



**Permanent Mission of Ukraine**  
to the UN Office and other International  
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The Permanent Mission of Ukraine to the United Nations Office and other International Organizations in Geneva presents its compliments to the Special Procedures Branch of the Office of the United Nations High Commissioner for Human Rights and, with the reference to AL UKR 1/2026 of 10 April 2026 and further to its Note Verbale N<sup>o</sup> 827/017 of 27 May 2026, has the honour to transmit the response of the Office of the Prosecutor General of Ukraine to the Joint Communication from the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

The Permanent Mission of Ukraine to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Special Procedures Branch of the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Encl: as stated, on 5 pages



Geneva, 9 June 2026

Special Procedures Branch of the  
Office of the United Nations  
High Commissioner for Human Rights

Geneva

**UKRAINE****in response to the Joint Communication from the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression****the following information was provided by the Office of the Prosecutor General of Ukraine**

Following the review of a letter from the Ministry of Foreign Affairs of Ukraine requesting clarification and comments in response to the request, received from the Special Procedures of the UN Human Rights Council regarding Mr. Vitaliy Shabunin's complaint concerning alleged unlawful actions against him.

**Regarding the events of 17 July 2018**

On 18 July 2018, the Investigation Department of the Shevchenkivskyi Police Division of the Main Directorate of the National Police in Kyiv entered information into the Unified Register of Pre-trial Investigations (the "Register") regarding criminal proceedings on the fact of committing a criminal offense stipulated by Part 1 of Article 125 ("Intentional Light Bodily Injury") and Part 2 of Article 296 ("Hooliganism") of the Criminal Code of Ukraine (hereinafter- the CC of Ukraine). Specifically, this concerns a gross violation of public order committed by a group of persons motivated by flagrant disrespect for society, which took place on 17 July 2018, near the building of the Specialized Anti-Corruption Prosecutor's Office. During this incident, citizen Mr. Vitaliy Shabunin sustained bodily injuries.

On 30 September 2019, the bill of indictment in the criminal proceedings against citizen Mr. ■, accused of committing a criminal offense stipulated by Part 2 of Article 296 of the CC of Ukraine, was forwarded to the Shevchenkivskyi District Court of Kyiv for consideration on the merits.

On 09 June 2019, the criminal proceedings regarding Part 1 of Article 125 of the CC of Ukraine were terminated under paragraph 2 of Part 1 of Article 284 of the Criminal Procedural Code of Ukraine (hereinafter- the CPC of Ukraine).

During the trial, citizen Mr. ■ was conscripted into military service in military unit A4150.

Consequently, by the decision of the Shevchenkivskyi District Court of Kyiv of 06 December 2023, the judicial proceedings were suspended for the duration of citizen Mr. ■'s military service.

As of today, the prosecutor sent a request to the Ministry of Defence of Ukraine to update information regarding the continuation of citizen Mr. ■'s military service.

**Regarding the events of 23 July 2020, 30 December 2020 and 31 December 2020**

On 23 July 2020, investigators of the Investigation Department of the Main Directorate of the National Police in Kyiv Region entered information into the Register regarding criminal proceedings, which were subsequently consolidated with proceedings registered on 31 December 2020, and 14 January 2021, into a single core case. This consolidated proceeding addresses the facts of committing criminal offenses stipulated by Part 1 of Article 129 ("Threat of Murder"), Part 2 of Article 194 ("Intentional Destruction of or Damage to Property"), and Part 4 of Article 296 ("Hooliganism") of the CC of Ukraine, specifically regarding threats of murder, property damage, and hooliganism directed against citizen Mr. Vitaliy Shabunin and his family members, which occurred in July and December 2020.

It is worth noting that the pre-trial investigation authority is implementing a comprehensive set of necessary investigative (operative) and procedural measures aimed at ensuring an effective, comprehensive, and impartial investigation into the circumstances of the criminal offenses. The pre-trial investigation is conducted in compliance with the requirements of the criminal procedure

legislation of Ukraine and Ukraine's international obligations in the field of human rights protection, particularly the provisions of Articles 2, 3, and 13 of the Convention for the Protection of Human Rights and Fundamental Freedoms, as well as the case-law of the European Court of Human Rights, according to which the State is obliged to ensure an effective official investigation into facts of violence, threats to life, and other serious human rights violations.

Specifically, during the pre-trial investigation, a comprehensive set of investigative (operative) and procedural actions was conducted, aimed at a comprehensive, full, and impartial examination of the circumstances of the criminal offenses, including:

- 5 inspections of the crime scene, adjacent territory, and a vehicle;
- 15 video recordings from surveillance cameras seized and examined;
- 7 interrogations of victims and over 130 interrogations of witnesses conducted;
- 6 searches conducted;
- 8 temporary accesses to items and documents containing legally protected secrets executed;
- 8 forensic examinations assigned and completed;
- 60 covert investigative (operative) actions conducted;
- repeated instructions issued to operational units, specifically regarding identifying eyewitnesses to the crimes, locating individuals involved in their commission, vetting individuals previously convicted of similar offenses, and conducting radio-technical reconnaissance in the territory adjacent to the crime scene, etc.

At present, the pre-trial investigation in the criminal proceedings is ongoing.

#### **Regarding criminal charges against Mr. Vitaliy Shabunin**

On 15 December 2023, the Third Investigation Department of the Territorial Directorate of the State Bureau of Investigation entered information into the Register regarding the commission of criminal offenses by citizen Mr. ■ stipulated by Part 1 of Article 364 (“Abuse of Power or Official Position”) and Part 5 of Article 27, Part 4 of Article 409 (“Evasion of Military Service by Self-Mutilation or Otherwise”) of the CC of Ukraine, and the commission of criminal offenses by citizen Vitaliy Shabunin stipulated by Part 4 of Article 409 (“Evasion of Military Service by Self-Mutilation or Otherwise”) and Part 2 of Article 190 (“Fraud”) of the CC of Ukraine.

#### Justification of the suspicion against Mr. Vitaliy Shabunin of committing a criminal offense:

It was established that soldier Mr. Vitaliy Shabunin, a driver-electrician of the radio station of the information and telecommunications hub of military unit A7376, acting with the complicity of the commander of military unit A7376, Mr. ■, within the period from September 2022 to February 2023, for the purpose of evading the performance of military service duties by submitting letters from the National Agency on Corruption Prevention (the “NACP”) to military unit A7376 with requests to dispatch him to perform tasks for the said agency, was seconded to the specified institution. However, he was not under the subordination of any structural division of the NACP, and consequently, did not perform any tasks in the interests of state defence and security, nor any official duties in accordance with the powers of the NACP, arriving only to receive his secondment letters, while spending the rest of his time on personal matters unrelated to the performance of military service duties.

Furthermore, Mr. Vitaliy Shabunin, acting intentionally and by deceit, while failing to perform military service duties and tasks corresponding to the functions and objectives of the NACP, and spending time at his own discretion in Kyiv, misappropriated funds allocated by the financial unit assigned to military unit A7376 as allowances for a serviceman of the Armed Forces of Ukraine, which resulted in losses to the state budget in the person of military unit A4076 totalling 224,249 UAH.

Within the framework of the criminal proceedings, on 15 July 2025, a preventive measure in the form of a personal commitment was imposed on Vitaliy Shabunin, with the assignment of duties stipulated by Part 5 of Article 194 of the CPC of Ukraine, the duration of which was extended on 19 August 2025, and 17 October 2025.

On October 28, 2025, the bill of indictment against citizen Mr. [REDACTED] And Mr. Vitaliy Shabunin was sent to the Pecherskyi District Court of Kyiv for consideration on the merits.

At present, the issue regarding the extension of the duration of the duties remains unresolved, as during the preliminary hearing on 05 November 2025, the defence filed a request for the withdrawal of Judge Ms. [REDACTED] which was granted by the investigating judge.

During the preliminary hearing on 22 January 2026, Vitaliy Shabunin's defence counsels filed a repeated request for the withdrawal of Judge Mr. [REDACTED] which was dismissed.

Subsequently, during the preliminary hearing on 17 April 2026, the defence counsels of citizen Yu. filed a request to determine jurisdiction, which was denied by the court.

The trial in the specified criminal proceedings is ongoing.

### **Regarding the searches conducted at the residence of Mr. Vitaliy Shabunin**

In the criminal proceedings dated December 15, 2023, between July 11, 2025, and July 12, 2025, in connection with available information regarding the possible destruction of evidence, for the purpose of preserving it, pursuant to Part 3 of Article 233 of the CPC of Ukraine, searches were conducted at Vitaliy Shabunin's places of residence during his military service, at his place of registration and residence, during which mobile devices with SIM cards, equipment, personal belongings, a certificate in the name of Vitaliy Shabunin issued by the Heroes of Kruty Military College for Non-Commissioned Officers, and a report by Junior Sergeant Vitaliy Shabunin in the the head of the department at the Center for Innovation and Development of Defense Technologies, a medical board certificate dated July 18, 2024, No. 1793, issued to Vitaliy Shabunin, a copy of the certificate of inheritance by law, and a copy of the certificate of ownership of the residence, which were recognized as material evidence.

The searches were conducted in accordance with Articles 223 and 236 of the CPC of Ukraine, in the presence of two witnesses and with continuous video recording; all participants were informed of their rights and obligations, the physical evidence discovered and seized was packaged in accordance with the requirements of the CPC of Ukraine, and subsequently examined and transferred to the storage room of the Territorial Office of the State Bureau of Investigations, located in Kyiv.

By rulings of the investigating judge of the Pechersk District Court of Kyiv dated 15 July 2025, authorization was granted to conduct the above-mentioned searches and seize the specified physical evidence.

Due to the absence of any information relevant to the pre-trial investigation on certain seized items and documents, on 14 August 2025, an all-in-one computer, laptops, five mobile phones with SIM cards, and flash drives were returned to Mr. Vitaliy Shabunin against signed acknowledgment of receipt.

Regarding possible unlawful actions by employees of the Kyiv Regional Office of the State Bureau of Investigations, prosecutors from the Specialized Prosecutor's Office for Defense Matters of the Central Region, and the Kyiv Specialized Prosecutor's Office for Defense Matters in the criminal proceedings dated December 15, 2023, including regarding the legality of the searches conducted on July 11, 2025, Vitaliy Shabunin filed a complaint with the Specialized Prosecutor's Office for Defense Affairs of the Office of the Prosecutor General.

However, Mr. Vitaliy Shabunin's statement did not contain sufficient and specific factual evidence reliably indicating the presence of signs of criminal offenses, and the arguments were limited to disagreement with the investigative actions conducted and the procedural decisions made in the

criminal proceedings; therefore, no grounds were established for entering the information into the Register.

Disagreeing with the decision, the applicant's representative challenged it in court; however, by a court ruling dated May 18, 2026, the appeal was dismissed.

In particular, the application alleges the unlawfulness (without court orders and on unfounded grounds) of searches conducted pursuant to Part 3 of Article 233 of the CPC of Ukraine at the place of military service and at the residence of the applicant's family.

In the criminal proceedings, the legality of the searches conducted was assessed by the investigating judge of the Pecherskyi District Court of Kyiv, whose rulings dated July 15, 2025, in cases No. 757/33037/25-k, No. 757/33038/25-k, and No. 757/33040/25-k, the investigator's motions, approved by the prosecutor, were granted, and permits were issued to conduct searches of the premises specified in Mr. Vitaliy Shabunin's application and to seize specifically identified property.

In view of the foregoing, and taking into account that, pursuant to paragraph 18 of part 1 of Article 3 of the CPC of Ukraine, the powers of judicial control over the observance of the rights, freedoms, and interests of individuals in criminal proceedings are vested in the investigating judge, his allegations regarding the unlawfulness of the searches were not substantiated.

It is important to emphasize that during the conduct of a pre-trial investigation, compliance with the procedural safeguards provided for by national legislation and Ukraine's international human rights obligations is ensured, in particular the right to respect for private and family life, the right to an effective remedy, and the right to a fair trial, as guaranteed by Articles 6, 8, and 13 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

The conduct of searches, the seizure of property, and the examination of the applicant's arguments were subject to judicial review, and the applicant was afforded the opportunity to challenge the relevant procedural decisions in court. This approach is consistent with the practice of the European Court of Human Rights, in particular the judgment in the case of "Posevini v. Bulgaria" (No. 63638/14 of January 19, 2027), in which the ECHR emphasized that state interference with the right to the inviolability of the home and private life in the form of searches and seizure of property is permissible provided that it is lawful, proportionate, and based on adequate judicial oversight and effective remedies. At the same time, the initiation of separate pre-trial investigations into complaints filed by Mr. Vitaliy Shabunin regarding possible violations of his rights demonstrates that the state is fulfilling its obligation to respond appropriately to such reports and to conduct effective investigations in accordance with the standards of the Convention and the case law of the European Court of Human Rights.

### **Regarding the seizure of devices**

In his statement, Vitaliy Shabunin reported that an unknown individual had unlawfully taken possession of his iPhone 16 Plus, which is registered under the name "Vitaliy Shabunin".

At the same time, the allegation of unlawful seizure of the aforementioned mobile phone has not been substantiated to date, as the discovery and seizure of the mobile phone took place during a search, as noted in the relevant report, a copy of which is attached to this petition. Permission to conduct the search and directly seize the iPhone 16 Plus mobile phone named "Vitaliy Shabunin" was granted by a decision of the investigating judge.

Regarding the applicant's claims that his property was unlawfully seized, Mr. Vitaliy Shabunin was informed that the property listed in the application was seized during a search, as noted in the relevant report, a copy of which he attached to the application.

Pursuant to Part 7 of Article 236 of the CPC of Ukraine, items and documents included in the list for which explicit authorization to search has been granted in the search warrant are not considered to be temporarily seized.

The aforementioned court orders directly authorize the seizure of the specifically identified property listed in Vitaliy Shabunin's petition; therefore, the allegations regarding its unlawful retention are currently unsubstantiated.

At the same time, given that the indictment in the criminal proceedings has been submitted to the court, it will be up to the court to assess the evidence gathered during the pretrial investigation and determine whether Vitaliy Shabunin's rights were upheld during that investigation.

### **Regarding the leaks of information concerning Mr. Vitaliy Shabunin**

Based on a statement by Mr. Vitaliy Shabunin, on December 24, 2025, the Office of the Prosecutor General initiated a pre-trial investigation in criminal proceedings under Part 1 of Article 182 and Part 2 of Article 387 of the Criminal Code of Ukraine regarding the possible disclosure of pre-trial investigation data and the illegal storage and dissemination of confidential information about it.

During the pre-trial investigation, a number of investigative and procedural steps were taken, including the questioning of Mr. Vitaliy Shabunin as a victim.

The pre-trial investigation in this criminal proceeding is being conducted by the Central Office of the State Bureau of Investigations under the procedural supervision of the Office of the Prosecutor General and is currently ongoing.

At the same time, the Central Office of the State Bureau of Investigations, under the procedural supervision of the Office of the Prosecutor General, is conducting a pre-trial investigation in the criminal proceedings dated August 15, 2025, based on a complaint filed by Mr. Vitaliy Shabunin regarding a possible abuse of authority by law enforcement officers during a search conducted on July 11, 2025, under Part 1 of Article 365 of the Criminal Code of Ukraine.

The pre-trial investigation in the aforementioned criminal proceedings is ongoing.

*Information provided by the Office of the Prosecutor General of Ukraine (PGO)*