

To the Department for Execution of Judgments of the
European Court of Human Rights,
Committee of Ministers of the Council of Europe
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Chișinău, 26 January 2026

COMMUNICATION

in accordance with Rule 9.2 of the Rules for the supervision of the execution of judgments
OZDIL AND OTHERS v. MOLDOVA (Application No. 42305/18)

1. This submission is presented by the [Legal Resources Centre from Moldova](#) (LRCM) and [Promo-LEX Association](#) in the context of the consideration of execution by the Republic of Moldova of the [Ozdil and others case](#).
2. This communication is submitted jointly pursuant to Rule 9.2 of the Rules of the Committee of Ministers for the supervision of the execution of judgments. It provides a comprehensive assessment of the general and individual measures undertaken by the Republic of Moldova to execute the judgment of the European Court of Human Rights ("the Court" or "ECtHR") in the case of *Ozdil and Others v. the Republic of Moldova* (Judgment of 11 June 2019, final on 11 September 2019).
3. The present submission specifically addresses developments that have occurred since the last [NGO communication](#) dated 25 April 2024 and the Committee of Ministers' ("CM") most recent examination of the case during the [1501st meeting](#) (Human Rights) in June 2024. It relies on an extensive review of primary sources, including the Government's [Updated Action Plan](#) of 5 January 2026 (DH-DD(2026)35), recent domestic court decisions from the Supreme Court of Justice and the Constitutional Court, and legislative acts concerning national security.
4. The *Ozdil* case concerns the extra-legal transfer of five Turkish nationals - teachers at the Orizont Lyceum - from the Republic of Moldova to Türkiye on 6 September 2018. The Court found violations of Article 5 § 1 (right to liberty and security) and Article 8 (right to respect for private and family life) of the Convention, noting that the operation was "neither lawful nor necessary" and circumvented all domestic and international guarantees offered to the applicants. The operation was conducted by the Security and Intelligence Service (SIS) in collaboration with Turkish counterparts, bypassing the Bureau for Migration and Asylum (BMA) and judicial review mechanisms.
5. In its decision of June 2024, the Committee of Ministers recalled the gravity of these violations, characterizing them as an "unlawful, unnecessary and arbitrary deprivation of liberty". The Committee set a deadline of 15 January 2025 for the authorities to provide updated information on critical issues, including the applicants' situation, the criminal accountability of high-level officials, and the establishment of effective oversight mechanisms for the SIS.

6. While the Government submitted an Updated Action Plan on 5 January 2026, our analysis reveals that the execution of this judgment remains incomplete, particularly regarding the effective investigation of high-level decision-makers, the finalization of judicial accountability for the former SIS leadership, and the operationalization of independent parliamentary oversight. This report details these persisting gaps and offers recommendations for the continued supervision of the case under the enhanced procedure.

THE APPLICANTS' SITUATION IN TURKEY AND TRANSFER TO MOLDOVA

A. The continued detention of applicant Yasin Özil

7. The situation of Mr. Yasin Özil remains a matter of urgent concern. According to the Government's Updated Action Plan of January 2026, information provided by the Turkish authorities on 16 December 2024 confirms that Mr. Özil continues to be detained in prison in Türkiye. This detention is the direct result of the extra-legal transfer found to be a violation of the Convention by the ECtHR.
8. The Committee of Ministers, in its decision of June 2024, "strongly encouraged the authorities to take the necessary diplomatic action to facilitate the applicants' return to the Republic of Moldova, if the latter so wish". The principle of *restitutio in integrum* requires the respondent State to put the applicant, as far as possible, in the position he would have been had the violation not occurred. For Mr. Özil, this entails release from the detention that resulted from the unlawful transfer and his safe return to Moldova.
9. The Government reports that on 13 November 2025, it sent a repeated request to the Turkish authorities regarding Mr. Özil's situation. This communication specifically requested updated information and raised the issue of his "possible transfer to serve his sentence in the Republic of Moldova".
10. We note with deep concern that, as of 2 January 2026, the Government has received no response to this request from the Turkish authorities. This silence persists despite the friendly relations often touted between the two states. The lack of progress on Mr. Özil's transfer suggests that the diplomatic efforts employed thus far have been insufficient or lack the necessary political weight. Merely sending requests without achieving tangible results does not satisfy the obligation to take "necessary diplomatic action."
11. Furthermore, framing the request as a transfer to "serve his sentence" in Moldova relies on the mechanisms of the Convention on the Transfer of Sentenced Persons. As noted in the Government's previous replies, this mechanism typically requires the consent of the sentencing state (Türkiye) and the sentenced person. Given the political nature of the convictions in Türkiye (related to the Gülen movement), relying solely on standard judicial cooperation channels appears ineffective. We submit that high-level political dialogue is required to resolve Mr. Özil's situation, viewing his return not just as a standard prisoner transfer, but as a remediation for a grave human rights violation committed by Moldovan state agents.

B. Situation of the Other Applicants (Release and Mobility)

12. We acknowledge the new information provided regarding the other four applicants: Mr. Riza Dogan, Mr. Mehmet Tüfekçi, Mr. Mujdat Celebi, and Mr. Sedat Hasan Karacaoglu. The Government's Action Plan indicates that these individuals have been released from detention by the Turkish authorities.
13. According to data from the Moldovan Inspectorate of Border Police, cited in the Action Plan, these four applicants "regularly cross the border of the Republic of Moldova both in the direction of entry and exit, without any restrictions imposed in this regard". Promo-LEX, acting as Mr. Tüfekçi's representative, confirms that he is currently present in the Republic of Moldova. This is a significant development. In our April 2024 communication, we reported that Mr. Tüfekçi, although released in June 2023, was unable to leave Türkiye because authorities

refused to issue him a passport. We welcome this development as it partially restores the applicants' freedom of movement and ability to reunite with their families in Moldova.

14. Furthermore, the Action Plan fails to indicate whether these individuals have benefited from any rehabilitation services upon their return. As victims of an unlawful deprivation of liberty and prolonged detention resulting from the State's actions, they require specific medical, psychological, and social assistance to facilitate their reintegration. The absence of information on this matter suggests that the authorities have not yet prioritized the holistic rehabilitation of the victims beyond their physical admission to the territory.

THE APPLICANTS' JUDICIAL PROCEEDINGS TO SEEK ASYLUM PROTECTION

15. The stability of the applicants' residence in Moldova is contingent upon their legal status. Following the annulment of the arbitrary decisions declaring them "undesirable," the restoration of their asylum or residence status is a key individual measure.

A. Status of Mr. Dogan, Mr. Tüfekçi, and Mr. Celebi

16. As reported in previous cycles, the Chisinau Court of Appeal, by decisions on 4 and 11 October 2023, annulled the rejection of asylum applications for Mr. Riza Dogan, Mr. Mehmet Tüfekçi, and Mr. Mujdat Celebi. Consequently, on 27 December 2023, the General Inspectorate for Migration (GIM) issued decisions granting them refugee status. This status provides them with protection against refoulement and rights of residence in Moldova.

B. Status of Mr. Karacaoglu and Mr. Özil

17. The situation regarding Mr. Sedat Hasan Karacaoglu and Mr. Yasin Özil has been more complex. In our April 2024 communication, we raised concerns that the asylum rejection decisions for these two applicants had not been revoked, potentially leaving them vulnerable.

18. The Government's 2026 Action Plan clarifies the status of the applicant group as follows: "three applicants who have refugee status" and "one of the applicants who has a permanent residence in the Republic of Moldova". By deduction, if Dogan, Tüfekçi, and Celebi are the refugees, Mr. Karacaoglu is likely the applicant with permanent residence. This status allows him to reside and work in Moldova, provided it is not revoked.

19. Regarding Mr. Özil, who remains in prison, the Government has previously argued that it cannot *ex officio* annul the asylum rejection and that he must submit a new application under Article 78 of Law no. 270/2008 on Asylum. We reiterate our stance that this formalistic approach is insufficient. Mr. Özil is in detention due to the wrongful acts of the Moldovan state. He is physically unable to present himself at the border or GIM offices to lodge a new application.

20. To ensure *restitutio in integrum*, the Moldovan authorities should explore legal mechanisms to grant Mr. Özil protection status *in absentia* or issue a commitment to grant such status immediately upon his transfer. This would facilitate any prisoner transfer agreement by providing a clear legal basis for his presence in Moldova.

JUDICIAL PROCEEDINGS AGAINST HIGH-LEVEL ACTORS

21. The criminal accountability of those responsible for the extra-legal transfer is a central component of the general measures. The proceedings against Mr. Vasile Botnari, the former Director of the Intelligence Service (SIS), has been protracted and marked by procedural obstacles hindering the victims' participation.

A. The Conviction and the lenient sentence

22. We recall that on 15 July 2020, Mr. Botnari was convicted by the Chisinau Court (Buiucani seat) for abuse of office committed by a person holding a position of public dignity (Article 327 § 2

(b) of the Criminal Code). The case was heard in a closed, simplified procedure. He was sentenced to a fine of 88,000 MDL (approximately €4,500) and a ban on holding public office for 5 years.

23. This sentence was widely criticized by civil society and the victims as disproportionately lenient, given the gravity of the offense - an operation involving the abduction and transfer of seven individuals to a country where they faced a real risk of ill-treatment. The prosecutor did not appeal this sentence.

B. The Supreme Court of Justice Decision of 19 November 2024

24. A significant development occurred on 19 November 2024, when the Supreme Court of Justice (CSJ) delivered its [decision](#) on the appeals in this case. The panel was composed of judges Stella Bleșceaga (President), Ghenadie Eremciuc, and Lilia Roic-Botezatu.

25. The CSJ examined the appeal lodged by Mrs. Galina Tüfekçi, the wife of applicant Mehmet Tüfekçi. Mrs. Tüfekçi had challenged the lenient sentence and the prosecutor's order of 16 January 2020, which had stripped her of "injured party" status to prevent her from participating in the trial. The Chisinau Court of Appeal, in a decision of 16 February 2023, had acknowledged that the withdrawal of her status was illegal but paradoxically declared her appeal against the sentence inadmissible because she did not formally have victim status at the moment of filing.

26. In its November 2024 decision, the Supreme Court admitted Mrs. Tüfekçi's appeal on points of law regarding the dismissal of her appeal. The Court found a contradiction in the lower court's reasoning: it was illogical to annul the prosecutor's order stripping her of rights while simultaneously denying her the remedy (the appeal) that those rights would have afforded her.

27. The SCJ explicitly cited the Committee of Ministers' guidelines on eradicating impunity, affirming that in cases of "particularly grave violations of human rights" (such as violations of Articles 5 and 8 in this context), the victim's right includes contesting the severity of the punishment, not just seeking compensation.

28. The SCJ quashed the decision of the Chisinau Court of Appeal of 16 February 2023 in the part dismissing Mrs. Tüfekçi's appeal and ordered the retrial of the case by the appellate court, in a different panel.

29. The appeals lodged by the prosecutor and the convict's lawyer were declared inadmissible because they had not utilized the remedy of appeal (*apel*) at the appropriate stage before approaching the Supreme Court.

30. This decision is a crucial step toward potentially revising the lenient sentence imposed on Mr. Botnari. It legally reinstates Mrs. Tüfekçi as an injured party with full procedural rights, including the right to demand a harsher punishment for the perpetrator.

31. Nevertheless, the practical resumption of these proceedings at the Chisinau Court of Appeal has been characterized by procedural stagnation rather than substantive progress. An examination of the judicial schedule for case no. [1-20014912-02-1r-25112024-2](#) reveals a concerning pattern of delays that has left the matter unresolved for over a year since the retrial commenced.

32. Throughout 2025 and early 2026, approximately nine hearings were organized, yet the court has failed to reach a solution on the merits. The proceedings have been punctuated by repeated postponements - ranging from requests for "additional study" in April 2025 to the "impossibility of forming the panel" in June 2025 - as well as complex procedural hurdles, such as the recusal challenges raised in the summer of 2025 and the suspension for the constitutional exception in July. Even following the resumption of the case, stability remains elusive; notably, during the hearing of 15 January 2026, a request for abstention was admitted, necessitating yet another reconfiguration of the judicial panel. Consequently, as of the date of this submission, with a hearing scheduled for 22 January 2026, the retrial has effectively stalled, raising valid concerns about the expeditiousness of the remedy and the risk of further prolonging the applicants' uncertainty, ultimately creating a serious risk that the statutory limitation period will expire.

C. The Constitutional challenge and delay (2025)

33. Following the remittal of the case to the Central Court of Appeal (Chisinau) for retrial, the proceedings were suspended on 10 July 2025. This suspension was due to an exception of unconstitutionality raised by Mr. Botnari.
34. Mr. Botnari challenged Article 73(4) of the Law on Normative Acts and Article 10(1) of the Criminal Code. He argued that a new amendment to Article 327 of the Criminal Code (Abuse of office), which entered into force on 7 June 2024, constituted a "more favorable criminal law" (*lex mitior*). He claimed the existing provisions unconstitutionally restricted the court from applying this more favorable law by focusing only on the sanction rather than the elements of the crime.
35. On 5 December 2025, the Constitutional Court issued [Decision no. 182](#), declaring the exception inadmissible.
36. The Court held that the challenged provisions do not restrict the constitutional principle of non-retroactivity (Article 22) but rather implement it.
37. It noted that Mr. Botnari's arguments regarding the change of legal classification (Article 325 CPP) had already been addressed in previous inadmissibility decisions (nos. 68/2016 and 74/2020) and that sufficient procedural guarantees exist.
38. The Court concluded that the referral was essentially a disagreement with the judicial interpretation of the law, which falls outside constitutional jurisdiction.
39. We urge the Committee of Ministers to monitor this retrial closely. It provides the only remaining opportunity to pursue accountability on the former SIS head that is proportional to the gravity of the violations found by the ECtHR.

D. Investigative actions in 2025

40. The Committee of Ministers has consistently invited authorities to "step up their efforts" to investigate the involvement of other "higher-level actors" in the events. In our April 2024 submission, we described the investigation started in 2022 as inefficient, noting a lack of suspects.
41. The Government's Action Plan of January 2026 provides an update on criminal case no. 2022924006, initiated on 16 February 2022 under Article 164 (Kidnapping) and later expanded to include Article 328 (Excess of power).
42. According to the Government, the following actions were taken in 2025:
43. Prosecutors have established that "other persons working in the Ministry of Internal Affairs and the SIS," who were previously heard only as witnesses in the Botnari case, "participated in the commission of the offence under Article 328 of the Criminal Code".
44. Investigators analyzed materials from the Ministry of Foreign Affairs archives (2016–2020) regarding diplomatic relations and visits. This analysis allowed for the "identification of other officials, including high-ranking ones, who had interacted with their Turkish counterparts... and had taken actions both for and against the whole process of extradition".
45. Information was requested from the Presidency regarding the renovation of its premises by Turkish representatives, linking the investigation to potential political motivations/quid pro quo.
46. In 2025, applicants Sedat Hasan Karacaoglu, Mehmet Feridun Tüfekçi, and Mujdat Celebi were formally recognized and heard as injured parties in this investigation.
47. A group of officers from the National Investigation Inspectorate (MIA) was instituted to carry out special investigative measures, including collecting information on "several persons holding official positions, including high-ranking officials, as well as persons from the business community".
48. We acknowledge the formal recognition of the applicants as injured parties, which remedies a significant procedural defect identified in our previous reports. However, we note with concern

that despite identifying "high-ranking officials" and "participants" from the MIA and SIS, the Government's report does not confirm that any person has been formally indicted or charged as a suspect in this specific case.

49. The investigation has now been ongoing for four years (since Feb 2022). The "identification" of actors without pressing charges suggests a lingering reluctance to hold political decision-makers accountable. The statute of limitations for these crimes (abuse of office, kidnapping) is a concern, and further delays jeopardize the possibility of criminal liability. We maintain that the investigation must move from fact-finding to prosecution.

ACCESS TO CASE MATERIALS / STATE SECRET ISSUES

50. The issue of access to classified case materials remains a barrier to effective remedies. The Committee of Ministers invited the authorities to provide reasoning for non-disclosure and indicate safeguards.
51. The Government states that the criminal case against Mr. Botnari was declassified on 7 April 2022 and that Mrs. Tüfekçi's lawyer was granted access to the file on 20 July 2022. However, the Government admits that two specific documents remain restricted. These documents were placed in a "restricted" envelope by the Chisinau Court of Appeal based on a letter from the SIS Head dated 10 June 2022, asserting that declassification would "harm the interests of the state".
52. We submit that this restriction is unlawful under Article 8 para. (1) a) of the Law on State Secret (No. 245/2008), which explicitly prohibits classifying information regarding violations of human rights and freedoms.
53. The current legal framework allows the body that classified the information (in this case, the SIS—the agency responsible for the violation) to have the final say on declassification. There is no effective mechanism for a judge to override this refusal based on the public interest or the rights of the defense *independently* of the SIS's assessment. The "safeguard" of the lawyer viewing the document in court is insufficient if they cannot reference its contents in public filings or use it to build a broader case for accountability. We reiterate our recommendation for legislative amendment to transfer declassification authority in such cases to the judiciary.

THE SECRET SERVICE OVERSIGHT

54. Preventing the recurrence of arbitrary actions by the security services is the core objective of the general measures. The Government relies on the new Law no. 136 on the Security and Intelligence Service (8 June 2023) and Law no. 179 on counterinformative and external informative activity (7 July 2023) as evidence of reform.
55. The new laws establish a "fourfold system of control": internal, prosecutorial, judicial, and parliamentary. A significant addition is the "ex-post control mechanism". After a counter-intelligence measure (e.g., surveillance) is completed, the judge who authorized it must verify the legality of the execution. If found illegal, the measure is annulled, and the Prosecutor's Office is notified. The law prohibits authorizing measures that interfere with lawyer-client privilege or identify journalistic sources. It also mandates notifying individuals that they have been subjected to measures.
56. The Committee of Ministers specifically requested information on the "functioning in practice" of the oversight system.
57. The Government reports that a parliamentary subcommittee for SIS control has been created within the Committee for National Security, Defense and Public Order.
58. However, critical deficiencies remain in the practical implementation:
59. As of January 2026, the Government admits that the Regulation on the establishment and activity of this subcommittee is still "being drafted" and "finalized". This delay means the

detailed mechanism for parliamentary scrutiny is not yet formally in place more than two years after the law's adoption.

60. While the law grants the subcommittee access to state secrets, it explicitly excludes access to "special files and information on ongoing operations" and the identity of confidential collaborators. This limitation, highlighted by the Venice Commission, prevents the subcommittee from investigating operations like the *Ozdil* transfer in real-time or reviewing specific operational files to detect abuse.
61. The Government's report describes the *legal provisions* for annual reporting but does not confirm that the SIS Director actually presented a substantive report to the subcommittee in 2025, nor does it cite any specific instance where the subcommittee exercised its power to request an inquiry or notify the prosecutor.
62. We conclude that while the legislative framework has improved on paper, the parliamentary oversight mechanism remains nascent and practically unproven. The failure to adopt the subcommittee's Regulation by 2026 indicates a lack of urgency in operationalizing civilian control over the intelligence sector.

RECOMMENDATIONS

63. In light of the foregoing, Promo-LEX and LRCM call upon the Committee of Ministers to maintain the enhanced supervision of the *Ozdil and Others* case and to address the following specific recommendations to the Moldovan authorities:

Individual measures (Özdil)

1. Elevate the issue of Mr. Yasin Özil's return to the highest political level. The authorities should not passively await a response from Türkiye but must actively propose a mechanism for his transfer or return, citing the State's obligation to provide *restitutio in integrum*.

Individual measures (Legal status)

2. Provide clear confirmation of the legal status (refugee or permanent residence) of all returned applicants and ensure their residence permits are secure against revocation. Facilitate the *in absentia* processing of asylum or humanitarian protection status for Mr. Özil to remove legal barriers to his potential return.

Individual measures (Rehabilitation)

3. Ensure the provision of comprehensive rehabilitation services to the applicants who have returned to the Republic of Moldova. The authorities must guarantee access to necessary medical, psychological, and social assistance to address the consequences of their unlawful detention and facilitate their effective reintegration into society.

Individual measures (Citizenship)

4. The President of the Republic of Moldova should consider the necessity and possibility of granting Moldovan citizenship to Mr. Mehmet Tüfekçi, in accordance with his specific request, as an exceptional measure of reparation. This would provide him with the highest level of legal protection and demonstrate the State's commitment to remedying the grave violations of his rights.

Botnari retrial

5. Ensure that the retrial of Mr. Vasile Botnari at the Central Court of Appeal proceeds without further delay. The prosecution must advocate for a sentence that is proportionate to the gravity of the human rights violations (unlawful deprivation of liberty, abduction) as affirmed by the Supreme Court of Justice's recent decision.

High-Level Investigation

6. Set a clear timeline for concluding the investigation into "other high-level actors" (Case no. 2022924006). The authorities must move from "identifying" officials to issuing **indictments** against those who politically coordinated or facilitated the operation.

State secrets

7. Amend the Law on State Secret to ensure that the authority to declassify information in criminal proceedings involving human rights violations rests with an independent judicial body, not the agency (SIS) implicated in the alleged abuse.

Parliamentary oversight

8. Urgently adopt the Regulation for the Parliamentary Subcommittee on SIS oversight. The Regulation should interpret the law's access provisions as broadly as possible, ensuring the subcommittee can review specific operational files when credible allegations of human rights violations arise.

Promo-LEX Association

Legal Resources Centre from Moldova (CRJM)

26 January 2026