

Turquie : obtention d'une nouvelle carte d'identité turque en Suisse pour un citoyen turc suspecté de liens avec une organisation terroriste

Recherche rapide de l'analyse-pays de l'OSAR

Berne, le 26 décembre 2019

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1 Introduction

Le présent document a été rédigé par l'analyse-pays de l'Organisation suisse d'aide aux réfugiés (OSAR) à la suite d'une demande qui lui a été adressée. Il se penche sur les questions suivantes :

1. Quelles sont les procédures à suivre et les documents à fournir par un citoyen turc qui souhaite obtenir une nouvelle carte d'identité nationale turque (appelée « nüfus » ou parfois « kimlik ») auprès d'une représentation turque (ambassade ou consulat) en Suisse?
2. Est-ce qu'il est possible d'obtenir un tel document d'identité depuis la Suisse, si le citoyen turc n'est plus en possession de son ancienne carte d'identité et possède uniquement un livret de famille ?
3. Est-ce qu'un citoyen turc d'origine kurde, qui est un ancien membre du PKK, peut s'attendre à rencontrer des difficultés particulières pour obtenir des services consulaires, tels que l'obtention d'une nouvelle carte d'identité turque depuis la Suisse?

Pour répondre à cette question, l'analyse-pays de l'OSAR s'est fondée sur des sources accessibles publiquement et disponibles dans les délais impartis (recherche rapide) ainsi que sur des renseignements d'expert-e-s.

2 Procédure et documents à fournir pour l'obtention d'une nouvelle carte d'identité turque depuis la Suisse

La carte d'identité nationale turque, désignée sous l'appellation *kimlik* ou *nüfus*, est la principale forme d'identification en Turquie. Un nouveau format de carte est en circulation depuis janvier 2017. Selon la *Commission de l'immigration et du statut de réfugié du Canada* (CISR), qui se réfère à des informations du *US Social Security Administration*, le *Nüfus Cuzdan*, *Nüfus Huviyet Cuzdani* ou *Türkiye Cumhuriyeti Nüfus Cuzdani* est une carte d'identité que toutes et tous les citoyens turcs doivent posséder. Selon d'autres sources consultées par la CISR, ce document est la principale forme d'identification utilisée en Turquie (CISR, 12 juin 2015). Selon le *Danish National ID Centre* (NIDC), la carte d'identité nationale turque s'appelle *kimlik*. Ce document est délivré par le *Turkish citizenship and national registration office* (*Nüfus ve Vatandaşlık İşleri Genel Müdürlüğü*), qui est également responsable pour la délivrance des documents d'état civil, et depuis avril 2018, de celle des passeports. Depuis janvier 2017, le gouvernement a commencé à utiliser un nouveau format de carte d'identité. Le remplacement de toutes les cartes par le nouveau modèle devrait être effectif en janvier 2024. Selon le NIDC, les cartes d'identité sont généralement remplacées lorsqu'il y a un changement d'état civil ou lorsque la carte est trop usée. Pour recevoir une nouvelle carte d'identité, les citoyens et les citoyennes turcs doivent se présenter à un bureau local du *Turkish citizenship and national registration office*. La personne qui fait la demande doit

présenter son ancienne carte d'identité et fournir une photo. Les données biométriques de cette personne sont également recueillies (NIDC, 13 juin 2018).

Procédure et documents à fournir pour l'obtention d'une carte d'identité nationale turque en cas de perte de l'ancienne carte. Selon le site officiel du gouvernement turc dédié aux procédures consulaires (www.konsoosluk.gov.tr), les citoyens ou citoyennes turcs qui souhaitent obtenir une carte d'identité nationale *Türkiye Cumhuriyeti Kimlik Kartı* (TCKK) depuis l'étranger, mais qui ne possèdent pas l'ancienne carte (par exemple en cas de perte de cette carte), doivent prendre rendez-vous avec un-e représentant-e du consulat ou de l'ambassade du pays où ils ou elles résident et se présenter en personne au rendez-vous.

Les documents requis sont les suivants :

- un rapport de la police concernant la perte de l'ancienne carte d'identité ;
- une photo de la personne ;
- un formulaire de demande de carte d'identité (appelé *Nüfus Cüzdanı Talep Belgesi*) doit être rempli et ajouté à la demande (<https://www.konsoosluk.gov.tr/Procedure/DownloadForm/29>).

Dans la section FAQ du site, il est précisé que la demande peut se faire en présentant un des documents d'identité suivants :

- la carte d'identité ;
- un certificat de naissance ;
- un passeport ;
- un livret de famille international ;
- tout autre document d'identité considéré comme valable.

La nouvelle carte d'identité doit être remise directement à la personne concernée ou à une personne autorisée par procuration. Les frais à payer pour l'établissement d'une nouvelle carte d'identité nationale se montent à 13 francs suisses, dont 4 francs de frais d'envoi (*République de Turquie*, 16 décembre 2019). Selon le courriel envoyé à l'OSAR le 17 décembre 2019 par une *personne de contact qui travaille comme avocate en Suisse*, il devrait être possible pour les citoyens ou citoyennes turcs vivant en Suisse d'obtenir une nouvelle carte d'identité nationale dans un des deux consulats en Suisse (Genève et Zürich) ou à l'ambassade turque à Berne en présentant un livret de famille comme document d'identité.

3 Refus des services consulaires, confiscation de passeports et révocation de la citoyenneté pour des citoyens turcs ayant commis des actes pénalement répréhensibles

3.1 Refus des services consulaires et confiscation de passeports de citoyens turcs à l'étranger

Refus des services consulaires à des citoyens et citoyennes turcs qui ont fui à l'étranger. Absence de possibilités de recours contre ces décisions. Selon l'*Institute on Statelessness and Inclusion* (ISI), il a été rapporté en 2017 que des citoyennes et citoyens turcs résidant à l'étranger se sont vu refuser des services consulaires. Parmi ces services figuraient le renouvellement ou l'extension de la validité de passeports, ainsi que la délivrance de cartes d'identité ou de passeports à des enfants nés à l'étrangers de parents turcs. Selon cette source, le refus des services consulaires a comme conséquences que les personnes touchées ne peuvent pas jouir d'autres droits, tels que celui d'enregistrer des naissances ou d'obtenir des documents pour rentrer au pays. Les personnes à qui ces services consulaires ont été refusés n'ont pas la possibilité de faire recours en raison de l'absence de normes d'application régulière de la loi (ISI, juillet 2017). Selon le site d'information *Stockholm center for freedom* (SCF), qui surveille les violations des droits humains en Turquie, parmi les services consulaires refusés figuraient le renouvellement de passeports, l'enregistrement de naissances et de mariages, ainsi que la validation de documents (SCF, 29 avril 2017). Selon une information publiée en octobre 2018 par le site d'information *Ahval*, le personnel consulaire turc à Berlin a refusé à Isa Artar, ancien rédacteur en chef d'un magazine politique, de renouveler sa carte d'identité ainsi que de lui fournir les documents nécessaires pour qu'il puisse engager un avocat turc et le mandater pour l'aider à se défendre d'accusations liées à un article qu'il avait publié (*Ahval*, 18 octobre 2018). Dans un rapport de mai 2017, *Amnesty International* (AI) citait le cas d'une universitaire turque qui avait fui la Turquie et à qui le personnel consulaire turc à Berlin a refusé de fournir des services consulaires et ceci sans fournir aucune explication (AI, 22 mai 2017). Selon SCF, en 2017, le journaliste Ahmet Nesin, s'est vu refuser la délivrance d'un nouveau passeport au consulat de Turquie à Genève. A la place, il s'est vu proposer un document lui permettant de retourner en Turquie. Il a été averti par le personnel consulaire qu'il y serait arrêté en raison de l'existence d'un mandat d'arrêt à son encontre (SCF, 29 avril 2017).

Confiscation de passeports de citoyens ou de citoyennes turcs qui ont fui à l'étranger. Selon le site d'information *Ahval*, les citoyens et citoyennes turcs qui ont fui à l'étranger craignent de se rendre dans les consulats des pays où ils résident parce qu'ils ont peur de se faire confisquer leur passeport ou de recevoir des citations à comparaître (*Ahval*, 18 octobre 2018). Selon le site d'information néerlandais *Dutchnews.nl*, qui se réfère à des informations du journal *Trouw*, le consulat turc à Rotterdam a confisqué le passeport de personnes accusées de soutenir le mouvement Gülen. Plusieurs personnes ont rapporté avoir été informées qu'elles figuraient sur une liste de fugitifs recherchés. Elles se sont seulement vu proposer un passeport provisoire pour rentrer en Turquie et se présenter devant un tribunal. En cas d'exonération des charges, elles pourraient alors récupérer leur passeport (*Dutchnews.nl*, 17 février 2017). Selon le *Huffington Post*, des citoyens turcs à l'étranger ont été informés lors de contrôle de sécurité à la douane que leur passeport avait été répertoriés comme « perdus » par le système et ils ont été encouragés à se présenter à leur ambassade ou au consulat pour résoudre le problème. Toutefois, lorsqu'ils se sont présentés à leurs ambassades, leurs passeports ont été confisqués sans explications (*Huffington Post*, 6 septembre 2016).

Les personnes suspectées de liens avec le mouvement Gülen et qui se sont réfugiées à l'étranger sont les premières cibles des refus des services consulaires, mais les Kurdes, les groupes de gauche et toutes les personnes critiques du gouvernement sont également visés. Selon SCF, la Turquie conduirait une campagne systématique de refus des

services consulaires à des personnes qui sont perçues comme critiques du président Erdogan (SCF, 29 avril 2017). Selon cette source, les personnes les plus visées par ces refus sont celles suspectées d'être liées au mouvement Gülen, mais d'autres groupes, notamment des Kurdes, des Alévi-e-s et des groupes de gauche, sont également visés par ce qui serait, selon SCF, une campagne de persécution à l'encontre de toutes personnes critiques du gouvernement (SCF, 2 mars 2017). Selon *Dutchnews.nl*, le refus des services consulaires aux Pays-Bas touche non seulement des personnes suspectées de liens avec le mouvement Gülen, mais également d'autres groupes, dont des Kurdes et des journalistes critiques du régime d'Ankara (*Dutchnews.nl*, 17 février 2017). Selon le *Huffington Post*, des listes de personnes sur lesquelles figurent des centaines d'hommes d'affaires, de journalistes, d'enseignant-e-s et de fonctionnaires, ont été dressées par les services de renseignements de la police et par l'organisation nationale du renseignement (MIT). Ces listes ont été transmises au département des passeports pour que celui-ci annule les passeports des personnes figurant sur les listes (*Huffington Post*, 6 septembre 2016).

Des refus de services consulaires et des confiscations de documents d'identité qui visent également les personnes recherchées ou suspectées de liens avec des groupes terroristes comme le PKK. Selon un courriel envoyé à l'OSAR le 17 décembre 2019 à l'OSAR par une *personne de contact* qui travaille comme avocat en Turquie, il y a de très fortes chances qu'un citoyen turc d'origine kurde et ancien membre du PKK figure sur une liste de sécurité des personnes recherchées. Le cas échéant, cette personne aura peu de chances d'obtenir une nouvelle carte d'identité auprès d'une représentation turque à l'étranger. De plus, il existe un risque que les documents que cette personne fournirait au personnel consulaire soient confisqués. Toutefois, selon les informations fournies par courriel à l'OSAR le 19 décembre 2019 par une *personne de contact, spécialiste des droits humains et qui travaille comme avocate*, il y aurait moins de chances qu'une personne figurant sur une liste terroriste se voit refuser une carte d'identité nationale qu'un passeport depuis l'étranger. Cela est dû au fait que la carte d'identité nationale est liée à la citoyenneté ; refuser de délivrer cette carte à un citoyen ou une citoyenne turc reviendrait à révoquer sa citoyenneté. Cette source reconnaît, toutefois, qu'il existe un risque que cette personne se voit confisquer des documents d'état civil par le personnel consulaire. Selon le courriel envoyé à l'OSAR le 10 décembre 2019 par une *personne de contact experte des droits humains en Turquie*, l'obtention d'un passeport auprès des représentations turques à l'étranger peut être difficile et a de bonnes chances d'être refusée à des personnes qui figurent sur des « listes de terroristes » de l'État turc. Selon les informations fournies par une *personne de contact qui travaille comme juriste* et que l'OSAR a rencontré pendant une mission en Turquie en novembre 2019, les personnes accusées de terrorisme et qui sont enregistrées dans une base de données de personnes recherchées peuvent se voir refuser des services consulaires à l'étranger, tels que l'obtention d'un passeport ou d'un certificat de mariage.

3.2 Révocation de la citoyenneté/nationalité turque

La constitution turque permet la révocation de la citoyenneté en cas d'actes jugés comme « incompatible[s] avec la loyauté envers la mère patrie ». Une décision de ce type est prise par le Ministère de l'intérieur. Une note parue dans la gazette officielle en 2017 menaçait 130 citoyennes et citoyens turcs à l'étranger de perte de citoyenneté en cas de refus de rentrer. Dans un rapport de 2002, la *Commission de l'immigration et du statut de réfugié du Canada* (CISR), cite l'article 66 de la constitution turque qui stipule que :

« No Turks shall be deprived of citizenship, unless he commits an act incompatible with loyalty to the motherland ». Citant un article du *Turkish Daily News* de 1999, qui lui-même se réfère à l'article 20 de la loi sur la citoyenneté, la CISR note que la citoyenneté peut être révoquée par une décision du Ministère de l'intérieur. Cette loi (article 6.g) précise que cette révocation peut être prononcée, entre autres, à l'encontre de personnes « [...] who engage in activities against the internal and external security or economic and financial security of the Republic of Turkey in violation of laws while abroad, or who have gone abroad by any means after having engaged in similar activities, and against whom it is thus impossible to begin a public trial or prosecute or implement a sentence in Turkey and who despite the issuance of a call to do so do not return to the country within three months, or one month during periods of martial law or extraordinary conditions (state of siege) ». Par ailleurs, la CISR note en se basant sur un article du *Turkish Daily News* de 2000, qu'en 1980, ce sont 14 000 personnes qui ont perdu leur citoyenneté à la suite d'une tentative de coup d'Etat (CISR, 26 août 2002). Dans un rapport de mars 2018, le *Haut-commissariat des Nations Unies pour les droits de l'homme* (OHCHR) relève qu'en juin 2017, une note a été publiée dans la gazette officielle, appelant 130 citoyennes et citoyens turcs résidant à l'étranger à retourner en Turquie pour faire l'objet d'une enquête. Citant le décret 680 (article 75), la note stipule que les individus nommés risquent de perdre leur citoyenneté en cas de refus de se mettre à la disposition des autorités turques (OHCHR, mars 2018). Selon le courriel envoyé à l'OSAR le 10 décembre 2019 par une *personne de contact, experte des droits humains en Turquie*, il existe une base légale pour priver certaines personnes de leur nationalité en cas d'infractions contre l'Etat turc jugées comme graves.

4 Sources

Ahval, 18 octobre 2018:

« Turkish citizens who have fled abroad are apprehensive about going to their country's consulates over worries consular staff could confiscate their passports or serve them court papers.

Turkish authorities began seizing the passports of some journalists, businesspeople and civil society activists to bar them going abroad following a failed coup attempt in July 2016 in which military officers attempting to overthrow the government killed some 250 people.

*Thousands of Turks have fled abroad since the coup attempt to escape the widespread crack-down on dissent that followed. **Some now fear visiting Turkish embassies and consulates abroad in case their passports are also seized. Some gave that as a reason for not voting at Turkish consulates and embassies in general elections in June.***

Isa Artar, the former editor-in-chief of Turkish-language political news magazine *Siyaset* (<http://siyasetdergisi.com.tr/>), said that Turkish consular staff in Berlin had refused to renew his identity card and give him the papers he needed to hire a lawyer in Turkey to defend himself against charges for an article he had published.

"I did not receive any kind of arrest warrant or notification," Artar said. He said he only learnt about the warrant after settling in Germany and seeing it on the Internet-based government system. To defend myself in this case, Artar said he needed to award a power of attorney in Turkey, but consular staff refused to process the paperwork.

"They told me I could only appeal. But they also said that the appeal would be rejected since there is a pending case against me. They also asked for my passport. I didn't give it, because they could have said my passport had been cancelled," he said.

Another Turkish citizen, who declined to be named, said he was afraid to go to the Turkish consulate. "I've been living in Germany for almost a year now. I am one of those who was obliged to leave the country. After a smear campaign against the institution I worked at, I thought it would be risky from the point of view of my security to stay in Turkey, so I left to Germany. I quickly grabbed my suitcase and after sorting out my passport and visa I left the country," he said.

"Of course I sometimes need to complete bureaucratic procedures to do with my life in Turkey, but I can't risk going to the consulate or embassy for any of them. I'm wary of not having my ID card not given back to me, or my passport confiscated. Some people come away without having their procedures completed, some have their passports confiscated. I don't visit or even think of visiting the consulate out of worrying the same thing will happen to me because I don't feel safe there," he said. » Source: Ahval, Turks abroad worry about going to Turkish consulates, 18 octobre 2018: <https://ahvalnews.com/turkish-consulates/turks-abroad-worry-about-going-turkish-consulates>.

AI, 22 mai 2017:

« Dismissed public sector workers have also had their passports cancelled by decree. Decree no. 673 further provides for the passports of partners of persons dismissed under the decrees to be cancelled on national security grounds, but unlike their own passports, dismissed public servants' partners' passports have not been automatically cancelled. An academic dismissed from Kocaeli University told Amnesty International: "We had no idea that our passports had been cancelled, one of the other dismissed academics from the university was detained while going through passport control at the airport. After that we got our lawyer to check - apparently all of our passports have been cancelled." Passport cancellations apply to both the green passports available to senior public sector employees in place of an ordinary passport and to ordinary passports. Applications for new passports by dismissed people, after their existing passports had been cancelled, have been routinely refused by the authorities. Difficulties were also reported by those who had managed to leave the country. An academic who left Turkey prior to being dismissed told Amnesty International that the Turkish Embassy in Berlin refused to provide consular services to her or other dismissed public sector workers, without explanation. » Source: Amnesty International (AI), No end in sight - Purged public sector workers denied a future in Turkey, 22 mai 2017, p.14-15: www.ecoi.net/en/file/local/1400068/1226_1495435618_eur4462722017english.pdf.

CISR, 12 juin 2015:

« According to the US Social Security Administration, "[t]he Nufus Cuzdan, Nufus Huviyet Cuzdani or Turkiye Cumhuriyeti Nufus Cuzdani is an identification document carried

by all Turkish citizens" and at present, "a laminated pocket-sized form" is used (US n.d.). According to sources, the paper-based national identity card is the main form of identification used in Turkey (Berber et al. Nov. 2007, 13; Cavlin Bozbeyoglu 2011, 65). Sources indicate that possessing a national ID card is mandatory (ibid.; Director 4 May 2015; Sessional Lecturer 7 May 2015). In correspondence with the Research Directorate, a sessional lecturer specializing in Turkish politics at the Department of Political Science at McMaster University stated that an identification card is required in order to work, access health and social services, register to vote, access Turkish courts, **obtain a passport or driver's license, register for school and university, own property and/or a vehicle, and to obtain phone, internet, and home utilities (ibid.). [...]**

According to a progress report on Turkey by the European Commission, the paper-based identity cards "are not, physically, very secure documents and are relatively easy to falsify" (EU 20 Oct. 2014, 5). **The same source further states that the likelihood of false identity cards being used in administrative procedures such as issuing a passport "is negligible ... due to the existence of a solid and reliable civil registry system in Turkey, in which all citizens are registered and given an identification number"** (ibid.). Sources state that the Central Civil Registration System (MERNIS) is a centrally-administrated system where changes in civil status are "registered electronically in real time over a secure network" by "civil registration offices spread throughout the country" (Berber et al. 2007, 13; Turkey 17 Feb. 2009). The same sources note that MERNIS is responsible for the assignment of an Identity Number to Turkish citizens (ibid.; Berber et al. 2007, 13). [...] » Source: Commission de l'immigration et du statut de réfugié du Canada (CISR), Turkey: Information on the Nufus Huviyet Cuzdani [Turkiye Cumhuriyeti Nufus Cuzdani] and any other document used in Turkey for identification purposes (2012-May 2015), 12 juin 2015: www.refworld.org/docid/5592affe4.html.

CISR, 26 août 2002:

« It was reported in 1999 that "[i]f a Turkish citizen does not commit a crime causing him to lose Turkish citizenship, a Turkish citizen's Turkish nationality cannot be revoked" (Turkish Daily News 7 Aug. 1999). This report implicitly refers to Article 66 of the Turkish Constitution, which states:

No Turk shall be deprived of citizenship, unless he commits an act incompatible with loyalty to the motherland

Recourse to the courts in appeal against the decisions and proceedings related to the deprivation of citizenship shall not be denied (Republic of Turkey 17 Oct. 2001).

The Turkish Daily News noted in 1999 that according to Turkish citizenship law, Article 20, the **"Turkish citizenship can be revoked with a decision from the Interior Ministry"** (7 Aug. 1999). The Research Directorate was unable to obtain an official translation of Turkish Citizenship Law No. 403 dated 11 February 1964 (Republic of Turkey Feb. 1981); however an amendment to this law dated February 1981 stated, with specific reference to the Articles concerning revocation:

Article 6

The 25th Article of the Turkish Citizenship Law, No. 403, dated 11 February 1964, paragraph (a) of the first section has been changed as follows, paragraphs (g) and (h) have been added to the section, and a third section as follows has been added to the article.

a) Those who acquire the citizenship of a foreign state intentionally without permission.

g) **Persons who engage in activities against the internal and external security or economic and financial security of the Republic of Turkey in violation of laws while abroad, or who have gone abroad by any means after having engaged in similar activities, and against whom it is thus impossible to begin a public trial or prosecute or implement a sentence in Turkey and who despite the issuance of a call to do so do not return to the country within three months, or one month during periods of martial law or extraordinary conditions (state of siege). [...]**

An article concerning the Turkish Assyrian minority group noted that "the Turkish state [removed] the citizenship of many supposed Turco-semiteso [Turkish Christians without minority status]" and listed the names of 36 such individuals (Turkish Daily News 29 August 1996). **The Turkish Daily News also noted in 2000 that 14,000 people had their citizenship revoked as one outcome of a 1980 coup attempt (12 Sept. 2000).** » Source: Commission de l'immigration et du statut de réfugié du Canada (CISR), Turkey: Circumstances under which citizenship might be revoked, 26 août 2002: www.refworld.org/docid/3f7d4e2731.html.

Dutchnews.nl, 17 février 2017:

« **The Turkish consulate in Rotterdam has been confiscating the passports of people it says support the Gülen movement, which Ankara holds responsible for last year's failed coup, Trouw said on Friday. Several people have been told that they are listed as wanted fugitives and that they will be given a one-day passport to travel to Turkey. There they will have to appear before the courts to prove their innocence, at which point their passports will be returned.** Trouw said the Dutch government is aware of several cases but that no record is being kept of how many are affected. 'Every nation state is free to grant and revoke passports,' a foreign affairs ministry said. 'The Netherlands has no influence on this.' The Turkish ambassador to the Netherlands has refused to comment on the claims, the paper said. **At least four people have approached lawyers specialising in asylum issues but they told Trouw more people, including Kurds and journalists critical of the Ankara regime, have been affected as well.** At least one woman who is not a dual national has been rendered stateless after her passport was revoked and this has made it difficult to renew her Dutch residency permit, the paper said. » Source: Dutchnews.nl, Turkish consulate in Rotterdam revokes passports of 'Gülen supporters', 17 février 2017: www.dutchnews.nl/news/2017/02/turkish-consulate-in-rotterdam-revokes-passports-of-gulen-supporters/.

Huffington Post, 6 septembre 2016:

« The sources now reveal that Turkish Government has started another unlawful activity against his citizens. **The Turkish Government cancels the passports of some journalists, businessmen and NGO representatives through some fabricated applications.**

The first step of this conspiracy engineered by the Turkish Government is to fabricate 'a loss notice' in a newspaper on behalf of the targeted individual. Once the loss notice

appears in a paper, the Government cancels the passport. The people find out this illegal cancelation only when they are about to go abroad at the airport venue. The police seize their passports and don't let them go out. But it may also happen when you are out of Turkey. Many people who are already out of Turkey face similar difficulties during the security check at the Customs. They are told that their passports are seen 'lost' in their system and advised to visit their Embassies or Consulates to solve the problem. However, when the people go to their Embassies, their passports are being seized without any explanation.

Some aggrieved has already started legal term by means of their counselors. Those who face this conspiracy while they are abroad apply to Interpol and inform that their passports are not lost.

According to the claims, hundreds of Turkish businessmen, journalists, teachers, and bureaucrats were recorded by a team established by Police Intelligence Department and the National Intelligence Organization (MİT). Information about the names on the list prepared by these organizations are sent to the Passport Department. And the Passport units cancel the passports of the persons, whose names appear on the list. [...]

The last aggrieved of the passport conspiracy was **Mrs. Nevin İpek, the wife of Mr. Akın İpek, the President of Koza İpek Holding which was taken over by President Erdogan last year. İpek applied to Embassy of Turkey in London last week, to extend the validity of her passport. The Embassy officials seized İpek's passport, stating that there is a 'loss notice' for her passport. İpek told them that she never issued any loss notice on a newspaper in or abroad. Yet, she could not persuade the Embassy officials. [...]** » Source: The Huffington Post, How the Turkish Government Cancels The Passports of Critics, 6 septembre 2016: www.huffpost.com/entry/how-the-turkish-government-_b_10336952?guc-counter=1&guc_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLnNvbS8&guc_referrer_sig=AQAAAL9Frfl-jntfIZSs6qaOmZMGb0UilyviQopT-NTYerlkrAjclRbte_1rcgtdVrLnTPR9H111_6IPHis-I3f02ENQcmNaayLfH-8SI4Zj4HHnht3SZdvx2d-MFzkYpE5aJvflhCSBXpAD8OmiT-WQz5AAAnVR2hYcf1_EfKfV8o2BK5.

ISI, juillet 2017:

« There have been reports of the denial of consular services and related deprivations for Turkish citizens living abroad. These include the cancellation and confiscation of passports, the refusal to extend the validity of passports and the refusal to provide nationality IDs or passports to children born to Turkish citizens abroad. While the full extent of these actions is not known, the table below sets out the cases that have been brought to the attention of the Institute, during the period April - June 2017. This appears to be a growing problem. [...]

Being denied consular assistance and services results in individuals being denied access to other rights, including the right to birth registration, to obtain documents and to enter your own country. Those denied consular services do not have access to legal recourse due to a lack of due process standards. In addition to this, there have been 10 reported cases of Turkish nationals living in Cambodia, China, the Philippines and Nigeria who were not allowed to leave their countries of residence, restricting their freedom of movement.

There have also been 78 reported cases of deportation of Turkish citizens to Turkey since the attempted coup. There is a risk of such deportations being in violation of the principle of non-refoulement, in light of reports of torture and other gross human rights abuses inflicted on Turkish citizens who have been extradited to Turkey. » Source: Institute on Statelessness and Inclusion (ISI), Arbitrary deprivation of nationality and denial of consular services to Turkish citizens, juillet 2017, p.5-6: https://files.institutesi.org/policy-brief-Turkey-arbitrary-deprivation-of-nationality_2017.pdf.

NIDC, 13 juin 2018 :

*« This note describes the **Turkish national identity card, in Turkish designated as “Kimlik”**. Issuance of the kimlik is managed by the Turkish Citizenship and National Registration Office (in Turkish: “Nüfus”), which is also responsible for issuance of civil documents and passports. [...]*

The responsibility for issuance of all civil documents, such as marriage-, birth- and death certificates in Turkey, lies with the Citizenship and National Registration Office, also known by its Turkish name, “Nüfus”. Beginning from April 4th 2018, the Nüfus assumed responsibility for issuance of passports from the police. Nüfus is present in 81 Turkish cities with one general office and one smaller office in each city district. This totals 81 general offices and 927 district offices in all of Turkey.

The old kimlik model

Until the beginning of January 2017, the Kimlik card took the form of a laminated paper card with a picture of the cardholder attached under the laminate. The card features a stamp from the issuing Nüfus office, but holds no additional security features. [...]

The new kimlik model

As of January 2017, the Nüfus have begun the issuance of a new kimlik model. The new model is intended as a replacement for all previously issued kimlik, and the Nüfus is currently in the process of phasing out old Kimlik cards. The Nüfus intends to have all the old cards replaced by new ones within 7 years after the introduction of the new model. This would mean that only the new model of kimlik should be in use by January 2024.

The new credit card sized kimlik is produced in blue, green and purple colours. The background printing is in offset, while personalized information and cardholder’s primary photo is laser engraved. Like the old kimlik, the new kimlik features the cardholder’s national ID-number. This number is personal, and ends on an even number, irrespective of the cardholder’s gender. The Nüfus informed the NIDC, that the cardholder’s personal information is stored on a chip in the card, but did not disclose the exact nature of the stored information. [...]

Cancelled kimlik

The kimlik is typically replaced in connection with changes in marital status, or when the card has been worn out.

As of May 2018, the Nüfus punches holes in cancelled kimlik, but kimlik cancelled before May 2018 have neither been marked nor seized.

Kimlik issuance procedure

In order to have a kimlik issued, the citizen must appear in person at the local Nüfus office. The applicant is required to present their current kimlik and hand in a photo. Biometrics will also be collected in connection with the application. » Source: Danish National ID Centre (NIDC), Issuance procedures and security features of Turkish identity cards (Kimlik), 13 juin 2018, p.1, 3-4:
www.nidc.dk/-/media/53FEA61C516143F58A7070C84F161474.pdf.

OHCHR, mars 2018:

« Reports from civil society sources to OHCHR indicated that in July 2016 alone, 50,000 passports were cancelled in the aftermath of the coup attempt. The actual number could be much higher considering that **the emergency decrees authorize the confiscation of passports of all individuals under investigation or prosecution as well as those of their spouses.** [...]

The non-exhaustive list below illustrates the broad spectrum of the measures adopted in a large number of areas in virtue of the emergency decrees, all of which have human rights implications:

a) **Decree 667 of 23 July 2016** (12 articles) orders the permanent dissolution of over 2,000 private institutions, and grants relevant ministries the authority to close institutions not listed in Annexes of Decrees “found to be members of structure/entities, organizations or groups, or terrorist organizations, found to pose a threat to national security, or whose connection or contact with them have been found to exist.” The Decree also grants commissions established under the authority of Ministries and Chiefs of Departments to prepare lists of public officials to be dismissed due to their connections to terrorist organizations (Article 4); **provides for the cancellation of passports of dismissed individuals**; and extends the period of custody for up to 30 days. [...]

g) **Decree 673 of 24 October 2016** (12 articles) reopens 54 private education institutions closed by Decree 667; cancels 158 Government-funded stipends; and **states that confiscation of passports may also concern spouses of individuals dismissed.** [...]

OHCHR observed that dismissals were accompanied by additional sanctions applied to physical persons dismissed by decrees or through procedures established by decrees. These include a life-long ban from working in the public sector and in private security companies, which violates the right to work. **It also includes the systematic confiscation of assets and cancellation of passports, which prevents people from leaving the country, thereby constituting a violation of the freedom of movement.** [...]

Refusal to issue travel documents and revocation of citizenship

97. **Decree 667 (article 5) of 23 July 2016 provides for the cancellation of passports of individuals who are dismissed, subject to administrative action, and of those under criminal investigation or prosecution on the grounds of membership or connection or contact with terrorist organizations. Decree 673 (article 10) stipulates that the passports of spouses of individuals dismissed from their jobs may be confiscated in the name of preventing “detriment ... [to] general safety”.**

98. The **total number of passports cancelled during the state of emergency** is not known. Reports from civil society sources indicate that 50,000 passports were cancelled during the sole month of July 2016, in the aftermath of the coup attempt. As of the time of reporting, the number **may have surpassed 100,000 considering that several emergency decrees authorize cancellation of passports concerning those under investigation or prosecution as well as their spouses.**

99. OHCHR has documented cases of children separated from their parents who were prevented from legally obtaining a valid travel document in order to join their parents abroad or to seek safety with exiled relatives. In many cases, parents were reportedly compelled to illegally smuggle their children out of Turkey.

100. **On 5 June 2017, a notice was published in the Official Gazette with the names of 130 individuals residing abroad, summoning them to return to Turkey and present themselves for criminal investigations. Decree 680 (article 75) stipulates that “failure of named individuals to present themselves before the Turkish authorities will result in the revocation of their citizenship”.** OHCHR is concerned that these measures may lead to the arbitrary deprivation of nationality and to cases of statelessness. » Source: Office of the United Nations High Commissioner for Human Rights (OHCHR), Report on the impact of the state of emergency on human rights in Turkey, including an update on the South-East, January – December 2017, mars 2018, p.3,9-10, 16, 23: https://reliefweb.int/sites/reliefweb.int/files/resources/2018-03-19_Second_OHCHR_Turkey_Report.pdf.

République de Turquie, pas de date, accès le 16 décembre 2019:

« Application of New Identity Card due to the loss

Required documents

EN-Nüfus cüzdanının kaybına dair yerel emniyet yetkililerinde alınacak bir rapor ile şahsen başvuru esastır. Kişinin kimliğini ispat edeceği başka bir fotoğraflı T.C. kimlik belgesi olmaması durumunda ilgili nüfus müdürlüğü ile yazışma yapılmak suretiyle kişinin kimlik tespiti yapılır ve yeni nüfus cüzdanı düzenlenir.

Üretilen yeni nüfus cüzdanının bizzat ilgiliye, vekil tayin etmişse vekiline, ergin değilse veli veya vasisine teslimi gerekmektedir. Diğer bir deyişle, üretilen yeni nüfus cüzdanının mutlaka şahsen veya vekâletnameyle yetkili kılınan kişi tarafından teslim alınması gerekmektedir.

Temsilciliklerimizin bilgisayar sisteminde İçişleri Bakanlığı'nın nüfus kütük bilgilerinin bulunduğu veri tabanı arasında eşzamanlı bağlantı sağlanmış olduğundan, vatandaşlarımızın Temsilciliklerimize şahsi başvurularıyla aynı anda yeni nüfus cüzdanlarını almaları mümkündür. (Çevrimiçi olmayan Temsilciliklerimizde bu işlem geleneksel yöntemlerle yapılabilmekte ve vatandaşlarımızın başvuruları sonrasında bir süre beklemeleri gerekmektedir.)

Ebeveynler 18 yaşından küçük çocukları için başvuruda bulunabilirler. 18 yaşından büyüklerin şahsen müracaatı gerekir.

Evlilik birliğinin Türk mahkeme kararı ile son bulması halinde; ergin olmayan çocuğa ait nüfus cüzdanı çocuğun velayetine haiz olan ana veya babaya verilir. Anne ve baba boşanmış ise, anne veya babadan velayet sahibi olan, çocuğun nüfus cüzdanını almaya yetkilidir.

Expenditures

Valuable paper fees

TCKK Bedeli : CHF 9,00

Postal charges

TCKK Posta Bedeli : CHF 4,00

Source: République de Turquie, Procédures consulaires, Application of the new identity card due to the loss, pas de date, accès le 16 décembre 2019: www.konsolosluk.gov.tr/Procedure/ShowProcedureDetail/?procedureId=2&procedureDetailId=58.

SCF, 29 avril 2017:

« Journalist Ahmet Nesin has been denied service at the Turkish consulate in Geneva, in the latest of similar refusals targeting the government critics abroad.

Columnist at Artı Gerçek online news outlet, Nesin tweeted on Friday: “My passport has been stolen. I stopped by the consulate in Geneva yesterday. They do not give a passport. Instead, they offer me a document to return to Turkey where, they say, I would be arrested.” Nesin hinted at an outstanding arrest warrant issued against him in Turkey where more than 230 journalists have been arrested since July 15, 2016.

The refusal of counselor services to own nationals by Turkish embassies and consulates in a flagrant violation of Turkey’s international commitments as well as national laws has picked up a pace ahead of critical referendum on constitutional amendments.

Stockholm Center for Freedom (SCF), had reported systematic campaign of denial of consular services to Turkish nationals who are perceived to be critical of Turkey’s autocratic President Recep Tayyip Erdoğan. The arbitrary practices range from the seizure of passports and denial of passport renewals to not processing marriage and birth certificates and refusal of notary and document validation requests. » Source: Stockholm Center for Freedom (SCF), Turkish consulate in Geneva refuses to renew journalist Nesin’s passport, 29 avril 2017: <https://stockholmcf.org/turkish-consulate-in-geneva-refuses-to-renew-journalist-nesins-passport/>.

SCF, 2 mars 2017:

« Turkish citizens living in Nigeria, reported multiple cases of service denials by Turkish consulates for various services including birth registry and passport renewals. Turkish consulate-general in Rome was also among reported to have engaged in these unlawful practices. SCF received reports from Asian country Sri Lanka where Turkish consular officers have started rejecting applications for all kinds of consular services from Turkish expats who are believed to be critical of Erdoğan.

Among the most targeted include members of Hizmet movement, a civic group that was inspired by the US-based Muslim intellectual Fethullah Gülen whose teachings focus on science education, volunteerism, community involvement and interfaith and intercultural dialogue. Gülen is a vocal critic of Erdoğan on pervasive corruption in the government and Turkish President's support for armed radical Jihadists in Syria.

Kurds, Alevis and leftist groups were also targeted in what appears to be a mass-scale persecution campaign perpetuated by the ruling Islamist-rooted Justice and Development Party (AKP) against government critics.

SCF has learned that the consul generals are instructed by Turkish capital to implement this undeclared policy of refusal of services to critics. Afraid of being named and shamed by Turkey's partners and international organizations, consulate generals are also ordered to decline requests by rejected applicants to receive a written document explaining why the services were denied. In one such case, an applicant told SCF that he asked the name of the consular officer who engaged in such a practice but the officer declined to reveal his identity. The officer also admitted that he was under strict instructions from Turkish Foreign Ministry to not produce any document detailing the reasons for the refusal.

SCF calls all Turkish citizens abroad to report the abuse of consular functions in Turkish embassies and consulates to the UN offices in respected countries or inform the Office of UN High Commissioner for Human Rights (OHCHR) in Geneva. The host countries' foreign ministries should also be made aware of these practices.» Source: Stockholm Center for Freedom (SCF), Turkish gov't systematically denies consular services to critics abroad, 2 mars 2017: <https://stockholmcf.org/turkish-govt-systematically-denies-consular-services-to-critics-abroad/>.

L'OSAR est l'association faîtière nationale des organisations suisses d'aide aux réfugiés. Neutre sur le plan politique et confessionnel, elle s'engage pour que la Suisse respecte ses engagements en matière de protection contre les persécutions conformément à la Convention de Genève relative au statut des réfugiés. Les activités de l'OSAR sont financées par des mandats de la Confédération et par des dons de particuliers, de fondations, de communes et de cantons.

Vous trouverez les publications de l'Organisation suisse d'aide aux réfugiés OSAR sur la Turquie ainsi que sur d'autres pays d'origine de requérant-e-s d'asile sous www.osar.ch/pays-dorigine.

La newsletter de l'OSAR vous informe des nouvelles publications. Inscription sous www.osar.ch/newsletter.