

Mandates of 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

Ref.: AL UKR 1/2026

(Please use this reference in your reply)

10 April 2026

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders and Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, pursuant to Human Rights Council resolutions 52/4 and 52/9.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the alleged retaliation against Mr. Vitaliy Shabunin for his anti-corruption activities, including the initiation of criminal proceedings and alleged pressure during his military service, as well as three warrantless searches, following which personal information from seized devices was allegedly manipulated, leaked, and used in smear campaigns to discredit him, alongside an alleged lack of accountability for previous physical attacks against him and his family.**

Mr. Vitaliy Shabunin is a prominent anti-corruption activist and co-founder and head of the board of the Anti-Corruption Action Centre (AntAC), a leading Ukrainian non-governmental organisation working against corruption.

According to the information received:

Previous attacks and smear campaigns

Over the past decade, Mr. Shabunin has faced sustained pressure, including repeated smear campaigns and several physical attacks against him and his family.

On 17 July 2018, during a peaceful protest in front of the Specialised Anti-Corruption Prosecutor's Office, Mr. Shabunin was attacked by a group of young men in military-style uniforms, who splashed the brilliant green antiseptic on his face, causing chemical burns of his eyes. The police were present but failed to intervene, and no accountability has reportedly been ensured to date.

On the night of 23 July 2020, his house in the Kyiv region was set on fire. On 30 December 2020, an improvised explosive device consisting of two grenades was found outside the door of his mother's apartment in Rivne. On 31 December 2020, a similar explosive device was discovered in the Kyiv apartment building where his wife's parents live. Criminal proceedings in these three incidents were initiated but no accountability has reportedly been ensured to date.

Alleged retaliation through reassignment and criminal prosecution

In the first days of Russia's full-scale invasion of Ukraine in 2022, Mr. Shabunin voluntarily mobilised and currently serves in the 43rd Separate Mechanised Brigade of the Armed Forces of Ukraine.

During his military service, he continued his anti-corruption activity, producing content on key corruption developments and drawing attention to corruption risks in various laws. According to the information received, from September 2022 to February 2023, he was also seconded to the National Agency on Corruption Prevention (NACP) by order of his military commander, following a request from the NACP to involve him due to his professional experience.

On 10 July 2025, it became known that Mr. Shabunin had been reassigned from his post in Kharkiv to another brigade on the line of combat contact in the Kharkiv region, despite his limited fitness for combat duties, reportedly in retaliation for his criticism of draft law No. 13423. According to the information received, the draft law proposed granting certain enterprises immunity from criminal liability for offences related to defence procurement and removing the powers of the National Anti-Corruption Bureau of Ukraine and the Specialised Anti-Corruption Prosecutor's Office to investigate abuses in the defence sector.

On 11 July 2025, the State Bureau of Investigation (SBI) notified Mr. Shabunin of suspicion under part 4 article 409 ("evasion of military service under martial law") and part 2 article 190 ("large-scale fraud") of the Criminal Code of Ukraine, punishable by up to ten years in prison. The accusations are that, through his NACP secondment, he evaded military service and, during this period, received military salary, although, according to the information received, such secondments are not uncommon and he received only standard payments applicable to all servicemen.

On 15 July 2025, at the request of the prosecution, the Pecherskyi District Court of Kyiv imposed preventive measures on Mr. Shabunin, prohibiting him from leaving the place of deployment of his military unit except for duties directly related to military service. He was also forbidden from entering the NACP building, communicating with the NACP officials, his former commander and servicemen from his 2022 unit, and was required to surrender his passport for foreign travel. According to the information received, these preventive measures have been repeatedly extended and remain in force.

On 14 August 2025, the SBI announced it had completed the pre-trial investigation against Mr. Shabunin, and an indictment was expected to be submitted to the court after his defence reviewed the case materials. The following day, his lawyer reportedly came under pressure, including an alleged attempt to suspend her licence over supposed delays in mandatory training, while smear messages about her appeared on social media. According to information received, she challenged these actions and retained her licence.

On 5 November 2025, the trial began at the Pecherskyi District Court of Kyiv and has since been repeatedly postponed. This situation makes it difficult for

him to attend hearings. As an active duty servicemember stationed away from Kyiv and unable to leave his post without authorisation, he nevertheless travels to attend hearings which are subsequently postponed or do not proceed. In addition, his commander has allegedly obstructed his ability to attend hearings, including by repeatedly refusing leave and fabricating accusations of unauthorised absence on a day when Mr. Shabunin had been officially summoned and was present in court.

According to the information received, at the hearing on 18 February 2026, the defence applied to recuse the presiding judge, citing doubts as to his impartiality, but the court rejected this motion.

Searches, device seizures, and information leaks

On 11 July 2025, at least three searches linked to the criminal proceedings against Mr. Shabunin were conducted without court warrants and presence of lawyers.

First, a search took place at his duty station in the Kharkiv region. According to the information received, shortly before the search, the unit's command brought in a person introduced as an officer of the Military Counterintelligence Department of the Security Service of Ukraine, who asked him to undergo several security procedures, including providing information about his personal mobile phone's IMEI number. It is alleged that when Mr. Shabunin handed over his phone to this individual so that the IMEI could be recorded, SBI investigators entered the room, blocked him, and announced an urgent search, while the purported counterintelligence officer left the room with his unlocked phone. Several hours after the search began, an SBI investigator claimed to have found the unlocked phone on the doorstep, suggesting that it remained in law enforcement possession and accessible throughout this time. Mr. Shabunin reportedly filed a complaint alleging the open theft of his phone, but law enforcement authorities reportedly took no investigative steps.

Second, the SBI searched his home in the Kyiv region, where his wife and their two minor children were present, and seized devices belonging to his family members, including his wife's phone and his children's tablets.

Third, according to the information received, the SBI searched the apartment of the mother of another serviceman, who had allowed Mr. Shabunin to stay there during his service in Kharkiv. This search was reportedly conducted in the absence of the apartment owner.

In late August 2025, a "journalistic investigation" was published online (no longer available at the time of writing) and circulated across social and traditional media. It reportedly alleged that Mr. Shabunin owned a 1 million USD house in the United States, registered in another person's name, which had been identified through photo analysis. According to the information received, at the outset of Russia's full-scale invasion, Mr. Shabunin's wife and children stayed with an American family for two months for safety reasons, in the same city where the video claimed he owned property. The "investigation" was

reportedly based on geolocation data from photos on his wife's phone, seized by the SBI, as she had not publicly disclosed the relevant information, and constituted an attempt by the authorities to discredit Mr. Shabunin.

In mid-December 2025, intimate photographs from Mr. Shabunin's mobile phone, seized during the criminal proceedings, were leaked on social media. The leak started right after AntAC issued a publication identifying officials the organisation considers responsible for undermining the independence of the National Anti-Corruption Bureau of Ukraine and the Specialised Anti-Corruption Prosecutor's Office. The SBI stated that it would vet any staff who may have accessed Mr. Shabunin's private information. A criminal investigation was allegedly opened only after he successfully challenged the initial failure to act. While internal and criminal investigations are separate procedures that can and should proceed in parallel, there has reportedly been no apparent progress in either. Moreover, the criminal case has reportedly been assigned to the SBI itself, the agency alleged to be responsible for the leak.

While we do not wish to prejudge the accuracy of these allegations, we wish to express our concern regarding the alleged retaliation against Mr. Shabunin for his anti-corruption activities. We are not in a position to comment on the appropriateness of the reassignment of servicemen in the context of an ongoing conflict, however, we note with concern the allegations that his reassignment in July 2025 followed his criticism of a draft law posing serious corruption risks and was not in line with his fitness for combat duties.

We are further concerned by the subsequent criminal prosecution, including allegations that searches conducted in connection with these proceedings were carried out without warrants or access to legal counsel, and that personal information from the seized devices was later leaked and used in smear campaigns without accountability.

We are also concerned about fair trial guarantees, in particular reported pressure on his lawyer, repeated postponements, obstruction of his attendance at hearings, and the refusal to recuse a judge alleged to lack impartiality. Finally, we note with concern the broader pattern of smear campaigns and physical attacks against him and his family between 2018 and 2020, for which accountability has reportedly not been ensured.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide details, including, where available, the outcomes of any investigations into the physical attacks against Mr. Shabunin and his family on 17 July 2018, 23 July 2020, 30 December 2020, and

31 December 2020. Kindly identify any individuals held accountable. If no investigation has been conducted, or if findings were inconclusive, please explain why and how this aligns with your Excellency's Government's international human rights obligations.

3. Please provide information regarding the criminal charges against Mr. Shabunin and explain how the case aligns with your Excellency's Government's obligations. Please also indicate the measures in place to ensure his ability to be present at court hearings and receive a fair trial.
4. Please provide details, including, where available, the outcomes of any criminal and internal investigations into the lawfulness of the searches conducted on 11 July 2025 and the alleged leak of personal information from devices seized from Mr. Shabunin and his family. Kindly identify any individuals held accountable. If no investigation has been conducted, or if findings were inconclusive, please explain why and how this aligns with your Excellency's Government's international human rights obligations.

This communication, and any response received from your Excellency's Government, will be made public via the communications reporting [website](#) at the 60 days mark. Should Your Excellency's Government respond within 60 days, both the communication and the response, may be published before the 60 days mark. The communications and responses will also be made available in the subsequent periodic report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the following human rights standards.

Article 19 of the ICCPR guarantees the right to hold opinions without interference and the right to freedom of expression, which includes the right "to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media". This right applies online as well as offline and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend. In its [general comment No. 34](#), the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including "political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse" (CCPR/C/GC/34, para. 11).

The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that "all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress" (para. 23).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant, and restrictions must always be "the least intrusive instrument among those which might achieve their protective function" ([CCPR/C/GC/34, para. 34](#)).

Article 19(3) may never be invoked to justify the muzzling of any advocacy of democratic tenets and human rights (para. 23). Nor, under any circumstance, can an attack on a person, because of the exercise of their freedom of opinion or expression, including such forms of attack as arbitrary arrest and torture, be compatible with article 19 (para. 23).

With regard to attacks against Mr. Shabunin and his family, we also draw the attention of your Excellency's Government to article 6 of the ICCPR, which guarantees the right to life. As interpreted by the Human Rights Committee in general comment No. 36 (CCPR/C/GC/36), deprivation of life involves an intentional or otherwise foreseeable and preventable life-terminating harm or injury, caused by an act or

omission; and it goes beyond injury to bodily or mental integrity or threat thereto (paragraph 6).

States parties must ensure the right to life and exercise due diligence to protect the lives of individuals against deprivations caused by persons or entities, whose conduct is not attributable to the State (paragraph 7). The obligation of States parties to respect and ensure the right to life extends to reasonably foreseeable threats and life-threatening situations that can result in loss of life (Id.). States parties may be in violation of article 6 even if such threats and situations do not result in loss of life (Id.). The duty to protect the right to life also includes an obligation for States parties to adopt any appropriate laws or other measures in order to protect life from all reasonably foreseeable threats, including from threats emanating from private persons and entities (paragraph 18). States parties must enact a protective legal framework which includes effective criminal prohibitions on all manifestations of violence or incitement to violence that are likely to result in a deprivation of life (paragraph 20).

Importantly, the duty to protect the right to life requires States parties to take special measures of protection towards persons in situation of vulnerability whose lives have been placed at particular risk because of specific threats or pre-existing patterns of violence (paragraph 23). These include human rights defenders, among others (Id.). States parties must respond urgently and effectively in order to protect individuals who find themselves under a specific threat, by adopting special measures such as the assignment of around-the-clock police protection, the issuance of protection and restraining orders against potential aggressors and, in exceptional cases, and only with the free and informed consent of the threatened individual, protective custody (Id.).

States parties have a duty to investigate in circumstances in which a serious risk of deprivation of life was caused by the use of potentially lethal force, even if the risk did not materialise (paragraph 27). Investigations into allegations of violation of article 6 must always be independent, impartial, prompt, thorough, effective, credible, and transparent, and in the event that a violation is found, full reparation must be provided, including, in view of the particular circumstances of the case, adequate measures of compensation, rehabilitation, and satisfaction (paragraph 28). States parties are also under an obligation to take steps to prevent the occurrence of similar violations in the future (Id.).

The Human Rights Committee also emphasised that States parties must take the necessary measures to respond to death threats and to provide adequate protection to human rights defenders, including the creation and maintenance of a safe and enabling environment for defending human rights (paragraph 53).

Similarly, we would like to refer your Excellency's Government to article 9 of the ICCPR, which states that everyone has the right to security of person. It is highlighted in general comment No. 35 (CCPR/C/GC/35) that the right to security of person protects individuals against intentional infliction of bodily or mental injury (paragraph 9). It obliges States parties to take appropriate measures in response to death threats against persons in the public sphere, and more generally to protect individuals from foreseeable threats to life or bodily integrity proceeding from any governmental or private actors (Id.). States parties must take both measures to prevent future injury and retrospective measures, such as enforcement of criminal laws, in response to past

injury (Id.). For example, States parties must respond appropriately to patterns of violence against categories of victims such as intimidation of human rights defenders (Id.).

With regard to searches, alleged information leaks, and smear campaigns, we would like to refer your Excellency's Government to article 17 of the ICCPR, according to which everyone has the right not to be subjected to arbitrary or unlawful interference with their privacy, family, home, or correspondence, as well as to unlawful attacks on their honour and reputation, and the right to the protection of the law against such interference or attacks.

As emphasised by the Human Rights Committee in general comment No. 16 (HRI/GEN/1/Rev.9 (Vol. I) p. 191), this right is required to be guaranteed against all such interferences and attacks whether they emanate from State authorities or from natural or legal persons (paragraph 1). The obligations imposed by this article require the State to adopt legislative and other measures to give effect to the prohibition against such interferences and attacks as well as to the protection of this right (Id.).

Article 17 deals with protection against both unlawful and arbitrary interference (paragraph 2). The term "unlawful" means that no interference can take place except in cases envisaged by the law (paragraph 3). Relevant legislation must specify in detail the precise circumstances in which such interferences may be permitted (paragraph 8). A decision to make use of such authorised interference must be made only by the authority designated under the law, and on a case-by-case basis (Id.). The expression "arbitrary interference" can extend to interference provided for under the law and even interference provided for by law should be in accordance with the provisions, aims, and objectives of the ICCPR and should be, in any event, reasonable in the particular circumstances (paragraph 4). Searches of a person's home should be restricted to a search for necessary evidence and should not be allowed to amount to harassment (paragraph 8).

Article 17 affords protection to personal honour and reputation, and States are under an obligation to provide adequate legislation to that end (paragraph 11). Provision must also be made for everyone effectively to be able to protect himself against any unlawful attacks that do occur and to have an effective remedy against those responsible (Id.).

With regard to criminal prosecution of Mr. Shabunin, we would like to refer your Excellency's Government to article 14 of the ICCPR, which enshrines the right to equality before courts and tribunals and to a fair and public hearing by a competent, independent, and impartial tribunal established by law if the person faces any criminal charges or if their rights and obligations are determined in a suit at law.

As interpreted by the Human Rights Committee in general comment No. 32 (CCPR/C/GC/32), the right to equality before courts and tribunals guarantees, among other things, equality of arms, and ensures that the parties to the proceedings in question are treated without any discrimination (paragraph 8). This means that the same procedural rights are to be provided to all the parties unless distinctions are based on law and can be justified on objective and reasonable grounds, not entailing actual disadvantage or other unfairness to the defendant (paragraph 13).

The requirement of impartiality of the tribunal is an absolute right (paragraph 19) and has two aspects (paragraph 21). First, judges must not allow their judgement to be influenced by personal bias or prejudice, nor harbour preconceptions about the particular case before them, nor act in ways that improperly promote the interests of one of the parties to the detriment of the other (Id.). Second, the tribunal must also appear to a reasonable observer to be impartial (Id.).

We would like to highlight that article 14 (3) (c) and (d) of the ICCPR includes, among the minimum guarantees in the determination of criminal charge, the right to be tried without undue delay and the right to be tried in person's presence, and to defend himself in person or through legal assistance of his own choosing. We would also like to emphasise the Human Rights Committee's position in the general comment No. 32 that lawyers should be able to advise and to represent persons charged with a criminal offence in accordance with generally recognised professional ethics without restrictions, influence, pressure, or undue interference from any quarter (paragraph 34).

In this connection, we would also like to refer your Excellency's Government to the UN Basic Principles on the Role of Lawyers, adopted on 7 September 1990 by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. According to principle 1, all persons are entitled to call upon the assistance of a lawyer of their choice to protect and establish their rights and to defend them in all stages of criminal proceedings. Principle 2 further affirms that Governments shall ensure that efficient procedures and responsive mechanisms for effective and equal access to lawyers are provided for all persons within their territory and subject to their jurisdiction, without distinction of any kind. Principle 16 requires Governments to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment, or improper interference; and shall not suffer, or be threatened with, prosecution or administrative, economic, or other sanctions for any action taken in accordance with recognised professional duties, standards, and ethics.

Finally, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms, adopted on 9 December 1998 (also known as the UN Declaration on Human Rights Defenders). Article 1 of the Declaration states that everyone has the right to promote and strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels. Article 6 provides for the right to freely publish, impart, or disseminate to others views, information, and knowledge on all human rights and fundamental freedoms, as provided for in human rights and other applicable international instruments. Likewise, we would like to bring to the attention of your Excellency's Government article 12, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure, or any other arbitrary action as a consequence of their legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled to be protected effectively under national law in reacting against or opposing, through peaceful means, activities, and acts, including those by omission, attributable to States that result in violations of

human rights and fundamental freedoms, and acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.