



**TURKISH REPUBLIC OF NORTHERN CYPRUS  
(OMBUDSMAN)**

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## **OMBUDSMAN OF THE TURKISH REPUBLIC OF NORTHERN CYPRUS**

### **1. FIRST OMBUDSMAN MR. ATALAY**

Mr. Nail Atalay, formerly Auditor General (1985-1997) and the first representative of the TRNC to the U.N. in New York (1974-1985), was appointed the first Ombudsman of the Turkish Republic of Northern Cyprus in January 1997.

### **2. ARTICLE 114 OF THE CONSTITUTION**

Article 114 of the TRNC Constitution under the title ‘Ombudsman’ is as follows:

- (1) An Ombudsman shall be appointed by the President of the Republic with the approval of Parliament to control whether any service or act of the administration has been carried out in accordance with the legislation on force and court decisions or to control any service or act done by or on behalf of any executive or administrative unit or officer and to carry out enquiries and submit reports on such services and acts and to perform any other duties specified in the law.
- (2) The qualifications, powers and duties of the Ombudsman shall be regulated by law.  
The conditions for the dismissal of the Ombudsman shall be the same as those applied to a member of the Supreme Court.
- (3) Matters connected with judicial organs, foreign policy and defence are not included in the duties of the Ombudsman.

### **3. OMBUDSMAN LAW**

The Parliament of the Turkish Republic of Northern Cyprus (TRNC), on 16<sup>th</sup> July 1996, adopted the Law NO:38/1996 for the appointment of an Ombudsman and the establishment of the Ombudsman’s Office. (Section 3)

#### **4. OMBUDSMAN'S MISSION**

This Law defines the Ombudsman's mission as controlling whether any service or act of the administration has been carried out in accordance with the legislation in force and court decisions, controlling any service or act done by or on behalf of any executive or administrative unit or officer, carrying out enquiries and submitting reports on such services and acts to the authorities. (Section 3)

#### **5. APPOINTMENT OF THE OMBUDSMAN**

According to Section 4 of the Ombudsman Law, the Ombudsman is appointed by the President of the Republic with the approval of Parliament. For the approval of the Ombudsman by Parliament, a two-thirds majority (34) is required in the first instance out of the total number of seats in Parliament which is 50. Failing that, the candidate must secure an absolute majority of 26 in subsequent ballots. (Section 4(1))

#### **6. TAKING THE OATH**

The Ombudsman takes the following oath in the presence of the President of the Republic before assuming his office. (Section 4 (2)).

“I do swear upon my honour that as Ombudsman I shall devote myself to the Turkish Cypriot people and to the Turkish Republic of Northern Cyprus; that I shall preserve the Constitution of the Turkish Republic of Northern Cyprus, its laws and other legislations in force and that I shall carry out my duties only in accordance with my conscience and with honesty, integrity, impartiality and with respect to the rights of others”.

#### **7. THE POWERS AND DUTIES OF THE OMBUDSMAN**

The Powers and duties of the Ombudsman are stated in Section (9) of the Ombudsman Law. These are:

--- To control, investigate and report on organs, authorities and public enterprises which have administrative and executive powers in the TRNC and with exception of those enumerated in the Constitution and the Ombudsman Law to ensure that the legislation in force and court decisions are properly implemented.

--- To follow whether a duty given to an administrative organ is duly performed or not, and if it is not, to demand explanations for non-performance.

--- To warn the proper authority with regard to any unlawful activity on its part.

--- To ask from the Public Service Commission to interdict any public servant whose conduct is under investigation.

## **8. SUBJECTS OUTSIDE THE OMBUDSMAN'S AUTHORITY**

Section 13 of the Ombudsman Law provides that:

The Ombudsman is not empowered to deal with the following subjects:

(A) Powers and Duties given by the Constitution and the Laws to the authorities and organisation named below:

- a) President
- b) Parliament
- c) Council of Ministers
- d) Courts
- e) Office of the Attorney-General
- f) Public Service Commission
- g) Office of the Auditor-General
- h) Police.

(B) Foreign policy and defence.

## **9. COMPLAINTS TO THE OMBUDSMAN**

Section 15 of the Ombudsman Law empowers the Ombudsman to conduct enquiries either on the basis of individual complaints or on his own initiative. The Ombudsman may start enquiries based on media reports and also as a result of his own observations. Any individual who claims that he/she was treated unjustly may apply to the Ombudsman by filling and signing the standard complaint form prepared by the Ombudsman's Office.

According to Section 15(2) and 15(3) of the Ombudsman Law, the Ombudsman carries out a preliminary investigation whether the case in question is before the Courts or whether it is being investigated by the Police Authorities. If it is so, the he sends a written response to the complainant and informs him/her that the complaint shall be dealt with only after the conclusion of the investigation by the Attorney-General's Office or the Police Authorities.

## **10. OMBUDSMAN'S REPORTS**

The Ombudsman presents a detailed report about his work to the Speaker of Parliament every six months. He also sends this report to the President and the Prime Minister. His report is open to the press. (Section 16(1))

The Ombudsman prepares a report which includes his own observations as well as of those he deems fit to question in every investigation that he carries out. He submits his report to the Speaker of the Parliament as well as to the President and the Prime Minister. If the investigation has been initiated upon the request of a person who alleges to have been wronged, a copy of his report is also sent to that person. (Section 16 (2)).

If the Ombudsman's report adversely affects the public servant, his/her "defence" must be attached to the report. No report will be deemed to be adverse unless the said "defence" is included in the report. (Section 22(2))

## **11. POWERS OF ENQUIRY**

While carrying out his duties, the Ombudsman can contact any official including the President, Speaker of Parliament, Prime Minister, Ministers, Chairmen of Independent Organisations of the State, Chairmen of the Board of Directors of Public Enterprises or their General Directors and can demand to see all the relevant files. The Ombudsman, however, can examine documents classified as 'top secret' under the constitution and the Laws, only with the prior consent of the authority. (Section 16(3)).

## **12. CONFIDENTIALITY**

All information, oral or documentary, obtained during the course of the enquiries and the investigations carried out during the preparation of the report are confidential and neither the Ombudsman nor his staff may divulge any of this information unless ordered to do so by the court. (Section 23)

## **13. HOW TO CONTACT THE TRNC OMBUDSMAN?**

- By mail  
The TRNC Ombudsman  
İsmet Paşa Mahallesi, Celaliye Sokak, No:2-4, İnönü Meydanı  
Lefkoşa, Turkish Republic of Northern Cyprus  
Mersin 10, Turkey.
- By telephone

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