens who wanted to leave China with legal travel documents and to go to another country were prevented from leaving China without any reason.
37. **Dominican Republic.** A Turkish family living in the Dominican Republic went to the consulate for their newborn baby, however, they were verbally informed at the consulate that they could not receive any citizenship service from the consulate on the grounds that they had ties with the Gülen Movement.
38. **Indonesia.** Mehmet Kadir Şander Gürbüz worked as ambassador in Jakarta Embassy of Turkey between the years 2016-2018. Since March 2019, Mehmet Erol Kılıç has been carrying out this duty.
39. Seven Turkish babies became unidentified/stateless as their passport and ID procedures were not made by the consulate. The passports of the children of four families were not renewed despite the expiration of their passports. 1 adult's passport was confiscated unlawfully by consulate officials.
40. **The Philippines.** Esra Cankorur worked as an ambassador in Manila Embassy of Turkey between the years 2014-2019.
41. Three Turkish babies became unidentified because their passport and ID card transactions were not carried out by the embassy authorities. An adult's passport was illegally canceled and two adults could not extend their passports despite the expiration. Likewise, the passports of the children of one family have not been renewed even though their passports have expired. Additionally, despite having legal travel documents, 2 families were prevented from leaving the country without any reasons. In addition, some Turkish citizens' requests to give power of attorney and deferment of the military service were denied.

42. **Cambodia.** İlhan Kemal Tuğ worked as an ambassador in Phnom Embassy of Turkey between the years 2013-2018. Ayda Ünlü has been carrying out this duty since February 2018.
43. A Turkish citizen who works as a teacher in Cambodia has been denied to have a medical visa for treatment in another country for his severe illness with an excuse that he had relationship with the Gülen Movement.
44. **Kosovo.** Kıvılcım Kılıç worked as an ambassador in Pristina Embassy of Turkey between the years 2015-2019. Çağrı Sakar has been carrying out this duty since February 2019.
45. In December 2016, the request of a Turkish citizen living in Kosovo to give power of attorney was not fulfilled by the embassy without showing any reason.
46. **Afghanistan.** Ali Murat Ersoy worked as an ambassador in Kabul Embassy of Turkey between the years 2015-2017. Oğuzhan Ertuğrul has been carrying out this duty now.
47. Six Turkish babies born in Afghanistan became unidentified/stateless because their families' requests for passports and identity cards of the babies have not been processed by the embassy officials on the basis that the families work as teachers in the schools affiliated with Gülen movement. Apart from this, the passports of the children of 5 families have not been renewed despite the fact that their passports expired. One adult's passport was also confiscated unlawfully by consulate officials.
48. **Myanmar.** Haydar Kerem Divanoğlu has been working as an ambassador in Nepido Embassy of Turkey since October 2016.
49. 3 Turkish infants became unidentified/stateless as their passport and ID card procedures were not made by the embassy officials. The passports of the children of 3 families have not been renewed despite the fact that their passports expired.
50. **Russia.** Turhan Dilmaç served as a Consul General at the Kazan Consulate General of Turkey between the years 2014-2018. Ahmet Sadık Doğan has been carrying out this duty since January 2018.
51. Officers of the Consulate General of Kazan confiscated the passport of a Turkish teacher illegally.
52. **Bulgaria.** Niyazi Evren Akyol served as a Consul General in Burgas/Bulgaria between the years 2013-2017. Nuray İnöntepe has been carrying out this duty since December 2017.

53. The passport of a Turkish citizen working as a businessman was seized unlawfully by the officers of the Consulate General of Burgas in July 2016.
54. **Macedonia.** Tülin Erkal Kara has been working as an ambassador in Skopje Embassy of Turkey since November 2016.
55. A Turkish citizen went to the consulate to change his passport, as there was no blank page left in the passport. His passport was confiscated without any reason.
56. **Austria.** Mehmet Ferden Çarıkçı worked as an ambassador in Vienne between the years 2017-2019. Ümit Yardım has been carrying out this duty since 2019.
57. A Turkish businessman went to the consulate to renew his child's expired passport, however, his request was rejected. Furthermore, his own passport was also unlawfully confiscated by the consulate officers. Upon discussion on the matter between the citizen and consulate officials, consulate officers attempted to catch the citizen. The citizen was able to protect himself with the help of the Austrian police.
58. **Albania.** Hidayet Bayraktar worked as an ambassador in Tiran Embassy of Turkey between the years 2013-2017. Murat Ahmet Yörük has been carrying out this duty since December 2017.
59. A-19-year-old Turkish citizen wanted to continue his studies abroad, however, he could not make official applications to universities due to that fact that his expired passport was not renewed and he was deprived of the right to education.

RECOMMENDATIONS:

60. A call should be made to the Republic of Turkey to comply with and to respect to the implementation of the “Vienna Convention on Consular Relations”, and also to the implementation of International Human Rights obligations without showing discrimination between citizens;
61. The practices in consulates of Turkey in countries which are party to Consular Relations Concerning the Vienna Convention should be observed and effective use of international control mechanisms should be implemented regarding the Republic of Turkey regarding the violations of the rights in Turkish Consulates.