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Meeting: 1569th meeting (September 2026) (DH)

Item reference: Action Plan (29/06/2026)

Communication from Ukraine concerning the Koval and Others v. Ukraine (Application No. 22429/05) and Denysyuk and Others v. Ukraine (Application No. 22790/19) groups and Reznik v. Ukraine (Application No. 31175/14)

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Réunion : 1569e réunion (septembre 2026) (DH)

Référence du point : Plan d'action (29/06/2026)

Communication de l'Ukraine concernant les groupes d'affaires Koval et autres c. Ukraine (requête n° 22429/05) et Denysyuk et autres c. Ukraine (requête n° 22790/19) et l'affaire Reznik c. Ukraine (requête n° 31175/14) ***(anglais uniquement)***

DH-DD(2026)817: Communication from Ukraine.
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Execution of Judgments of the European Court of Human Rights

DGI
29 JUIN 2026
SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

Updated Action Plan

On measures taken for implementation of the European Court's judgments in the *Koval and Others* group of cases (application no. 22429/05)

Case name	Application No.	Final judgment
Koval and Others v. Ukraine	22429/05	15/02/2013
Zosymov v. Ukraine	4322/06	07/10/2016
Svirgunets v. Ukraine	38262/10	30/04/2020
		20/12/2022
TREYD 2008, TOV v. Ukraine	55765/12	15/04/2021
Dubovych v. Ukraine	47821/10	22/07/2021
Pogrebnyy and Others v. Ukraine	42419/04	19/10/2023
Gration Treyd, TOV v. Ukraine	9166/14	22/02/2024
Reznik v. Ukraine	31175/14	23/04/2025
Denysyuk and Others v. Ukraine	22790/19	13/05/2025
Mishchenko v. Ukraine	10415/16	09/10/2025
Korniyets and Others v. Ukraine	2599/16	10/10/2025
Naydyonov and Vedutenko v. Ukraine	56181/15	23/10/2025
Yakymchuk v. Ukraine	26519/16	11/12/2025
Vykhor v. Ukraine	36618/14	22/01/2026

I. CASE SUMMARY

These cases concern various legislative and procedural issues relating to search, seizure and interception operations (violations of Article 8 and/or Article 1 of Protocol No. 1), and lack of effective remedies to challenge those actions (violation of Article 13).

The *Reznik* case concerns the lack of procedural safeguards for the protection of legal professional privilege in the context of search and seizure operation conducted in 2013, and the absence of an effective remedy to challenge these actions (violation of Article 8 and Article 13).

The *Denysyuk and Others* case concerns inadequate legal safeguards for secret-surveillance and phone-tapping operations conducted in 2018-2019, including for identifying and handling accidentally intercepted privileged communications between lawyers and clients (violation of Article 8).

The problems identified in respect of remedies are principally:

(1) the impossibility for a person to effectively challenge the legality of investigative actions ordered within the context of criminal proceedings against a third person and to obtain redress;

(2) the impossibility to challenge the legality of investigative actions at the pre-trial stage, including the conduct of the police officers with regard to seizure of the lawyer-client privileged materials;

(3) the impossibility to obtain the return of seized property or compensation for the same, including for property seized in the context of criminal proceedings against other people.

Issues under Articles 3, 5, 6 are also present in some of the cases, the general measures of which are being followed in other groups of cases.

II. INDIVIDUAL MEASURES

Just satisfaction

- In *Koval and Others* case, the just satisfaction awarded by the Court in respect of non-pecuniary damage in the amount of EUR 284 to the first applicant, EUR 12,000 to the second applicant, EUR 6,000 to the third applicant, EUR 12,000 to the forth applicant and in respect of costs and expenses in amount of EUR 4,500 to the applicants was paid in full and within time limits.

- In *Zosymov* case, the Court awarded the applicant just satisfaction in the amount of EUR 6,000 in respect of non-pecuniary damage. This sum was paid to the applicant in full and within time limits.

- In *Svirgunets* case, the Court awarded the applicant the just satisfaction in the amount of EUR 2,400 in respect of non-pecuniary damage, EUR 155,000 in respect of pecuniary damage[1] and EUR 800 in respect of costs and expenses. On 18 June 2020, the sum in the amount of EUR 3,200 (which is equal to UAH 96 217.92) was paid to the applicant in full. Also, the awarded sum in full in the amount of UAH 6 048 751 (equivalent to EUR 155,000) was transferred to the applicant's bank account in accordance with the payment order No. 113 of 21 February 2023.

- In *TREYD 2008, TOV* case, the Court awarded the applicant company the just satisfaction in the amount of EUR 5,000 in respect of pecuniary and non-pecuniary damage. On 5 July 2021, the sum in the amount of EUR 5,000 (UAH 96 217.92) was transferred to the special deposit account of the Ministry of Justice of Ukraine, due to the applicant company's failure to provide the bank details on time. On 26 August 2021, the sum was paid to the applicant company's representative in full.

- In *Dubovych* case, the Court awarded the just satisfaction to the applicants jointly in the amount of EUR 4,000 in respect of non-pecuniary damage and EUR 160 in respect of costs and expenses. The Government would like to inform that Ms Dubovych (the first applicant) died on 2 January 2021, and Mr Dubovych (the second applicant) died on 4 April 2020. On 14 December 2021, the sum in the amount of EUR 4,160 (which is equal to UAH 127 617.58) was transferred to the special deposit account of the Ministry of Justice of Ukraine due to the fact that the applicants' heirs are taking a long time to finalize the inheritance procedures. On 21 June 2022, the sum in the amount of EUR 2,080 (which is equal to UAH 63 808.79) was paid to the second applicant's heir, in accordance with the certificate of inheritance by law dated 25 January 2022, No. 304. On 5 July 2023, the sum in the amount of EUR 2,080 (which is equal to UAH 63 808.78) was paid to the heir of the first applicant, in accordance with the certificate of inheritance by law dated 29 April 2023, No. 358.

- In *Pogrebnyy and Others* case, the Court awarded the just satisfaction in the amount of EUR 1,200 in respect of non-pecuniary damage and EUR 100 in respect of costs and expenses. On 9 January 2024, the sum in the amount of EUR 1300 (which is equal to UAH 53 700.43) was transferred to the applicant's bank account.

- In *Gration Treyd, Tov* case, the Court did not award the just satisfaction to the applicant company.

[1] The issue of pecuniary damage was decided by the Court in its judgment (just satisfaction) of 20 December 2022 (application No. 38262/10).

- In *Reznik* case, the Court awarded the first applicant just satisfaction in the amount of EUR 6,000 in respect of non-pecuniary damage. The awarded sum in full in the amount of UAH 288 125.40 (equivalent to EUR 6,000) was transferred to the bank account of the first applicant in accordance with the payment order No. 450 of 24 June 2025. Also, the Court awarded the first applicant EUR 3,450 in respect of costs and expenses, to be transferred directly to the account of the applicant's lawyer Mr Tarakhkalo. The awarded sum in full in the amount of UAH 165 672.11 (equivalent to EUR 3,450) was transferred to the bank account of the applicant's lawyer Mr Tarakhkalo in accordance with the payment order No. 451 of 24 June 2025.

- In *Denysyuk and Others* case, the Court stated that the finding of violations constitutes in itself sufficient just satisfaction for any non-pecuniary damage sustained by the applicants. Also, the Court awarded the second and the third applicants jointly just satisfaction in the amount of EUR 6,000 in respect of legal fees, to be paid into the bank account of the law firm "Nazar Kulchytskyy and Partners". The awarded sum in full in the amount of UAH 291 050.40 (equivalent to EUR 6,000) was transferred to the bank account of the law firm "Nazar Kulchytskyy and Partners" in accordance with the payment order No. 474 of 25 June 2025.

- In *Mishchenko* case, the Court awarded the applicant just satisfaction in the amount of EUR 1,200. On 15 December 2025, the sum of just satisfaction was transferred to the Ministry of Justice of Ukraine special bank account due to the applicant's failure to provide his bank account details. The applicant was duly notified about such transfer. Thus, the enforcement proceedings are still pending and the above sums are still available to the applicant. The Government will provide updates on the progress and outcome of the enforcement proceedings in future communications.

- In *Korniyets and Others* case, the Court awarded:
  - to the first applicant EUR 5,000 in respect of non-pecuniary damage, and EUR 1,000 in respect of costs and expenses. The awarded sums in full in the amount of UAH 296 942.40 (equivalent to EUR 6,000) was transferred to the bank account of the applicant's lawyer Ms Kravidz in accordance with the payment order No. 721 of 23 December 2025;
  - to the second applicant EUR 500 in respect of pecuniary damage. The awarded sum in full in the amount of UAH 24 657.45 (equivalent to EUR 500) was transferred to the second applicant's bank account in accordance with the payment order No. 678 of 2 December 2025;
  - to the third applicant EUR 5,000 in respect of non-pecuniary damage. The awarded sum in full in the amount of UAH 246 132.00 (equivalent to EUR 5,000) was transferred to the third applicant's bank account in accordance with the payment order No. 685 of 5 December 2025;
  - to the fourth applicant EUR 5,000 in respect of non-pecuniary damage. The awarded sum in full in the amount of UAH 246 574.50 (equivalent to EUR 5,000) was transferred to the fourth applicant's bank account in accordance with the payment order No. 679 of 2 December 2025.

- In *Naydyonov and Vedutenko* case, the Court awarded the applicants jointly just satisfaction in the amount of EUR 3,000 in respect of non-pecuniary damage, and EUR 1,800 in respect of costs and expenses, to be paid directly into the account of their representative, Mr M. Tarakhkalo. The awarded sum in full in the amount of UAH 73 839.60 (equivalent to EUR 1,500) was transferred to the bank account of Ms Vedutenko in accordance with the payment order No. 5072 of 8 December 2025. The awarded sum in full in the amount of UAH 73 839.60 (equivalent to EUR 1,500) was transferred to the bank account of Mr Naydyonov in accordance with the payment order No. 5071 of 8 December 2025. Also the awarded sum in full in the amount of UAH 88 607.52 (equivalent to EUR 1,800) was transferred to the bank account of the applicant's lawyer Mr Tarakhkalo in accordance with the payment order No. 689 of 5 December 2025.

- In *Yakymchuk* case, the Court awarded the applicant EUR 1,600 in respect of non-pecuniary damage and EUR 1,500 in respect of costs and expenses. The awarded sum in full in the amount of UAH 157 801.16 (equivalent to EUR 3,100) was transferred to the applicant's bank account in accordance with the payment order No. 124 of 6 March 2026.

- In *Vykhor* case, the Court awarded the just satisfaction in the amount of EUR 4,800 in respect of non-pecuniary damage. On 27 March 2026, the sum in the amount of EUR 4,800 (which is equal to UAH 242 929.92) was transferred to the applicant's bank account.

Other individual measures

- *As to the Koval and Others case (violation of Article 3 of the Convention as regards effective investigation)*

On 9 November 2001, Chernihiv City Prosecutor's Office instituted the criminal proceedings on the ground of illegal actions of police officers, namely for abuse of power following infliction of bodily injuries on the first, second and third applicants (an offence under Part 2 of Article 166 of the Criminal Code of Ukraine (the – **CCU**), in the version of 1960).

The first applicant was recognised as a victim in the case and was questioned several times in that status. The third and second applicants were questioned in the case as witnesses. During questioning, the third applicant stated that he did not wish to be recognised as a victim.

Following the pre-trial investigation, decisions to close the criminal proceedings were repeatedly made and subsequently quashed.

Thus, as a result of consideration of the complaints of the first and the third applicants, on 20 December 2012, Desnyanskiy District Court of Chernihiv Region quashed decision of 26 July 2012 on termination of the above criminal proceedings and remitted the criminal case to the prosecutor for additional pre-trial investigation.

Further, on 16 January 2013, Chernihiv City Prosecutor Office entered into the Unified Register of Pre-trial Investigations information about illegal actions of police officers and instituted pre-trial investigation in criminal proceedings under No. 42013260010000019. Criminal offences in this case were defined under Article 166.1 ("Abuse of Power") of the CCU in the version of 1960.

During the pre-trial investigation the prosecutor questioned former police officers, re-examined the criminal case-files and on 16 March 2013, Chernihiv City Prosecutor's Office terminated the criminal proceedings against the police officers because of the absence of the constituent elements of a criminal offence. As of today, the above decision of 16 March 2013 was not quashed and was not appealed in court.

However, an examination of the case file at the regional prosecutor's office has established that, in light of the Court's findings in this case and the relevant standards and guidance of the Committee of Ministers set out in the decisions following the 1398th meeting (concerning the consideration of the execution of judgments in the *Koval and Others* group of cases) and the 1483rd meeting (concerning the consideration of the execution of judgments in the *Kaverzin/Afanasyev/Belousov* group of cases), the decision to close the criminal proceedings dated 16 March 2013 was taken prematurely. Consequently, on 17 April 2026, the supervisory prosecutor thoroughly reviewed the case file and quashed the premature decision of 16 March 2013.

In order to ensure full compliance with the criteria of institutional independence under Article 3 of the Convention, the investigation was explicitly assigned to the State Bureau of Investigations (the – **SBI**), located in Kyiv, an independent central law enforcement authority specifically tasked with investigating crimes committed by law enforcement officials. The Chernihiv Regional Prosecutor's Office ensures strict procedural supervision.

Also, on 15 April 2015, the Chernihiv City Prosecutor's Office due to the Court's findings in this judgment instituted criminal proceedings under No. 42015270000000118 under Part 1 of Article 367 of the CCU[2] (in the version of 2001), concerning the ineffective investigation

[2] https://zakon.rada.gov.ua/laws/show/2341-14#Text

conducted by law enforcement authorities in Chernihiv Region of criminal proceeding No. 42013260010000019.

Six witnesses were questioned, including prosecutors and investigators who investigated and carried out procedural management in the proceedings, who showed that they exercised their powers in accordance with the requirements of the criminal procedural legislation, carried out all possible procedural actions in order to establish the objective truth in the case, however no evidence was found regarding the unlawful infliction of physical injuries on the applicants by police officers.

Moreover, Mr Koval was summoned for interrogation by the investigator, but refused to testify on the basis of Article 63 of the Constitution of Ukraine[3] (a person is not responsible for refusing to give a statement or explanation about him or her, family members or close relatives as defined by law).

On 3 November 2025, the above criminal proceedings were terminated considering the absence of the constituent elements of a criminal offence, envisaged by Article 367.1 ("Official Negligence") of the CCU. This decision was not quashed by the prosecutor's office or court. Facts of improper procedural supervision of the pre-trial investigation in the criminal proceedings have not been established.

As to disciplinary responsibility of the police officers. In order to address the first applicant's complaint for illegal actions of police officers, on 19 April 2015, the Main Department of the National Police of Chernihiv Region inspected the facts set out in the above complaint and established that disciplinary order No. 399 of 20 September 2001 was not fulfilled. Further, the police conducted an internal investigation and initiated disciplinary proceedings against the Head of the Division of the Registry of Chernihiv Regional Police and former Senior Inspector of the Division of the Registry in connection with gross violation of labor discipline, which led to failure to comply with the above disciplinary order. However, the time limits for disciplinary responsibility have expired.

Although the statutory time limits for disciplinary action regarding the unexecuted 2001 order have expired, the Government would like to emphasise that the institutional framework within which these failures occurred has been thoroughly reformed. The former militsiya was completely disbanded. Under the current Law of Ukraine "On the National Police" and the Disciplinary Statute of the National Police, all personnel decisions and disciplinary orders are processed through a centralised, automated electronic registry, completely eliminating the risk of unexecuted or lost disciplinary sanctions.

The Government will keep the Committee of Ministers informed of the progress and findings of the investigation in criminal proceedings No. 42013260010000019 in their future communications.

The Government would also like to note that the violations of Article 5 § 1 (unrecorded detention) and Article 8 (unlawful entry into the home), which occurred in August 2001, were instantaneous in nature and their effects cannot be reversed through any retrospective domestic proceedings. Since the applicants were released on the very same day of their detention (14 August 2001) and the unlawful presence of the police officers in their flat ceased immediately, no further individual measures to terminate these violations are possible or required.

Regarding the electric tool unlawfully seized from the third applicant (Mr Dmytro Bryk) in 2001, the Government notes that a physical return of the specific item is objectively impossible due to the significant lapse of time (25 years) and the fact that the property was long ago transferred to a third private party (Mr R.), as established by the domestic courts in 2008–2009.

The Government would like to emphasise that the applicant's material loss was directly addressed and compensated by the Court under Article 41 of the Convention, where the Court awarded specific pecuniary damage to cover the loss of property.

Furthermore, following the Court's judgment, the applicants did not avail themselves of the domestic remedy provided by Chapter 45 of the Civil Procedural Code of Ukraine to request the reopening and review of the domestic court decisions of 2008–2009 based on exceptional circumstances (the establishment of a violation of the Convention by an international court).

[3] https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text

- *As to the Zosymov case*

On 15 November 2002, the Investigative Department of the Kyiv Police instituted criminal proceedings concerning a criminal offence under Article 176 of the CCU, in connection with the infringement of Microsoft Corporation's copyright, which caused substantial financial loss.

On 6 August 2003, applicant's property, which was seized by the police on 20 August 2002, was transferred for the responsible storage to "Privatel, TOV", a legal entity under Ukrainian law, in accordance with the resolution on the transfer of material evidence for storage dated 5 August 2003. On 8 October 2003, computer system units, which were seized by the police on 20 August 2002, were transferred to the evidence storage room of the Main Department of the Ministry of Internal Affairs of Ukraine in Kyiv.

In the course of the pre-trial investigation, examinations of the intellectual property objects were conducted. The results showed that almost all seized material evidence did not meet the requirements established by current regulatory acts for licensed products and could not be sold in Ukraine, as they were counterfeit and created in violation of copyright, which is the subject of the crime provided for in the Article 176 ("Violation of copyright and related rights") of the CCU.

In addition, according to the conclusion of the examination of the intellectual property objects, the operating systems and other software found on the seized hard drives were unlicensed and indicated a violation of the license agreements of the copyright holders of these products.

Thus, in accordance with subpara 17 of para 1 of the Article 4 ("Definition of basic terms and concepts") of the Customs Code of Ukraine[4], counterfeit goods are objects of violation of intellectual property rights on a trademark in Ukraine, which without permission contain a designation identical to a trademark protected in Ukraine for the same type of goods, or which is similar to the extent that it can be confused with such trademark.

According to Article 81 of the Criminal Procedure Code of Ukraine (the – **CPC**) (in the version of 1960), issues related to physical evidence are resolved by a verdict, ruling, or decision of the court, or a decision by the investigative authority, investigator, or prosecutor to close the case. Disputes regarding the return of items are settled through civil litigation.

In accordance with para 29-30 of the Court's judgment on an unspecified date the applicant instituted civil proceedings in the Shevchenkivskyy District Court in Kyiv to reclaim his computer equipment, optical discs and other property seized by the police. On 10 October 2003, the court suspended these proceedings pending resolution of the criminal case in which the property had been retained by the police.

Consequently, given that no final decision has been reached in the criminal case, and that the seized property has been classified as material evidence and its circulation is prohibited within Ukraine, it is not possible to resolve the issue of its return.

The Government would like to note the applicant's attempt to quash the decision of 15 November 2002 to initiate criminal proceedings in respect of an offence under Article 176 of the CCU. On 29 January 2018, the Grand Chamber of the Supreme Court (the - **Grand Chamber**) opened proceedings on the basis of an application by the applicant's defence counsel for a review, on exceptional grounds, of the decision of the Appeal Court of Kyiv of 24 December 2004, by which the applicant had previously been refused the quashing of the decision of 15 November 2002 to initiate criminal proceedings. Furthermore, in his application, the applicant requested to refer the case to the court of first instance to resolve the issue of: the return of the seized items; compensation for the damage caused by the unlawful seizure of property; compensation for non-pecuniary damage in connection with the unlawful seizure of property in 2008 and the unlawful initiation of criminal proceedings, as well as compensation for part of the procedural costs associated with obtaining legal assistance.

In its judgment of 30 May 2018[5], the Grand Chamber rejected the application on the following grounds.

The Grand Chamber noted that *"the Court found a violation of Article 8 of the Convention and Article 1 of Protocol No. 1 to the Convention in respect of the interference by law enforcement*

[4] https://zakon.rada.gov.ua/laws/show/4495-17#Text
[5] https://reyestr.court.gov.ua/Review/74505960

officers with the applicant's right to respect for his home, since the case file contained no documents establishing the legal basis for the seizure of the property and there was no relevant authorisation from a judicial authority, and therefore the seizure of the property was unlawful".

The Grand Chamber also emphasised that *"the breach of international obligations by Ukraine, as established by the Court, may constitute grounds for a review of court decisions only where restitutio in integrum (full restoration) can be achieved at the national level; in other words, the restoration, as far as possible, of the legal situation that the person enjoyed prior to the breach of the Convention. As regards the applicant, such full restoration, and even more so by way of quashing the appeal court's decision, is impossible, since the Court found a violation of the Convention in respect of the applicant at the pre-trial investigation stage of the criminal case and did not establish any violations by the national courts of the requirements of the law and the Convention, and therefore there are no grounds for declaring the decision of the court of appeal unlawful and quashing it"*.

As for the rest of the requests made by the applicant, the Grand Chamber noted that such requests exceed the scope of the subject matter of judicial review as defined by law and cannot serve as grounds for quashing the decision of the appellate court.

The Government would also like to provide the following information regarding the location of the applicant's seized property.

In 2017, the entire physical volume of the criminal case files, including the documentation concerning the retained material evidence, was officially transmitted to the Supreme Court for the exceptional review proceedings before the Grand Chamber (which concluded in May 2018). Due to the historical nature of the archive and complex inter-agency administrative procedures following the restructuring of the judicial and law enforcement authorities, an official inter-agency verification is currently underway to establish the exact present location of the archived physical files and items among the respective institutional depositories.

In accordance with the Committee's call to identify available remedies for the applicant to seek the return of the property or compensation, the Government would like to submit as follows.

Upon the clarification of the location of the historical case materials, the competent investigative authorities will be in a position to review the file. Within this review, the issue of the expiration of statutory limitation periods and the potential termination of the criminal proceedings under Article 284 of the CPC will be duly evaluated. In the event that the legal grounds for the termination of the proceedings are confirmed, the final status and the disposal of the retained items (hardware) will be resolved in strict accordance with the applicable criminal procedural legislation.

Regarding the questions of potential compensation or liability for the state of the property due to the extensive lapse of time, the Government highlights that Article 1176 of the Civil Code of Ukraine provides a general legal framework. This provision allows individuals to initiate civil proceedings for pecuniary compensation in connection with the actions or omissions of law enforcement and judicial authorities.

- *As to the Svirgunets case*

According to paragraph 59 of the judgment of 30 April 2020 (application no. 38262/10), a violation of Article 6 § 1 was found in respect of the excessive length of the criminal proceedings against the applicant, which lasted from 14 May 2002 to 28 January 2012.

Thus, the criminal proceedings against the applicant had been concluded even before the Court issued its judgment.

In this judgment, the Court also found a violation of Article 1 of Protocol No. 1 on the grounds that the applicant's continued deprivation of her property and the State party's failure to compensate her for its value was unlawful. The Court postponed the question of compensation for pecuniary damage.

Consequently, in its judgment of 20 December 2022 (application no. 38262/10) the Court awarded the applicant the just satisfaction in the amount of EUR 155,000 in respect of pecuniary damage, which was paid to the applicant in full, as indicated in the just satisfaction section of the present Action plan.

Since the applicant's rights have been completely restored and no further consequences of the violation persist, the Government consider that no further individual measures are required in this case.

- *As to the TREYD 2008, TOV case*

The Government notes that the violation of Article 1 of Protocol No. 1 was entirely terminated at the domestic level on 25 September 2012, when the Budyonivskyi District Court of Donetsk lifted the seizure of the applicant company's bank account (paragraph 7 of the *TREYD 2008, TOV* judgment). Consequently, the interference with the applicant's property rights ceased long before the Court delivered its judgment.

The sum of EUR 5,000 awarded by the Court, which explicitly covered both pecuniary and non-pecuniary damage, was paid to the applicant company in full and within the statutory three-month time limit.

Given that the restrictive measure has been lifted, the funds on the bank account were released, and all financial and non-financial distress was fully indemnified by the state through the Court's award, the Government submits that *restitutio in integrum* has been fully achieved.

Since the applicant company's rights have been completely restored and no further consequences of the violation persist, the Government consider that no additional individual measures are required or feasible in this case. The systemic issue regarding the procedural rights of third parties whose property is affected in criminal proceedings is addressed under the framework of General Measures.

- *As to the Dubovych case*

In this judgment the Court found a violation of Article 8 of the Convention as a result of an unlawful search of the applicants' house and grounds, and a violation of Article 13 of the Convention as the applicants have not had an effective remedy for their complaints under Article 8 of the Convention. The Court awarded the applicants the just satisfaction in respect of non-pecuniary damage and costs and expenses. Following the applicants' death the awarded sum had been paid in full to the applicant's heirs, as it was indicated in the just satisfaction section.

The Government notes that the violation of Article 8 of the Convention stemmed from an unlawful search conducted in July 2007, which was an instantaneous event. The immediate consequences of this interference ceased immediately after the completion of the search. No ongoing restrictive measures or historical domestic criminal sanctions persist against the applicants.

Furthermore, given the unfortunate demise of both applicants (information on dates of death and inheritance certificates is set out in the section on just satisfaction in the present Action plan), any potential retrospective attempts to re-examine the historical 2007 civil liability proceedings at the domestic level are objectively impossible and have lost their legal purpose. According to the information available to the Government from the official search registers of the Judiciary, the judgment in the *Dubovich v. Ukraine* case has not been used as grounds for reviewing the decisions of national courts on exceptional grounds.

Since the non-pecuniary distress caused by the violation was fully indemnified through the payment of just satisfaction, and taking into account the objective circumstances concerning the applicants' deaths, the Government submits that all available individual measures have been exhausted.

- *As to the Pogrebnyy and Others case*

On 13 November 2023, Mr Pogrebnyy filed an application with the Grand Chamber for a review of the court decisions on exceptional grounds, in which he requested to quash the decision of the Vasylkiv City Court of Kyiv Region dated 23 September 2003 and to issue a new decision ordering the Ministry of Internal Affairs of Ukraine and the State Treasury Service of Ukraine to pay compensation for non-pecuniary damage in the amount of 5 million UAH and 4 billion EUR for the purpose of implementing a 997 billion US dollar aid programme for the people.

The Grand Chamber noted that it cannot be inferred from the Court's judgment that the violations found by the Court can be remedied only through a retrial of the case concerning the

application for compensation for non-pecuniary damage, in other words, it cannot be concluded that the substance of the judicial decisions adopted in this case is contrary to the Convention or that the violation recognised by the Court was based on substantial procedural violations committed by the courts during the examination of this case, which cast serious doubt on the outcome of such proceedings. Therefore, there were no legal grounds for applying such an additional individual measure as a retrial of the applicant's case.

By the decision of 13 March 2004, the Grand Chamber refused to satisfy the application[6].

Furthermore, on 17 November 2023, Mr Pogrebnyy filed an application with the Grand Chamber for a review, on exceptional grounds, of the decision of the Fastiv District Court of Kyiv Region dated 23 December 2003, the decision of the Kyiv Regional Court of Appeal dated 8 June 2004, and the decision of the Supreme Court of Ukraine dated 18 December 2006 in the case concerning his application to the Vasylkiv District Department of the Main Directorate of the Ministry of Internal Affairs of Ukraine in the Kyiv Region and the State Treasury Service of Ukraine for the return of illegally seized funds and the return of property, as well as financial documents.

The Grand Chamber noted that, in its judgment, the Court had found Mr Pogrebnyy's application admissible and justified only in respect of the seizure of his personal documents (driving licence), and had therefore found a violation of Article 8 of the Convention, since the driving licence seized from him was a document necessary for daily use, and its seizure constituted a prolonged interference with the applicant's private life; such interference was not justified for the purposes of Article 8(2) of the Convention.

The Grand Chamber also noted that, in paragraph 68 of the judgment, the Court had declared the remainder of the applicant's complaints inadmissible as manifestly ill-founded, including the complaints under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 about the outcome of his various legal disputes and that some of the court decisions in his favour remained unenforced for lengthy periods of time or forever, as well as under Article 1 of Protocol No.1 that the police had not returned to him various items of humanitarian aid and personal belongings allegedly seized in the criminal proceedings; and that the attachments had been unlawfully imposed on his property and had not been lifted in good time.

In view of the above, in its decision of 27 March 2024, the Grand Chamber refused to satisfy the application[7].

Apart from the above-mentioned applications to the Grand Chamber, the applicant made several other applications to the Grand Chamber requesting the review of certain court decisions in his cases. All such applications by the applicant were considered by the Grand Chamber as not having been filed and were returned to the applicant, due to the fact that the applicant had not remedied the deficiencies in the applications submitted. Most recently, in June 2024, the applicant applied for a review of the decisions of the Shevchenkivskyi District Court of Kyiv on unlawful seizing of his property and documents, as well as on compensation of unpaid wages. On 11 June 2024, the Supreme Court set aside the applicant's application and granted him ten days from the date of delivery of the Supreme Court's decision to rectify some shortcomings in the application due to the procedural errors on his part. On 29 August 2024, the Grand Chamber found that the applicant had failed to remedy the deficiencies in the application within the time limit set by the court and therefore decided to return the application to the applicant[8].

Regarding the violation of Article 8 found by the Court (the non-return of personal documents, including a driving licence and diplomas), the Government would like to note that physical restitution of the original items is objectively impossible as they were established to be lost during the historical pre-trial phase in the early 2000s.

The Government underscore that under current administrative regulations, the applicant has an unrestricted right to obtain duplicate copies and re-issue his driving licence and educational diplomas through simplified state services. In view of the provisions of the legislation on the

[6] https://reyestr.court.gov.ua/Review/118071707
[7] https://reyestr.court.gov.ua/Review/118195578
[8] https://reyestr.court.gov.ua/Review/121352059

protection of personal data, the Government cannot provide information on whether the applicant has availed himself of the aforementioned right.

Since the violation of Article 8 of the Convention was instantaneous and resulted from the irreversible loss of paper documents, the non-pecuniary damage was fully indemnified via just satisfaction, and the applicant's remaining claims were deemed inadmissible by the Court, the Government submit that no further individual measures are required or legally context-relevant in this case.

- *As to the Gration Treyd, Tov case*

The Government notes that the violation of Article 1 of Protocol No. 1 was entirely remedied at the domestic level prior to the Court's examination. On 20 February 2014, the investigation was terminated due to the lack of evidence that a criminal offence had been committed, the seizure order was lifted, and the applicant company received its property back (see § 12 of the judgment).

Furthermore, the Court dismissed the applicant company's claims for just satisfaction, finding that the applicant's claim did not specify an amount of just satisfaction or whether its claim concerned pecuniary damage, non-pecuniary damage and/or costs and expenses (§§ 27 and 29 of the judgment). Given that the property rights were fully restored and no lingering consequences of the breach persist, the Government submit that *restitutio in integrum* has been achieved and no further individual measures are required in this case.

- *As to Reznik case*

The Government highlights that the core material elements of the interference under Article 8 and Article 1 of Protocol No. 1 were fully resolved at the domestic level prior to the Court's judgment. As acknowledged in paragraphs 24 and 26 of the judgment, all seized data-storage devices (the hard drive and the flash drive) were officially and entirely returned to the first applicant in 2016.

The Government would like to note that the violations of Articles 8 and 13 found by the Court stemmed from the historical pre-trial actions in 2013 and the systemic absence of specific domestic procedural safeguards protecting legal professional privilege during the extraction of electronic data.

Given that the data carriers have long been returned to the applicant, the historical criminal investigation within which the search was conducted is no longer active against the applicant, and the non-pecuniary damage was fully paid, the Government submit that no further individual measures are technically feasible or required to restore the applicant's specific rights.

The individual consequences of the violation in the *Reznik* case have been fully addressed. The issues raised by the Court regarding the procedural safeguards for protecting client-attorney correspondence during searches fall within the scope of regulatory and legislative frameworks. Therefore, the Government will provide information on the relevant steps and ongoing developments in this area under the section on General Measures.

- *As to Denysyuk and Others case*

The Government would like to provide information regarding the court proceedings in the cases of *Mr Denysyuk, Mr Beylin,* and *Mr Berezkin*.

As regards *Mr Denysyuk*, the applicant's case is currently pending before the Dnipro District Court of Kyiv. The next court hearing is scheduled for 4 June 2026. (757/13168/19-к)

As regards *Mr Beylin*, according to the information received from the High Anti-Corruption Court (the – **HACC**), on 5 June 2024 the prosecutor submitted an amended bill of indictment, reclassifying the charges against Mr Beylin from Part 5 of Article 27 and Part 5 of Article 191 of the CCU to Part 2 of Article 369-2 of the CCU. The court consequently found that the offence with which Mr Beylin had been charged was a minor one and that the limitation period had expired.

By its decision of 5 June 2024[9], the HACC released Mr Beylin from criminal liability under Part 2 of Article 369-2 of the CCU due to the expiry of the limitation period, and closed the

[9] https://reyestr.court.gov.ua/Review/119587761

criminal proceedings against him. The HACC also lifted the preventive measure in the form of a personal undertaking and quashed the seizure of property owned by Mr Beylin.

As regards *Mr Berezkin*, the criminal proceedings No. 42016000000001254 regarding the applicant is currently pending before the HACC. The next court hearing is scheduled for 4 June 2026. (справа № 991/3224/23)

Regarding the physical access to the decisions on the conduct of covert investigative (search) measures (the – **CISM**) authorization orders, the Government would like to note that since the materials which did not serve as evidence were previously destroyed (see paragraphs 32, 34 of the judgment), and the remaining classified documents are bound by the ongoing trials, the core protection of the applicants' rights is currently shifted to the judicial assessment of evidence admissibility before the trial courts.

The last examination of the complaints submitted by Mr Berezkin's defence against the actions of the National Anti-Corruption Bureau of Ukraine detective and the Specialised Anti-Corruption Prosecutor's Office prosecutor - concerning the failure to provide Mr Berezkin and his defence counsel with the materials obtained through the CISM, the related requests and decisions of the investigating judges of the courts of appeal that authorised those measures, as well as the subsequent destruction of the relevant materials, – was concluded with the decision of the HACC dated 9 May 2023[10], by which the court rejected the above-mentioned complaints (the Court, in particular, refers to this decision in paragraph 37 of the judgment).

The Government will keep the Committee of Ministers informed of further developments and the outcomes of the court proceedings in the cases regarding Mr Denysyuk and Mr Berezkin in further communications.

As regards *Mr Kulchytskyy,* the Government would like to state that since the applicant was an affected third party representing the other applicants and did not face independent criminal charges, his individual non-pecuniary distress was fully addressed by the Court's finding of a violation. The underlying regulatory issues concerning the management of accidentally intercepted client-attorney communications and the post-factum notification mechanisms are under consideration within the framework of General Measures.

- *As to Mishchenko case*

The Government highlights that while the Court found a violation of Article 8 of the Convention due to the lack of post-factum access to the covert surveillance authorization orders, it explicitly found no violation of Article 6 § 1 of the Convention. The Court concluded that the overall fairness of the applicant's criminal trial was not irreversibly undermined by the admission of the surveillance evidence.

Consequently, since the Court confirmed the procedural integrity of the final domestic conviction and found no structural defects in the trial itself, there are no legal or conventional grounds for the reopening or alteration of the applicant's criminal sentence.

Given that the historical interception measures took place in 2014 and have long since ceased, and the awarded just satisfaction was paid in full, the applicant faces no ongoing negative consequences under Article 8.

The Government would like to submit that all feasible individual measures in this case have been taken. The structural issue raised by the Court regarding the post-trial declassification and disclosure of judicial warrants authorising the CISM to the defence is of a regulatory nature and is being addressed under General Measures section.

- *As to Korniyets and Others case*
  - <u>As to Mr Korniyets</u>

The Government would like to inform that the criminal proceedings concerning the first applicant (see paragraph 10 of the judgment) are pending before the Obolon District Court of Kyiv. The next court hearing is scheduled for 21 June 2026.

  - <u>As to Ms Zhabo</u>

[10] https://reyestr.court.gov.ua/Review/110830000

In the judgment, the Court found a violation of both the substantive and procedural aspects of Article 3 of the Convention in connection with the ill-treatment of Ms Zhabo by police officers.

In this regard, the Government would like to note that the SBI in Poltava conducted a pre-trial investigation in criminal proceedings No. 42015170000000333 of 13 October 2015 on the grounds of criminal offences provided for in Part 1 of Article 121 and Parts 1 and 2 of Article 365 of the CCU, concerning the improper treatment of the applicant during a search of her home conducted by police officers on 29 July 2015.

During the pre-trial investigation in the aforementioned criminal proceedings, a significant number of investigative measures were carried out; decisions to close the case were issued several times, with the most recent decision to close the criminal proceedings being issued by the investigator on 5 September 2022 and not being appealed by the victim.

However, an examination of the materials from the closed criminal proceedings revealed that the scope of the investigative measures conducted does not currently meet the requirements for an effective investigation into torture, inhuman or degrading treatment or punishment.

In view of these circumstances, on 21 November 2025, the pre-trial investigation in the criminal proceedings was reopened.

Since 21 November 2025, the following actions have been taken as part of the criminal proceedings:

- a plan for investigative (search) and procedural actions was prepared;
- Ms Zhabo was questioned as a victim and was provided with a notice of the procedural rights and obligations of a victim;
- information was requested regarding the location of the personal files of former officials of the Ministry of Internal Affairs of Ukraine in the Poltava Region who participated in the search of the applicant's residence, as well as information regarding the location of the materials of criminal proceedings No. 42015170000000153 dated 18 April 2015, within the framework of which the aforementioned investigative action was conducted (the criminal proceedings referred to in paragraph 12 of the judgment).

The progress of the pre-trial investigation in these criminal proceedings is being supervised by the heads of the SBI in Poltava.

The Poltava Regional Prosecutor's Office ensures active procedural supervision to ensure that the investigation meets the strict criteria of thoroughness and institutional independence under Article 3 of the Convention.

The Government will inform the Committee of Ministers of the further progress and results of the criminal proceedings in future communications.

- <u>As to Mr Yashchyshen and Ms Yashchyshena</u>

The Government would also like to provide information regarding the applicants' criminal complaints about the unlawful police patrol officers' "inspection" of the first flat (para 32 of the judgment).

The SBI in Kyiv conducted a pre-trial investigation in criminal proceedings No. 42016100000000039 of 19 January 2016 on the grounds of criminal offences under Part 2 of Article 162, Part 1 of Article 364 and Part 1 of Article 366 of the CCU.

On 31 January 2025, a decision was taken to close the case on the basis of paragraph 2 of Part 1 of Article 284 of the CPC.

However, following the Court's judgment in the *Korniyets and Others* case, the aforementioned decision to close the criminal proceedings was quashed by a decision of the Deputy Head of the Kyiv City Prosecutor's Office.

On 1 December 2025 and 17 April 2026, the procedural supervisor issued written instructions to the investigator in order to activate the pre-trial investigation.

The pre-trial investigation is currently ongoing. The Government will keep the Committee of Ministers informed of further developments and the outcome of the criminal proceedings in future communications.

Also, the Government would like to provide information about the criminal proceedings against the third applicant (para 35 of the judgment).

By a decision of the Shevchenkivskyi District Court of Kyiv dated 30 October 2025[11], the third applicant was freed from criminal liability due to the expiry of the limitation period for bringing him to criminal liability, and the criminal proceedings were closed. Furthermore, this decision resolved the fate of the material evidence; in particular, some of it was returned to the owner, whilst it was decided that some should be retained in the criminal case file.

- *As to the Naydyonov and Vedutenko case*

The Shevchenkivskyi District Court of Kyiv is considering the indictment in criminal proceedings No. 12016000000001193 of 18 July 2016, in which O. and T. are charged with committing criminal offences under Part 3 of Article 289, Part 3 of Article 28 and Part 3 of Article 358, Part 3 of Article 28 and Part 4 of Article 358 of the CCU. The public prosecution is being conducted by a team of prosecutors from the Kyiv Regional Prosecutor's Office.

Among other participants, the victims, Mr Naydyonov and Ms Vedutenko, are taking part in the court hearings.

During the criminal proceedings, 62 court hearings were scheduled, of which 22 were cancelled by the court, 6 were postponed due to the defendants' failure to appear, 12 were postponed on the basis of a motion by the defence to postpone the trial, and in 10 court hearings, adjournments were announced to resolve procedural issues, in particular, the consolidation of court proceedings into a single case, changes to the composition of the court, challenges and self-recusals of judges, etc.

It is worth noting that in para 25 of the judgment the Court noted that *as regards the private notary [Mr K.] directly implicated in the misappropriation of the applicants' property, the investigator did not find it necessary even to question him, let alone bring any charges, even after having been informed of other similar episodes*. In this regard the Government would like to note that the court proceedings in criminal proceedings No. 12016000000001193 are currently at the stage of examining written evidence, which was added to the case file by the prosecution on 5 August 2024. The stage of questioning witnesses and other parties to the case will begin after the stage of examining written evidence.

By the decision of the Shevchenkivskyi District Court of Kyiv dated 14 April 2026[12] the court decided to bring the defendants O. and T. before the court on 10 June 2026.

It is also worth noting that in para 20 of the judgment it is stated that the applicants also brought civil proceedings against the notary, Mr K., but their claim was rejected on the grounds that the notary had not been a party to the contested deed. They brought further administrative proceedings against the Ministry of the Interior in respect of the investigating authorities' failure to respond to their numerous applications and enquiries. The courts found that there had indeed been unlawful omissions but rejected the applicants' claim in respect of non-pecuniary damage[13] [14] [15].

At the same time, it is worth noting that the applicants had not filed a request for review of the contested proceedings following the finding of violations by the Court.

Furthermore, the Government would like to note that on 29 October 2025, the Kyiv City Prosecutor's Office received an application from the applicants regarding the court proceedings on the indictment and improper procedural conduct; following consideration of this application, a response was provided within the timeframe stipulated by current legislation. The letter to the victims in the criminal proceedings explained that, in the event of improper procedural conduct by the accused O. and T., the prosecutor in the proceedings would take appropriate measures to ensure their participation in court hearings. Furthermore, in the application, the applicants reported a possible criminal offence committed by the prosecutor in the proceedings; consequently, a copy of the application was referred to the SBI in Kyiv for consideration within its jurisdiction. The Government will inform the Committee of Ministers of the further progress of the applicants' complaint (in particular, whether criminal proceedings have been initiated) in further communications.

[11] https://reyestr.court.gov.ua/Review/133048382
[12] https://reyestr.court.gov.ua/Review/135791309
[13] https://reyestr.court.gov.ua/Review/42492855
[14] https://reyestr.court.gov.ua/Review/43941487
[15] https://reyestr.court.gov.ua/Review/43940447

In addition, proceedings are currently pending before the Kyiv Court of Appeal concerning the unlawful seizure of the applicants' car, in which Ms Vedutenko has been recognised as the victim.

According to information from the Kyiv Court of Appeal, by a decision of the High Council of Justice dated 24 March 2026, Judge B. was dismissed from her post as a judge of the Kyiv Court of Appeal following the submission of her resignation.

In accordance with the protocol of the re-allocation of the court case among the judges of the Kyiv Court of Appeal dated 22 May 2026, Judge D. has been assigned to hear the case.

The court hearing is scheduled for 30 June 2026.

It is also worth noting that, as part of these court proceedings, Ms Vedutenko lodged a complaint with the High Council of Justice regarding Judge T.'s failure to observe the time limits for hearing the case, specifically in relation to the prolonged failure to open appeal proceedings. Following consideration of the complaint on 4 June 2025, the High Council of Justice held Judge T. disciplinarily liable[16].

The Government will inform about the progress and results of the applicants' court cases in further communications.

- *As to Yakymchuk case*

On 24 December 2025, the Government informed the applicant and her representative about the possibility provided by the legislation in force to apply for the review of the impugned proceedings in the light of the Court's findings in the applicant's case.

The Grand Chamber is currently considering an application filed by the applicant's lawyer for a review, on exceptional grounds, of the judicial decisions in the applicant's case, namely: the verdict of the Netishyn City Court of Khmelnytskyi Region dated 28 May 2013, the decision of the Court of Appeal of Khmelnytskyi Region dated 26 December 2014, and the decision of the High Specialised Court of Ukraine for Civil and Criminal Cases dated 27 October 2015.

By the decision of the Grand Chamber of 13 January 2026[17], proceedings were opened. The next court hearing is scheduled for 22 July 2026.

The Government submit that the open and active review before the Grand Chamber constitutes the most direct and effective mode of *restitutio in integrum* to address the procedural violations established by the Court in the above case. The Government will provide updates on the progress and results of the judicial review in further communications.

- *As to the Vykhor case*

The Government would like to provide information regarding the court proceedings in the applicant's case (paragraph 27 of the judgment).

Since November 2013, in the Konstantinovsky City and District Court of Donetsk Region, and since October 2024, following a change in jurisdiction, in the Shevchenkivsky District Court of the city of Dnipro, an indictment has been pending in criminal proceedings No. 12013050000000805 of 28 May 2013 against the applicant under Part 4 of Article 27, Part 2 of Article 15, Part 4 of Article 369 and Part 1 of Article 190 of the CCU.

In accordance with the procedure established by the court, witnesses have been examined, written evidence has been examined and the defendant has been questioned; the defendant's motion is currently under consideration (during the court proceedings, Mr Vykhor has filed over 830 motions).

The court proceedings are being complicated by the fact that, prior to each court hearing, the defendant Vykhor, abusing his procedural rights, submits new motions to the court seeking the recusal of the judge or the prosecutor, a change of jurisdiction, the declaration of evidence as manifestly inadmissible, and others.

The next court hearing in the applicant's case is scheduled for 19 June 2026.

[16] https://hcj.gov.ua/doc/doc/53033
[17] https://reyestr.court.gov.ua/Review/133239359

Furthermore, regarding the applicant's complaints against the original investigative and judicial authorities, the criminal proceedings No. 42016050000001189 under Articles 367, 275, and 382 of the CCU remain open.

A comprehensive set of investigative measures has been taken, including the acquisition of official electronic tracking logs from the State Judicial Administration and the interrogation of relevant judicial and law enforcement officials as witnesses. While the investigation has been structurally complicated by the evacuation and relocation of the competent investigative authorities from the war zone (Kramatorsk/Kostiantynivka) to Dnipro, the supervisory prosecutor's office ensures that the file remains subject to active procedural review..

The pre-trial investigation in criminal proceedings No. 42016050000001189 is pending, and the applicant will be notified of its results and the procedural decision taken in accordance with the requirements of criminal procedural law.

The Government consider that no additional individual measures are required in the *Svirgunets, Dubovych, Gration Treyd, Tov, Pogrebnyy and Others* and in the *TREYD 2008, TOV* cases, and kindly ask the Committee of Minister to close the examination of these cases.

III. GENERAL MEASURES

The issue of the proper conduct of investigative (search) measures and the CISM is one of the key elements of effective criminal proceedings. Ensuring compliance with the procedural safeguards of those involved in the proceedings is particularly important.

The full-scale armed aggression against Ukraine has created unprecedented challenges for the functioning of state authorities, including pre-trial investigation bodies and the prosecution service. The introduction of the legal regime of martial law has significantly affected the conditions under which criminal proceedings are conducted, particularly in terms of ensuring the effectiveness of pre-trial investigations. At the same time, even under such conditions, Ukraine continues to adhere to the principle of the rule of law and the protection of fundamental human rights and freedoms.

An essential aspect in this context is the identification, analysis and rectification of shortcomings that arise during the conduct of investigative (search) operations and the CISM. This includes, inter alia, the professional development of authorised personnel and the strengthening of judicial oversight to ensure compliance with procedural safeguards for participants in criminal proceedings. The implementation of appropriate measures is aimed at achieving a balance between the objectives of criminal proceedings and the need for unconditional respect for human rights.

a. As regards the issues relating to the seizure of the applicants' property and its continued non-return

Several cases of this group concern the impossibility to obtain the return of seized property or compensation for the same, including for property seized in the context of criminal proceedings against other persons.

At the outset, the Government would like to reiterate that in November 2012, a new CPC has been adopted. It envisages a number of provisions aimed at effective improvement of the procedure of premises' search and seizure of documents and property, including a requirement for prior judicial authorization for search and seizures.

Temporary seizure of property shall mean the actual deprivation of the suspect or persons in possession of the property specified in part 2 of Article 167 of the CPC the possibility to own, use and dispose of certain property until the issue is resolved of seizure or return, or its asset forfeiture in the manner prescribed by law (Article 167 of the CPC).

The criminal procedural legislation prohibits the temporary seizure of electronic devices with a limited number of exceptions. In particular, temporary seizure of electronic information systems or their parts, mobile terminals of communication systems for the study of physical properties that are important to criminal proceedings shall be conducted only where they are directly specified in the court ruling. Temporary seizure of electronic information systems or their parts, mobile

terminals of communication systems shall be prohibited, except when their provision together with the information contained in them is a necessary condition for expert research, or where such objects are obtained as a result of criminal offence or they are means or tools of its commission, as well as where access to them is restricted by their owner, possessor or holder or is associated with breaking the system of logical security. Where necessary, the investigator or prosecutor shall copy the information contained in information (automated) systems, telecommunication systems, information and telecommunication systems, and their integral parts. Copying of such information shall be conducted with the involvement of a specialist (Article 168(2) of the CPC).

According to the provisions of Article 169 of the CPC, provisionally seized property shall be returned to the person from whom it has been seized:

- upon public prosecutor's decision, where he finds that the seizure was ill-grounded;
- upon the decision of investigating judge or court, if it dismisses public prosecutor's motion to attach the property;
- in cases where attachment is cancelled;
- by a court sentence in criminal proceedings in respect of a criminal offence.

Moreover, investigator, public prosecutor shall submit motion for the attachment of provisionally seized property not later than the next working day after the attachment of property, otherwise the property has to be immediately returned to the person from whom it has been seized. In the case of provisional attachment of property during a search or inspection conducted pursuant the decision of the investigating judge, a request for attachment of such property shall be filed by an investigator or public prosecutor within 48 hours after the seizure of property, otherwise the property shall be immediately returned to the person from whom it has been seized (Article 171(5) of the CPC).

Attachment of property shall mean temporary, until revoked, deprivation by decision of the investigating judge or court of the right to alienate, dispose of and/or use property in respect of which there are grounds to reasonably suspect that it is evidence of a criminal offence, subject to asset forfeiture from the suspect, accused, convicted person, third parties, confiscation from a legal entity, to secure a civil action or recovery from the legal entity of the received improper advantage, probable forfeiture of property (Article 170 of the CPC).

According to part 3 of Article 170 of the CPC, attachment of computer systems or parts thereof shall be imposed only in cases if they were obtained as a result of the commission of a criminal offence or constitute a means or instrument for its commission, or bear traces of a criminal offence, or in the cases provided for in paragraphs 2, 3, 4 of the second part of this Article, or if their provision, together with the information contained therein, is a necessary condition for conducting an expert examination, as well as if access to computer systems or parts thereof is restricted by their owner, possessor or holder, or involves overcoming a logical protection system.

Article 174 of the CPC regulates the lifting of property attachment. In particular, property attachment may be lifted:

- upon a motion of a suspect, accused, their defence counsel, legal representative, other owner or holder of property and representative of the legal entity in whose respect proceedings are taken, who were absent during consideration of the issue of property attachment;
- upon a motion of a suspect, accused, their defence counsel, legal representative, other owner or holder of property or representative of the legal entity in whose respect proceedings are taken if they prove that there is no need for continued application of this measure, or that the attachment was ungrounded;
- concurrently with adopting a decision to terminate the criminal proceedings, the procecutor revoke property attachment unless such is subject to asset forfeiture;
- concurrently with adopting a decision in the end of court proceedings. The court shall revoke property attachment in particular, in cases of acquittal of the accused, termination of criminal proceedings by court unless the property is subject to asset forfeiture, non-imposition of a court punishment in the form of confiscation of property and/or non-application of asset forfeiture, leaving the civil action undecided or dismissal of the civil claim.

Also, according to paragraph 9 of Part 1 of Article 309 of the CPC, the decision of the investigating judge of the seizure of property may be appealed to the court.

Statistical information published on the judiciary's official website[18] regarding the consideration by investigating judges of motions to attach property and to lift attachments:

Year	Number of motions that were under consideration		Number of motions considered					Number of unconsidered motions at the end of the period
				including:				
	In total	including those received during the reporting period	In total	returned	satisfied	rejected	a different type of preventive measure has been applied	
On property attachment								
2024	97064	96238	95773	4857	85278	4201	-	1291
2025	95477	94411	94220	4430	84349	3958	4	1257
On lifting of property attachment								
2024	25948	24643	24590	1948	12598	7786	3	1358
2025	24111	22927	22686	1710	11123	7425	2	1425

It is worth noting that complaints regarding the actions or inaction of an investigator or inquiry officer in relation to searches, the temporary seizure or attachment of property, which are received both by the Office of the Prosecutor General in particular and by the prosecution authorities of Ukraine as a whole, are not categorised separately during registration.

At the same time, the table below shows the number of times prosecutors participated in the consideration by an investigating judge of motions to lift the attachment of property following complaints from other parties[19]:

Year	2024	2025	January – March 2026
Number	1 189	1 703	296

The Government would also like to note that the procedure for retention of physical evidence is governed by the CPC, namely Article 100 "Storage of Physical Evidence and Documents and Deciding on Special Confiscation" and the Order of Storage of Physical Evidence by the Prosecution, its Realisation, Technological Processing, Destruction, and Evaluation of the Costs Associated with their Storage and Transmission, the Security of the Temporarily Seized Property during the Criminal Proceedings, adopted by the Cabinet of Ministers of Ukraine Resolution No. 1104, of 19 November 2012[20].

If the party to criminal proceedings loses or destroys any physical evidence released thereto, such party shall provide a similar object or compensate its cost to the owner. If the party to criminal proceedings loses or destroys a document released thereto, it shall compensate its owner expenses related to the loss or destruction of a document and production of a duplicate document (Article 100(4) of the CPC).

Official statistical reports do not provide for the recording of information regarding the application of Article 100(4) of the CPC concerning the obligation to return the same item to the owner or to reimburse its value in the event that a party to criminal proceedings loses or destroys material evidence provided to them. The provision of such information in each specific case is possible only after examining the materials of the specific criminal proceedings.

The issue of compensation for damage caused by unlawful decisions, actions or omissions is provided for in Article 130 of the CPC of Ukraine.

Damage caused to a citizen, in particular as a result of an unlawful search, seizure, or the unlawful attechment of property, is subject to compensation under the Law of Ukraine "On the Procedure for Compensation for Damage Caused to a Citizen by Unlawful Acts of Bodies Carrying Out Operational Investigative Activities, Pre-trial Investigation Bodies, the Public Prosecutor's Office and the Court"[21] (the – **Law on Compensation**).

[18] https://court.gov.ua/inshe/sudova_statystyka/
[19] https://gp.gov.ua/ua/posts/pro-robotu-organiv-prokuraturi-2
[20] https://zakon.rada.gov.ua/laws/show/1104-2012-%D0%BF#Text
[21] https://zakon.rada.gov.ua/laws/show/266/94-%D0%B2%D1%80#Text

In accordance with the provisions of Article 2 of the Law on Compensation, the right to compensation for damage, in the amounts and in the manner provided for by this Law, arises in the following cases:

- the issue of an acquittal by a court;
- a finding in a court's conviction or other court decision (other than a court order for a retrial) that there was an unlawful notification of suspicion of a criminal offence, unlawful arrest and detention, the unlawful conduct of a search or seizure during criminal proceedings, the unlawful attachment of property, unlawful suspension from work (office) and other procedural actions that restrict or violate the rights and freedoms of citizens, or the unlawful conduct of operational and investigative measures;
- the closure of criminal proceedings due to the absence of a criminal offence, the absence of the elements of a criminal offence in the act, or the failure to establish sufficient evidence to prove the person's guilt in court and the exhaustion of all possibilities to obtain such evidence; the closure of a case concerning an administrative offence.

In accordance with Article 3 of the Law on Compensation, a citizen shall, amongst other things, be compensated (reimbursed) for:

- earnings and other monetary income lost as a result of unlawful acts;
- property (including cash, cash deposits and interest thereon, securities and interest thereon, a share in the authorised capital of a business entity of which the citizen was a member, and the profit which he did not receive in accordance with that share, other valuables), confiscated or forfeited to the state by a court, seized by pre-trial investigation bodies or bodies carrying out operational-investigative activities, as well as property subject to attachment;
- non-pecuniary damage.

Following the court decisions on compensation for damage caused to a citizen by unlawful acts or omissions on the part of public authorities, their officials or civil servants, such damage is compensated from the state budget.

The Government would like to provide examples of case law relating to the courts' consideration of cases concerning the seizure or attachment of property.

1) regarding compensation for damage caused by the seizure of property

- In case No. **910/10399/18**[22], the plaintiff, Vima LLC, brought a lawsuit against the defendants, the Transcarpathian Regional Prosecutor's Office and the State Treasury Service of Ukraine, seeking compensation for direct losses, as well as loss of profit and non-pecuniary damage. In support of its lawsuit, the plaintiff stated that, due to the wrongful actions of the prosecutor's office staff, the company's property (footwear manufacturing equipment) had been unlawfully seized, which was subsequently returned to the plaintiff in an incomplete state and in a worn condition, as a result of which this property (equipment) became unsuitable for its intended use.

The courts established[23], that during the pre-trial investigation, the Public Prosecutor's Office seized equipment worth EUR 73,090.00 from the plaintiff, which was in working order and had no issues regarding its functionality or completeness, and transferred it to Ingrid Plus Ltd. for safekeeping. From 2016 onwards, the Public Prosecutor's Office began returning the said equipment to the plaintiff. However, the equipment was not returned to the plaintiff in full, and the returned part was found to be worn out and could not be used for its intended purpose. Furthermore, the Public Prosecutor's Office and its staff failed to comply with the regulatory and legal acts governing the seizure and storage of material evidence, which were in force at the time of the seizure of the equipment from the plaintiff and the conduct of the preliminary pre-trial investigation. In particular, an internal investigation conducted by the Prosecutor's Office established that the investigator had failed to record details of the equipment seized from the plaintiff in the book of physical evidence, which made it impossible to verify its preservation at a later date. Furthermore, throughout the nine years of the criminal investigation, none of the officials of the Prosecutor's Office responded appropriately to the plaintiff's representatives' requests or checked the condition of the seized equipment and the conditions of its storage. Thus, the

[22] https://reyestr.court.gov.ua/Review/129244598
[23] https://reyestr.court.gov.ua/Review/104727760

Prosecutor's Office and its staff were guilty of inaction, consisting of a failure to fulfil their duty to safeguard the equipment seized from the plaintiff in the course of the criminal proceedings.

On the basis of the foregoing, the courts reached the well-founded conclusion that, given the established facts of the case concerning the loss and damage to the equipment whilst it was in the custody of Ingrid Plus Ltd, and given that the responsibility for ensuring the safety of the seized items against damage, deterioration, deterioration or loss of properties rested specifically with the Public Prosecutor's Office, there is an established fact of inaction on the part of officials of the Public Prosecutor's Office, who failed to fulfill the relevant duty, which is also directly causally linked to the damage to the equipment.

Furthermore, the courts have established that, as a result of the seizure of the equipment, the plaintiff was deprived of the opportunity to perform his obligations under the contract with the firm 'Paradiso'; the plaintiff's unlawful or criminal activity was never confirmed by court decisions; and the plaintiff suffered losses in the form of lost profits, which are determined by the amount of income not received from the sale of the manufactured products.

The final court decisions established that Vima LLC had suffered losses amounting to the value of the lost equipment at the prices prevailing at the time of the loss (EUR 73 090.00) and that the State Budget of Ukraine should pay Vima LLC lost profits amounting to EUR 48 531.17.

- In case No. **915/1208/20**[24], Euro Garant Group LLC (not a party to the criminal case) filed a lawsuit with the Commercial Court of Mykolaiv Region against the Main Directorate of the State Fiscal Service in Mykolaiv Region and the State Treasury Service of Ukraine, seeking compensation for financial loss. The lawsuit was based on the unlawful actions of the pre-trial investigation body within the framework of criminal proceedings, in the form of the seizure of property and the adoption of an unlawful decision to transfer it for sale, as a result of which the plaintiff suffered losses, which were claimed in the lawsuit.

The Commercial Court of Kyiv concluded that officials of the first defendant had unlawfully seized the property (maize) and decided to transfer it for sale without sufficient legal grounds, and that the identity of the owner of such property had not been properly verified.

Having examined the facts of the case and the available evidence, the court confirmed that the plaintiff had been unlawfully deprived of property to which he was entitled by virtue of ownership and deprived of the opportunity to make a profit from the sale of goods under a foreign trade contract, and ordered the State Treasury Service of Ukraine to pay the plaintiff compensation for financial loss in the amount of UAH 5 052 020.00. The court's decision came into force on 24 December 2024.

- In case No. **607/10707/24**[25], PERSON_1 brought a lawsuit against the police and the public prosecutor's office, seeking compensation for non-pecuniary and pecuniary damage caused by the unlawful actions of the pre-trial investigation authorities, the public prosecutor's office and the court. The lawsuit was based on the fact that financial and accounting documents belonging to PERSON_1, a sole trader, had been seized, as a result of which he was unable to keep proper accounts of his business activities or submit reports to the tax authorities on time; a preventive measure in the form of a travel ban had been imposed on him, and all his property had been attached.

By a decision of the court of first instance dated 19 May 2025, the lawsuit was partially satisfied, and PERSON_1 was awarded UAH 855 200 in monetary compensation for non-pecuniary damage and UAH 75 000 for pecuniary damage. By a decision of the appellate court dated 9 December 2025, the decision of the court of first instance was amended in respect of the award for non-pecuniary damage (the amount of non-pecuniary damage was reduced from UAH 855 200 to UAH 796 800); in all other respects, the contested decision was left unchanged.

By the decision of 15 April 2026 the Supreme Court considered that the specified amount constituted reasonable compensation for PERSON_1 for the non-pecuniary damage he suffered as a result of the unlawful actions of the operational and investigative authorities, the pre-trial investigation authorities and the public prosecutor's office, which led, in particular, to the suspension of his business activities and the restoration of his business reputation. The Supreme

[24] https://reyestr.court.gov.ua/Review/123424702
[25] https://reyestr.court.gov.ua/Review/135733763

Court found no grounds for quashing the court decision, and the contested decisions were therefore upheld.

2) regarding the consideration of complaints about the non-return of temporarily seized property

- After considering the lawyer's complaint regarding the investigator's failure to return temporarily seized property in case No. **342/161/25**[26], the investigating judge of the Horodenka District Court of Ivano-Frankivsk Region concluded that there were grounds for satisfying the complaint and ordered the investigator to return to PERSON_3 and PERSON_4 the documents seized during the search of the residential property, as these items in the present criminal proceedings were not items bearing traces of a crime, were not instruments used to commit a criminal offence, nor did they contain any other information that could be used as evidence of the facts or circumstances established during the criminal proceedings, and furthermore, neither PERSON_3 nor PERSON_4 had been notified of any suspicion in this case. The fact that these individuals are connected to the criminal proceedings concerning the commission of an offence under Part 4 of Article 185 of the CCU was not established by the investigation.

- In case No. **756/19496/25**[27], the investigating judge of the Obolon District Court of Kyiv reached a similar conclusion, given that the case file contained no evidence that anyone in these criminal proceedings had been notified of being suspected of committing any criminal offence, that is to say, at the time of considering the complaint regarding the non-return of temporarily seized property, there was no person in the criminal proceedings who had acquired the status of a suspect in accordance with Article 42 of the CPC. Furthermore, the investigating judge noted that no attachment had been imposed on the property and that the criminal proceedings had been closed.

- In case No. **462/728/25**[28], upon determining whether there were grounds to satisfy the application lodged by lawyer PERSON_3 on behalf of PERSON_4, regarding the investigator's failure to return temporarily seized property and the obligation to return said property, the investigating judge of the Zaliznychny District Court of Lviv established that, based on the established facts of the case, the temporarily seized property had not been returned to the owner at the time of consideration of this application, no attachment had been imposed on the said property, which directly indicated the groundlessness of the retention of such property, which, pursuant to the provisions of Article 169 of the CPC, was subject to immediate return, and there was also no evidence of any procedural actions having been taken in respect of the temporarily seized property. Therefore, the investigating judge, taking into account the established practice of the Court, concluded that the seized property had been retained by the pre-trial investigation body without proper legal grounds, and consequently the owner's right of ownership of the said seized property had been infringed and was subject to restoration through the return of this property.

Summarising the courts' practice in considering such complaints, the Government would like to state that the courts examine: 1) the existence of lawful grounds for retaining property seized during procedural actions, namely a court decision to attach property; 2) the existence of evidence confirming the circumstances justifying the continuation of such temporary deprivation of a person's property; 3) the proportionality of the deprivation of a person's property from the perspective of Court's case law. The specific circumstances of the case, accordingly, serve as a basis for either a decision that such property has been unlawfully detained and that the investigator is obliged to return it to the relevant person, or a decision refusing to recognise the investigator's inaction, consisting of the failure to return the temporarily seized property, as unlawful.

b. <u>As regards the issues relating to the conduct of a search</u>

In its judgments in the cases of *Korniyets and Others*, *Reznik*, *Dubovych* and *Zosymov*, the Court found a violation of Article 8 due to procedural shortcomings identified during the searches of the applicants' homes.

[26] https://reyestr.court.gov.ua/Review/128310593
[27] https://reyestr.court.gov.ua/Review/133125513
[28] https://reyestr.court.gov.ua/Review/135005583

In the Action Plan of 2021, the Government provided information regarding the legislative regulation of search procedures.

In particular, amongst other things, the Government highlighted legislative amendments provisions of which contribute to the protection of human rights during searches, namely:

- mandatory audio/video recording of searches on premises conducted by law enforcement officers (settled by the Law of Ukraine on "Amending Specific Legislative Acts Regarding the Compliance with the Rights of Participants of Criminal Proceedings and Other Persons by Law Enforcement Authorities in the Course of Pre-Trial Investigations"[29]);
- the presence of the lawyer during a search (provisions of Article 236 of the CPC);
- the obligatory participation of the witnesses of search (provisions of Article 223(7) of the CPC).

Article 303 of the CPC establishes a list of decisions, actions or omissions by an investigator, an inquiry officer or a prosecutor that may be appealed against during pre-trial proceedings. Article 309 of the CPC establishes an exhaustive list of decisions by an investigating judge that may also be appealed against during the pre-trial investigation through the appeal procedure.

As the Court has noted in its judgments in cases within this group, the provisions of the CPC do not provide for appeals during pre-trial proceedings against either the actions of an investigator relating to the conduct of a search or the decisions of investigating judges granting permission to conduct a search.

At the same time, the Government would like to emphasise that the absence of a separate interlocutory appeal against search warrants during the pre-trial stage is counterbalanced by a robust mechanism of subsequent judicial review during the trial on the merits. In accordance with Article 87 and Article 89 of the CPC, national courts possess full jurisdiction to evaluate the lawfulness of a search and unconditionally declare any evidence obtained in violation of procedural safeguards as inadmissible. The subsequent cassation practice of the Supreme Court, as demonstrated below, strictly enforces the "fruit of the poisonous tree" doctrine, ensuring that the lack of an interlocutory appeal does not result in a deficit of judicial protection.

Furthermore, the national authorities are working on the developing of preventive and structural solutions to eliminate human rights violations during the execution of searches.

It is worth noting that on 24 April 2026, at the initiative of the Ukrainian National Bar Association (the – **Bar Association**), a round table was held on the topic "Searches in criminal proceedings: procedural limits and human rights standards in the light of ECHR case law".

The aim of the round table was to discuss issues relating to compliance with procedural safeguards and human rights during searches, to analyse national judicial practice in the light of Court's standards, and to develop practical recommendations for lawyers on the effective protection of human rights[30].

In particular, the following issues were discussed:

- the effectiveness of judicial control: the problem of formulaic decisions, the limits of interference with private life, and compliance with Article 8 of the Convention when granting search permits;
- urgent searches and post-facto authorisation: an analysis of the procedure in the light of Court's case law, in particular the judgment in the case of *"Korniyets and Others v. Ukraine"*;
- practical mechanisms for the protection of human rights during searches: countering abuse of power, unlawful seizure of property and interference with digital data.

Thus, despite the absence in current legislation of detailed regulations on certain procedural aspects of conducting searches, these issues are being considered and discussed among judges, prosecutors, representatives of law enforcement agencies and the legal community, which creates a basis for improving search practices in accordance with the standards of the Convention and contributes to enhancing the protection of citizens' fundamental rights and freedoms in criminal proceedings. This is also facilitated by the awareness-raising and capacity building activities, information of which is provided below.

[29] https://zakon.rada.gov.ua/laws/show/2213-19?lang=en#Text
[30] https://unba.org.ua/events/3929-obshuk-u-kriminal-nomu-provadzhenni-procesual-ni-mezhi-ta-standarti-zahistu-prav-lyudini-u-svitli-praktiki-espl.html

At the same time, the Government would like to point out that violations of the inviolability of the home - namely, unlawful entry into a person's home or other premises, unlawful inspection or search thereof, as well as unlawful eviction or other actions that violate the inviolability of citizens' homes - entail criminal liability under Article 162 of the CCU.

Between January 2024 and April 2026, the prosecution authorities exercised procedural supervision in five criminal proceedings concerning the unlawful entry by law enforcement officers into a person's home or other premises, and the unlawful inspection or search thereof.

Following the results of the pre-trial investigation, a decision was taken to terminate one criminal case; pre-trial investigations are ongoing in two criminal cases; and two criminal cases have been referred to court with indictments.

In particular, in one of these two criminal proceedings, a senior police lieutenant has been notified of suspicion under Part 3 of Article 28, Part 4 of Article 189 and Part 2 of Article 162 of the CCU, and a police captain has been notified of suspicion under Part 3 of Article 28, Part 4 of Article 189 and Part 2 of Article 162 of the CCU. The pre-trial investigation was terminated on 13 January 2025 with the indictment being sent to court. The court proceedings are pending.

In the second criminal case, a senior police lieutenant was notified of suspicion under Part 4 of Article 189 and Part 2 of Article 162 of the CCU, and another senior police lieutenant was notified of suspicion under Part 4 of Article 189 and Part 2 of Article 162 of the CCU. By a court decision dated 28 January 2025, the aforementioned individuals were found guilty and sentenced to 5 years' imprisonment.

Overall, according *to operational data* from the Unified Register of Pre-trial Investigations, the number of law enforcement officers identified between 2024 and 2025, and from January to March 2026, who committed criminal offences under Article 162 of the CCU, is:

Year	2024	2025	January - March 2026
Number of law enforcement officers identified	11	12	0

Meanwhile, the Government would like to provide statistical information, available on the judiciary's official website, regarding the consideration by investigating judges of applications for search permits for a person's home or other premises.

Year	Number of motions that were under consideration		Number of motions considered					Number of unconsidered motions at the end of the period
	In total	including those received during the reporting period	In total	Including: returned	satisfied	rejected	a different type of preventive measure has been applied	
2024	93991	93719	93524	5305	78314	7239	4	467
2025	103855	103567	103372	3523	89737	7257	2	483

The Government would also like to provide examples of national court practice regarding the recognition of evidence obtained through searches and inspections conducted in violation of the rules of the CPC as admissible/inadmissible.

- The Supreme Court decision of 15 October 2024 in case No. **303/1425/18**[31]:

In this case, the courts at all levels rejected the defence's arguments regarding the inadmissibility of the search reports, finding them to be unfounded. In particular, it was established that the inaccuracy in the address specified in the investigating judge's order did not affect its legality, as the subject of the search was clearly identified – the office and associated premises. The search conducted without a prior decision was found to comply with the requirements of criminal procedural law, as it was conducted in an urgent situation immediately after the commission of the

[31] https://reyestr.court.gov.ua/Review/122333175

offence with the aim of recording and stopping it. In doing so, the pre-trial investigation authority complied with the requirement to subsequently apply to the investigating judge, who verified the legality of such actions. The search of another office was carried out on the basis of the voluntary consent of an authorised person, which also complies with the requirements of the law, and was additionally authorised by the court. The absence of the suspect and the defence counsel during the search was not deemed a violation, as their presence is not mandatory.

Overall, the Supreme Court concluded that the investigators' actions were lawful and that there were no grounds for declaring the evidence obtained inadmissible.

- The Supreme Court's decision of 2 November 2023 in case No. **991/10566/20**[32]:

The defence in the case argued that the evidence obtained during the search of the office premises was inadmissible, referring to three violations: the hearing of the application by the investigating judge of the High Anti-Corruption Court for authorisation to conduct the search was conducted without a full record of the court proceedings; the search was carried out solely on the basis of the operative part of the decision, rather than the full text of the decision; and the lack of legal grounds for the investigating judge to grant permission to search for funds that were the subject of the CISM.

The courts of first instance and appeal rejected these arguments, stating that the search had been carried out in accordance with Articles 234 and 236 of the CPC. The courts assessed the investigating judge's decision, finding it to be in compliance with the requirements of the CPC and, accordingly, a lawful basis for conducting the search. The presentation of only the operative part of the decision prior to the search is of no material significance, as the announcement and issuance of the operative part of a judicial decision are provided for by the provisions of the CPC, and a decision authorising a search is no exception. Such a decision is not subject to appeal and takes legal effect from the moment of its announcement; therefore, its operative part is subject to mandatory enforcement. It is in the operative part that the essential conditions of the search are set out, so the presentation of only this part does not indicate a material breach of the CPC. A full technical recording of the court hearing during the consideration of the application was conducted, and the absence of a recording of the moment the order was announced is explained by the absence of participants in the courtroom, which complies with the requirements of Part 4 of Article 107 of the CPC.

The courts found the defence's arguments regarding the lack of legal grounds for granting a search permit to be unfounded, since, in accordance with Article 234(1) of the CPC, a search is conducted for the purpose of identifying and recording information regarding the circumstances of a criminal offence, and of locating the instrument of the offence or property obtained as a result of its commission.

Overall, the courts concluded that no material breaches of the requirements of criminal procedural law had occurred during the search.

- The Supreme Court's decision of 19 January 2026 in Case No. **336/4830/22**[33] :

In this case, the courts of first and appeal instance found the defendant guilty and convicted him under Part 1 of Article 309 of the CCU. During the cassation proceedings, the convicted person, in particular, argued that the investigating judge's decision to authorise a search of the convicted person's home had been issued without a full technical record of the hearing and without the participation of the investigator and the prosecutor, which constitutes a material violation of Part 4 of Article 107 of the CPC and the provisions of Part 3 of Article 87 and Article 234 of the CPC.

As regards the court's use of technical means for recording criminal proceedings, the Supreme Court has issued a conclusion on the application of the provisions of paragraph 4 of Part 3 of Article 87, Part 4 of Article 234 of the CPC, namely that Part 4 of Article 234 of the CPC stipulates that a motion for a search is considered in the presence of an investigator or prosecutor and, in such cases, requires the mandatory recording of criminal proceedings using technical means whilst it is being considered by an investigating judge. The issuance, in such circumstances, of a decision by an investigating judge authorising a search of a person's home or other premises without a full technical recording of the hearing entails, in accordance with paragraph 4 of Part 3 of

[32] https://reyestr.court.gov.ua/Review/115127015
[33] https://reyestr.court.gov.ua/Review/133579181

Article 87 of the CPC, the recognition of evidence obtained during the execution of such a decision as inadmissible.

In view of the above, the Supreme Court concluded that the decision of the court of appeal should be quashed and scheduled a new hearing before the court of appeal.

c. As regards the issues relating to the conduct of the CISM

In its judgments in the cases of *Yakymchuk* and *Denysyuk and Others*, the Court found a violation of Article 8 due to procedural shortcomings identified during the conduct of the CISM concerning the applicants.

According to Article 246 of the CPC, the CISM shall mean a type of investigative (search) measures the information on the fact and methods in which they are conducted may not be disclosed, except as prescribed by the CPC. The CISM shall be conducted where information on criminal offence and its perpetrator cannot be obtained otherwise.

Investigator, public prosecutor or investigating judge in cases specified by the CPC, upon request of the public prosecutor or upon request of the investigator approved by public prosecutor, shall take decision on the conducting of the CISM. Investigator shall be required to inform public prosecutor on the decision to conduct certain CISM and their findings. Public prosecutor shall have the right to prohibit or stop the conducting of the CISM. Only public prosecutor shall be vested with the right to take decision to conduct such the CISM as control over the commission of crime (Article 246 (3-4) of the CPC).

The general principles and uniform requirements governing the organisation and conduct of the CISM, as well as the use of their results, are set out in ***the Instruction on the Organisation of Covert Investigative (Search) Actions and the Use of Their Results in Criminal Proceedings***[34], approved by Joint Order No. 114/1042/516/1199/936/1687/5 of 16 November 2012, issued by the Prosecutor General's Office of Ukraine, the Ministry of Internal Affairs of Ukraine, the Security Service of Ukraine, the State Border Guard Service Administration of Ukraine, the Ministry of Finance of Ukraine, and the Ministry of Justice of Ukraine (the - **Instruction on the CISM**).

The Government would also like to note that, having regard to paragraphs 11 and 14 of the judgment in the *Yakymchuk* case, the covert video recording of the applicant's conversation with I.P. was made before the Rivne Regional Prosecutor's Office initiated criminal proceedings against the applicant under Article 368(2) of the CCU on suspicion of accepting a bribe.

In this regard, the Government would like to inform that after the adoption of the new version of the CPC in 2012, requirements regarding the existence of open criminal proceedings in the event of conduction of the CISM have been established.

In particular, in accordance with Article 248 of the CPC, a motion by an investigator or prosecutor for authorisation to conduct the CISM must be accompanied by an extract from the Unified Register of Pre-trial Investigations relating to the criminal proceedings in respect of which the motion is being made.

Furthermore, in accordance with Part 2 of this Article of the CPC, one of the requirements for a decision by an investigator or prosecutor to conduct the CISM is the indication of the name of the criminal proceedings and its registration number.

Article 250 of the CPC clearly regulates the conduct of the CISM before the issuance of a decision by an investigating judge. In exceptional urgent cases involving the saving of human lives and the prevention of a serious or particularly serious offence under Sections I, II, VI, VII (Articles 201 and 209), IX, XIII, XIV, XV, XVII of the Special Part of the CCU, the CISM may be initiated upon a decision by the investigator, agreed with the prosecutor, or by the prosecutor. In such a case, the prosecutor is obliged, immediately after the commencement of such the CISM, to submit a corresponding application to the investigating judge.

The performance of any CISM must be immediately stopped if the investigating judge issues a decision refusing to grant authorisation for the conduct of such measures. Any information obtained as a result of such CISM must be destroyed in accordance with the procedure laid down in Article 255 of the CPC.

[34] https://zakon.rada.gov.ua/laws/show/v0114900-12#Text

In accordance with the provisions of Article 255 of the CPC, information, items and documents obtained as a result of the CISM which the prosecutor does not deem necessary for the further conduct of the pre-trial investigation must be destroyed without delay on the basis of his decision. An exception to this rule is provided for in Part 3 of Article 255 of the CPC, which stipulates that if the owner of items or documents obtained as a result of the CISM may be interested in their return, the prosecutor is obliged to inform them of the existence of such items or documents in the prosecutor's possession and to ascertain whether they wish to have them returned.

The Government would like to note that the legal framework does not provide for the maintenance of statistical records regarding the number of criminal proceedings in which all materials relating to the conduct of the CISM have been destroyed. Consequently, it does not appear possible to provide the information in this regard.

No special procedure is established by law enabling a person subjected to a CISM to review documentation confirming the destruction of materials obtained. However, access to such information must comply with the general principles governing restricted information protection, as set out in Articles 20 and 21 of the Law of Ukraine "On Information" and Article 22 of the Law of Ukraine "On State Secrets".

It is worth noting that in the *Yakymchuk* case the Court found the violation of Article 8 due to the appellate court's failure to consider, after the termination of the secret surveillance measures, whether there were any compelling reasons to keep the relevant court decisions and documents classified denying the applicant access thereto. Also, in the *Denysyuk and Others* case the applicants' denied access to judicial decisions authorising the CISM.

In this regard, the Government would like to note that, activities related to the disclosure of material data carries are regulated by Section V of the Instruction on the CISM.

Thus, in accordance with paragraphs 5.9 - 5.13 of the Instruction, upon completion of the CISM, the confidentiality classification of the material data carriers (the – **MDC**) relating to their conduct shall be disclosed on the basis of a decision by the prosecutor exercising the powers of a prosecutor in the specific criminal proceedings in the form of procedural supervision of the pre-trial investigation, taking into account the circumstances of the criminal proceedings and the need to use the materials of the CISM as evidence following such actions, provided that the disclosure of such information does not harm Ukraine's national security.

Such a decision shall be formalised by a decision of the prosecutor exercising the powers of a prosecutor in specific criminal proceedings in the form of procedural supervision of the pre-trial investigation, which shall be approved by the head of the prosecutor's office.

In order to disclose specific physical media containing information relating to the conduct of the CISM, the head of the prosecution authority shall send a request to the head of the authority where the physical media is classified, setting out the grounds for lifting the classification, the registration number and the name of the MDC.

Upon receipt of the request for the cancellation of the confidentiality classification of physical media containing information relating to the conduct of the CISM and the relevant documents, the head of the body where the classification was applied shall establish an expert commission on matters of secrecy (the - **expert commission**), which shall be tasked with preparing decisions on the cancellation of the confidentiality classification of the MDC.

The expert commission shall be composed of at least three persons, including specialists with the requisite level of knowledge and experience in the field of safeguarding state secrets (depending on the authority: an investigating judge, an investigator, a prosecutor in specific criminal proceedings in the form of procedural supervision, or the head of an investigative or operational unit), and staff of security and classified units who hold the appropriate level of clearance for state secrets.

The commission's decision is formalised in a report on the cancellation of the classification of the MDC containing secret information, which is approved by the head of the authority.

In the decision of 20 March 2025[35] in case No. **173/1115/16** in the context of one of the arguments put forward in the defence's cassation appeals regarding alleged violations when the results of the CISM were disclosed to them, the Supreme Court concluded that the prosecutor is not

[35] https://reyestr.court.gov.ua/Review/126153465

an independent authority with the power to disclose classified materials; he is obliged to submit a corresponding application to the expert commission on state secrets, which is the body responsible for deciding on disclosure. The expert commission decides this matter taking into account the state's interest in keeping the information confidential. Only after such procedural documents authorising the conduct of the CISM have been disclosed can the prosecutor attach them to the materials of the criminal proceedings in accordance with the procedure established by the CPC. If, however, the commission decides that they cannot be disclosed because doing so would harm state interests, then, accordingly, it is not possible to disclose them to the defence in accordance with Article 290 of the CPC.

In this case, the Supreme Court also referred to the Supreme Court's conclusion contained in its decision of 8 July 2020 in case No. **718/1433/17**[36], according to which, in view of the provisions of Article 290 of the CPC, procedural documents granting authorisation for the conduct of the CISM do not constitute independent evidence in criminal proceedings, nor are they documents within the meaning of Part 2 of Article 99 of the CPC, as they do not contain factual data recorded and collected by operational units regarding unlawful acts committed by individuals or groups of individuals. These documents (including the relevant orders of the prosecutor and decisions of investigating judges) must be examined by the court during the hearing of the case in the court of first instance for the purpose of assessing the admissibility of evidence obtained as a result of special investigative measures.

It is also worth noting that in accordance with the Grand Chamber's decision of **16 January 2019 in case No. 751/7557/15**[37], in the presence of a relevant application, the procedural documents which formed the basis for the conduct of the CISM (orders, decisions, motions) and which have not been disclosed to the defence in accordance with the procedure laid down in Article 290 of the CPC, since they were not then at the disposal of the prosecution (the procedural documents had not been declassified at the time the prosecution disclosed the materials of the criminal proceedings), may be disclosed to the other party, but the court must not admit the information contained in these materials of the criminal proceedings as evidence.

However, on 16 October 2019, in case No. **640/6847/15**[38], the Grand Chamber, without departing from its previous conclusion set out in the decision of 16 January 2019, clarified certain procedural points and noted that if, during the pre-trial investigation, the prosecution had taken all necessary and feasible measures within its power to declassify the procedural documents that formed the basis for the CISM, but such documents were not declassified for reasons beyond the prosecutor's control and procedural conduct, the court cannot automatically deem the CISM protocols to be inadmissible evidence on the grounds of the non-disclosure of the procedural documents authorising their conduct.

If the procedural documents on which the CISM were based are declassified during the court proceedings, and the defence has been able to present its arguments before the court regarding the admissibility of the evidence obtained as a result of the CISM, together with an assessment of the legal basis for their conduct, the court must assess the evidence obtained and decide on its admissibility. This legal position governs the court's actions in assessing the admissibility of the results of the CISM in the event of untimely declassification of the procedural documents that formed the basis for their conduct, and precludes a formalistic approach to declaring such evidence inadmissible.

For example, in case No. 173/1115/16, cited above, the Supreme Court agreed with the findings of the appellate court that the defence had been made aware in court of the documents forming the basis for the CISM, was able to familiarise itself with them and prepare its defence, and therefore the parties to the criminal proceedings were guaranteed the right to a fair trial, which is consistent with the legal conclusion set out in the Grand Chamber's decision of 16 October 2019 in case No. 640/6847/15.

[36] https://reyestr.court.gov.ua/Review/90306338
[37] https://reyestr.court.gov.ua/Review/79298340
[38] https://reyestr.court.gov.ua/Review/85174578

The information on the number of the CISM cases in which a decision to declassify has been made is provided below.

The Government would also like to provide examples of the Supreme Court's conclusions regarding the recognition of evidence obtained as a result of the CISM conducted in breach of the rules of the CPC as admissible/inadmissible.

It is worth noting that the relevant case law is developed taking into account the specific factual circumstances of each criminal proceeding, the nature of the procedural violations committed, their significance, as well as the impact of such violations on the observance of the rights of the defence and the ensuring of a fair trial.

Thus, even in cases with seemingly similar circumstances, courts may reach different conclusions regarding the admissibility or inadmissibility of evidence, as the legal assessment depends on the totality of the established circumstances, the nature of the specific procedural violations and their significance for proving a person's guilt in criminal proceedings.

For example, in case No. **754/2558/18**[39] the Supreme Court considered the prosecutor's appeal against the decision of the court of first instance and the decision of the court of appeal, which had found PERSON_6 not guilty and acquitted him on the grounds that his actions did not constitute a criminal offence. The prosecutor, amongst other things, argued that the courts had unreasonably declared evidence to be inadmissible, including the protocols of the CISM and audio recordings attached to one of them, namely the results of monitoring the commission of the offence in the form of a special investigative experiment, audio and video surveillance of the individual, as well as the extraction of information from transport and telecommunications networks.

Having examined the case file and the content of the contested decisions, the Supreme Court noted that, in passing the acquittal, the local court had concluded that the objective elements of a criminal offence had not been proven in the actions of PERSON_6, and the court of appeal, in reviewing the local court's decision on the basis of the prosecutor's appeal with additional submissions, held that the prosecution had failed, during the court proceedings, to prove beyond reasonable doubt, by means of proper and admissible evidence, that PERSON_6's actions constituted the offence with which he was charged.

In case No. **569/1916/16-к**[40] the Supreme Court made the similar conclusions.

In particular, in the cassation appeal, the prosecutor, amongst other things, contested the decisions of the lower courts regarding the inadmissibility of the materials obtained through the CISM and considered that the local court had, unjustifiably, declared the investigating judge's decision to authorise the CISM and the resulting evidence to be unlawful.

In its judgment, the appellate court noted that if the source of evidence is improper, then all evidence obtained through it will be equally so (the case of *Gafgen v. Germany*). Evidence obtained in criminal proceedings in breach of the established procedure renders the proceedings unfair as a whole, regardless of the probative value of such evidence and whether its use was decisive for the court's conviction of the accused (the case of *Nechiporuk and Yonkalo v. Ukraine*).

The Supreme Court agreed with the position of the courts of first and appeal instances regarding the inadmissibility of materials from the CISM and evidence based on them.

At the same time, it is worth mentioning the case law of the Supreme Court, in which the court of cassation agrees with the conclusions of the lower courts regarding the admissibility of evidence contained, for example, in the CISM report.

- The Supreme Court decision of 20 January 2026 in case No. **758/3123/16**[41]:

In this case, the courts at all levels rejected the defence's arguments challenging the admissibility of evidence obtained through the CISM, referring to significant breaches of the CPC. In particular, the defence had argued that it had not been provided with the investigating judge's decisions authorising the CISM, nor had it been given access to materials obtained in breach of procedure.

The courts of first instance and appeal established that the CISM (audio and video monitoring) concerning public officials, including the convicted person, were conducted within the

[39] https://reyestr.court.gov.ua/Review/130097507
[40] https://reyestr.court.gov.ua/Review/122384639
[41] https://reyestr.court.gov.ua/Review/133828710

framework of a counter-intelligence proceedings on the basis of a decision of the investigating judge, issued in accordance with the established procedure. The pre-trial investigation body took steps to declassify it for the purpose of providing it to the defence, but the document was not declassified and was subsequently destroyed due to secrecy requirements during martial law. The courts concluded that the information obtained during the CISM within the framework of counter-intelligence activities had been gathered lawfully and could be used as evidence in accordance with Article 99 of the CPC, as it had been obtained by an authorised body in compliance with the requirements of the legislation on operational-investigative and counter-intelligence activities.

The court also noted that the provisions of the CPC regarding the use of the results of the CISM in other criminal proceedings (in particular, Article 257 of the CPC) do not apply in this situation, as the materials in question were obtained in the context of a counter-intelligence case, rather than in other criminal proceedings.

The defence's arguments regarding the inadmissibility of the results of the special investigative measures due to a lack of access to the court decision, a breach of the procedure for their conduct, and the lack of proper authority on the part of the body that carried them out were found by the courts to be unfounded and were rejected.

- The Supreme Court's decision of 11 November 2025 in case No. **991/722/21**[42]:

In this case, the defence drew attention to alleged violations relating to the conduct of the special investigative measures and access to their results. The courts found that, in compliance with Article 290 of the CPC, the defence had been granted access to the materials of the CISM in a readable format, and that the refusal of one of the defence lawyers to accept copies of the recordings did not constitute a violation of the right to a defence. The request to specify the relevant sections of the recordings (given their considerable volume) was deemed reasonable, and no restrictions on the ability to examine the evidence were found.

However, during its first review of the decisions in this case, the court of cassation partially upheld the defence's arguments regarding access to materials held by the prosecution, and quashed the decision of the appellate court in this respect, pointing to the need to ensure effective access to such materials and a proper examination of the grounds for the appeals, taking into account the requirements of Article 17 of the CPC.

During the new appeal proceedings, the defence was granted temporary access to the prosecution's materials and other documents, and a forensic computer analysis was conducted. Based on the findings of the examination of the materials and the CISM, the appellate court concluded that there were no indications of incitement to commit a crime. Separately, the appeal court established that the CISM (monitoring the commission of a crime in the form of a special investigative experiment involving audio and video monitoring of the individual) was conducted within the powers of the Specialised Anti-Corruption Prosecutor's Office prosecutor and with the permission of the investigating judge of the HACC, in accordance with the prescribed procedure. The circumstances recorded during the CISM confirmed the fact of the transfer of an unlawful benefit and did not contain any evidence suggesting provocation on the part of the law enforcement authorities. Consequently, courts at all levels concluded that the CISM was lawful, that the evidence obtained as a result was relevant and admissible, and that there were no procedural violations that would have affected the fairness of the trial.

- *Statistical data*

Information on the results of the prosecutor's supervision of the legality of the conduct of the CISM[43]:

Reporting periods	Number of requests from investigators and interrogators reviewed by the	The prosecutor personally submitted requests to the court	Court decision based on the results of consideration of a request from a prosecutor,	Decisions were made to conduct the CISM in accordance with Article 250 of the CPC of Ukraine (prior to the decision of the investigating judge).	Including	Prosecutor's decisions on declassification	The prosecutor independently made decisions on conducting the CISM	Including	By decision of the prosecutor, the CISM has been terminated

[42] https://reyestr.court.gov.ua/Review/131822499
[43] https://gp.gov.ua/ua/posts/pro-robotu-organiv-prokuraturi-2

	prosecutor			investigator or inquiry officer							
	Approved by the prosecutor	Prosecutor refused		The court satisfied	The court refused		With the refusal to satisfy the request by the investigating judge			With further declassification	
2023	69 226	1 430	13043	74 698	4 588	111	27	34 520	10 871	6 315	2 169
2024	73 867	1 479	12461	78 438	3 621	122	59	45 124	11 276	6 935	2 331
2025	75 863	1 097	12641	80 609	3 651	94	24	46 750	11 257	6 998	2 231
January – March of 2026	20 064	179	3 744	21 173	973	14	3	9 854	3 361	1 610	517

Consideration of motions for permission to conduct the CISM shall be conducted by an investigating judge of the appellate court (Article 247(1) of the CPC). Investigating judge shall consider the request to obtain permission for the conducting of the CISM within six hours after he has received such request (Article 248(1) of the CPC). Thus, the Government would like to provide statistical information regarding the examination by the appellate courts of the motion for permission to conduct the CISM[44].

Year	The number of motions which were pending		The motions considered		Number of unexamined motions at the end of the period
	In total	received during the year	In total	including those satisfied	
2023	142 630	142 630	142 614	127 656	16
2024	151 416	151 416	151 416	138 150	0
2025	158 642	158 642	158 642	144 146	0

According to the data in this table, it is worth noting that the number of satisfied motions for permission to conduct non-trial investigations is less than several thousands compared to the total number of motions considered. Among other things, this also serves as evidence that the courts thoroughly consider each motion.

d. ***As regards the observance of lawyers' guarantees during the conduct of investigative (search) actions and the CISM***

In the judgments in the cases of *Reznik* and *Denysyuk and others* the Court found the violation of Article 8 due to the lack of procedural safeguards for the protection of legal professional privilege in the context of search and seizure operation and due to inadequate legal safeguards for secret-surveillance and phone-tapping operations, including for identifying and handling accidentally intercepted privileged communications between lawyers and clients.

Pursuant to Article 3 of the Law of Ukraine "On the Bar and Advocates' Activity" (the – **Law on Bar**), the legal basis for the functioning of the Advocacy in Ukraine is established by the Constitution of Ukraine, this Law, and other legislative acts of Ukraine.

Article 23 of the Law on Bar sets out a list of professional guarantees available to lawyers. Among them, the following are worth mentioning:

[44] https://court.gov.ua/inshe/sudova_statystyka/

- the prohibition of any interference with or obstruction of legal practice;
- the requirement that any operational or investigative actions concerning a lawyer may only be conducted on the basis of a court decision that is issued upon an application by the Prosecutor General, his or her deputies, or the prosecutor of the Autonomous Republic of Crimea, a region, or the cities of Kyiv or Sevastopol;
- the prohibition of interference with confidential communication between a lawyer and a client.

The Government would like to note that within the framework of the Bar Association, a Committee for the Protection of Lawyers' Rights and Guarantees of Legal Practice (the - **Committee**) has been established as a permanent collegial advisory body. The main purpose of the Committee's activities is to protect the professional and other rights of lawyers, to promote the enforcement of professional guarantees, and to ensure the necessary conditions for the effective and high-quality performance of lawyers' duties.

The Procedure for Ensuring the Guarantees of Legal Practice and Protection of the Professional and Social Rights of Lawyers, approved by Decision No. 183 of the Bar Council of Ukraine dated 27 July 2013[45], defines the actions to be taken by members of regional bar councils and the Committee in exercising their statutory powers. In particular, the Committee use the following types of responses to violations of lawyers' professional guarantees:

1. Submitting requests to public authorities and officials demanding the elimination of violations of lawyers' professional rights or guarantees of legal practice;
2. Filing criminal complaints with the competent authorities concerning offences committed against lawyers;
3. Organising physical protection for a lawyer in cases where there is a threat to the lawyer's life, health, or property;
4. Engaging top legal experts to assist in bringing special subjects to criminal or other types of liability where required by the circumstances;
5. Providing legal opinions on the facts stated in a complaint after verification by the Committee's team;
6. Offering legal advice and recommendations concerning the protection of lawyers' rights and guarantees where necessary;
7. Holding round tables, academic and practical conferences, press briefings, and other events to address systematic and/or serious violations of lawyers' rights and professional guarantees;
8. Appealing to international legal organisations and structures where all domestic remedies have been exhausted;
9. Interacting with relevant committees of the Verkhovna Rada of Ukraine to encourage parliamentary oversight of compliance with lawyers' rights, and initiating committee and parliamentary hearings regarding identified violations.

In 2024[46], the Committee received 86 complaints regarding violations of lawyers' rights and the guarantees of legal practice. In 2025[47], the Committee received 97 complaints regarding violations of lawyers' rights and the guarantees of legal practice. In the first four months of 2026, the Committee received 28 complaints.

The most common violations reported by lawyers concerned:

- seizure (removal) of personal items and documents constituting lawyers' files and containing confidential information, without appropriate judicial authorisation;
- physical obstruction of lawyers performing their professional duties in court;
- arbitrary detention, initiation of criminal proceedings, media campaigns aimed at discreditation, public insults and threats, and pressure to disclose privileged information;

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[45] https://unba.org.ua/assets/uploads/legislations/poryadki/2013.07.27-poryadok-dij-z-zabespechennya-garantij-183.pdf

[46] https://admin.unba.org.ua/assets/uploads/files/Komitety/Committee%20report/%D0%97%D0%B2%D1%96%D1%82_%D0%9A%D0%BE%D0%BC%D1%96%D1%82%D0%B5%D1%82%D1%83_%D0%97%D0%9F%D0%90.pdf

[47] https://admin.unba.org.ua/assets/uploads/files/Komitety/Committee%20report/Committee%20for%20the%20Protection%20of%20Advocates%20Rights%20and%20Guarantees%20of%20Advocacy_2025.pdf

- the Committee is particularly concerned that a third of all complaints from lawyers relate to the systematic obstruction of their professional activities and gross violations of the right to a defence by territorial recruitment centres.

In 2024, as a result of its review of complaints from lawyers regarding violations of their rights, the Committee sent 105 letters containing firm demands to immediately stop the violations of lawyers' rights and to bring perpetrators to disciplinary responsibility without delay (see link 45). In 2025, the Committee sent 24 such letters (see link 46).

In particular, in 2025, the Committee's actions led to the following results:

• 7 internal investigations were initiated against offenders;

• 5 criminal proceedings were opened against those responsible;

• 5 awareness-raising events were organised for staff of the territorial recruitment centres on the categorical inadmissibility of breaching professional guarantees of legal practice;

• Property unlawfully seized by law enforcement officers during a search, which contained confidential information subject to legal professional privilege, was returned to the lawyers;

• High-level working meetings were organised with representatives of law enforcement agencies, the Ministry of Defence and the General Staff of the Armed Forces of Ukraine with the aim of establishing effective cooperation to put an end to unlawful pressure and prevent interference in the practice of the legal profession.

It is also worth noting that, according to the Law on Bar in case if a search is to be conducted in a lawyer's home, the investigating judge shall specify in the decision the list of items and documents to be located, identified or seized during the investigative action, ensuring compliance with the guarantees of lawyer–client confidentiality. A representative of the regional bar council must be present during such a search. To ensure their participation, the official who is responsible for conducting the investigative action shall notify the relevant bar council in advance of the time and place of the search.

According to the information received by the Bar Association, in 2024, there were 416 reports of searches and detentions of lawyers, 39 searches or detentions conducted without notifying the relevant bar councils. In 2025, there were 636 reports of searches and detentions of lawyers and 60 searches or detentions conducted without notifying the relevant bar councils.

To safeguard lawyer–client privilege during such proceedings, the representative of the regional bar council is entitled to ask questions and submit comments or objections regarding the manner in which the procedural action is conducted; these shall be recorded in the official report. The absence of the bar council representative, provided that the council was duly notified in advance, shall not prevent the procedural action from taking place (Article 23(2) of the Law on Bar).

The Government acknowledge that within the strict definitions of the CPC, the representative of the regional bar council does not possess the status of a full procedural party during the search. However, the Government emphasise the growing practical and evidentiary weight of these records in judicial practice. While the representative cannot physically block or veto the tactical actions of an investigator on-site, any written comments, objections, or alerts regarding violations of legal professional privilege inserted by the representative into the official search report (protocol) serve as a critical, explicit baseline for subsequent judicial scrutiny. As demonstrated in judicial precedents detailed below, courts heavily rely on these specific objections during trial to trigger the exclusionary rules under Article 87 of the CPC and to declare unlawfully seized materials inadmissible.

Particularly, a telling example of the Committee's effectiveness and the importance of its work is the situation that arose following a search conducted in May 2025 of the premises of a company located in a business centre. On the floor where the investigative activities were taking place, there was also an office belonging to a lawyer who is also a staff lawyer for that company. During the search, a laptop was seized from his office, on which detectives discovered documents relating to the company's activities. At the same time, the device contained information covered by legal professional privilege. A representative of the Committee recorded the relevant observations in writing, pointing out the breach of professional safeguards provided for by law. Consequently, in June 2025, the investigating judge refused the prosecutor's request to attach the seized laptop,

recognising that the device contained information protected by legal professional privilege (see link 46).

Also, in case No. **638/728/23**[48], the Dzerzhinsky District Court of Kharkiv granted the lawyer's application to lift the seizure of property in the criminal proceedings.

In support of this application, the applicant states that during the search conducted on 22 March 2023, in breach of the essential terms of the investigating judge's decision, the documents seized were not those for which authorisation to search for and seize had been granted by that decision, but rather documents relating to the exchange of information between the lawyer and the client, as well as correspondence between the lawyer and the client for the purpose of fulfilling the terms of the contract for the provision of legal assistance, which, in accordance with Article 22 of the Law on Bar and Article 161 of the CPC, are subject to legal professional privilege.

Furthermore, in support of his position, he refers to the conclusion of the Committee according to which the documents seized from the lawyer contain legal professional privilege.

In case No. **758/3138/24**[49], on 15 March 2023, a search was carried out pursuant to an investigative judge's decision of 12 March 2024 at the place of actual residence of PERSON_4 (who is a lawyer), during which documents and other items were discovered and seized.

Subsequently, the prosecutor filed a motion with the court requesting authorization to attach the seized property.

During the consideration of the motion, the Podilskyi District Court of Kyiv established the following.

As can be seen from the copy of the investigating judge's decision of 12 March 2024 authorizing the search, it was clearly known that PERSON_4 is a lawyer. Furthermore, the aforementioned decision authorized the seizure of a specific list of items and documents (these documents are listed in the court decision). However, with regard to the seizure of computer equipment, laptops, electronic storage devices, mobile phones and cash, the investigating judge concluded that there were no legal grounds to grant the application in this respect due to the lack of evidence (unfounded nature) of such claims.

Based on the concept of lawyer-client privilege, the investigating judge considers that, since PERSON_4 was a lawyer at the time of the events giving rise to the need for the search, it is presumed that the mobile phone and laptop, from which it is possible to access the owner's previous account records and copies of data created prior to the acquisition of these devices, using the iCloud cloud storage service, are highly likely to contain information constituting legal professional privilege, notwithstanding the fact that this property was found at the lawyer's place of residence. The Law on Lawyers does not contain an obligation to store information constituting legal professional privilege solely at the place of work, nor does it specify the procedure for recording such information.

Furthermore, the investigating judge established that the seizure of a mobile phone and a laptop during the search was carried out without distinguishing between information covered by legal professional privilege and any other information. It is apparent from the copy of the search report dated 15 March 2024 that a representative of the Committee, PERSON_7, was present during the search.

It is apparent from the written observations of the Committee's representative on the search report dated 15 March 2024 that the seizure of the lawyer's mobile phone and laptop took place despite the prohibition set out in the investigating judge's order authorizing the search, and PERSON_4's offer to provide access to the devices for inspection and to allow the pre-trial investigation body to search for the necessary information during the search was rejected, yet the investigator conducting the search seized them anyway.

Having established that there were no legal grounds for placing the seized property under attachment due to breaches of the guarantees protecting the practice of the legal profession, and taking into account, as a whole, the evidence submitted by the parties to the proceedings in support of their respective positions, the investigating judge concluded that, at this stage of the pre-trial investigation, the prosecution had not demonstrated the necessity of seizing the property specified

[48] https://reyestr.court.gov.ua/Review/111364784
[49] https://reyestr.court.gov.ua/Review/118058687

in the application. Consequently, by a decision dated 26 March 2024, the prosecutor's application was dismissed.

The Government recognises that violations of lawyers' rights in the course of their professional activities hinder the effective and proper performance of their duties in providing legal assistance to citizens.

At the same time, the Government would like to highlight that Ukraine remains firmly committed to the principles of the rule of law. On 14 May 2025, the Cabinet of Ministers of Ukraine approved the Roadmap on the Rule of Law[50] (the - **Roadmap**), which outlines a comprehensive set of reforms within the framework of Ukraine's EU accession negotiations. The Roadmap is designed to address existing gaps, ensure the sustainability of the reforms already implemented, and establish a solid foundation for the further development of the legal system in line with European standards.

The Roadmap sets out 124 strategic goals that Ukraine aims to achieve, as well as 529 key measures to implement them, with clear deadlines and responsible state authorities. Reforming the Advocacy in Ukraine is one of the strategic objectives outlined in the Roadmap. The Government assure that the relevant findings of the Court, as set out in the cases of *Reznik v. Ukraine* and *Denysyuk and others v. Ukraine*, will be thoroughly analysed and duly taken into account while the preparation of amendments to the Law on Bar, as part of Ukraine's commitments to reform the Advocacy provided for by the Roadmap. Also, the Ministry of Justice of Ukraine is examining the need to amend the CPC to clarify the specific procedures for conducting searches of individuals who are lawyers or practise law. The Government will provide updates on the progress of this initiative in future communications.

It is also important to note that on 9 March 2026, Ukraine signed the Council of Europe Convention for the Protection of the Profession of Lawyer[51] (the - **Convention on Lawyers**), the aim of which is to protect lawyers from pressure, persecution or interference in their professional activities, and to guarantee the confidentiality of communications between lawyers and their clients and the inviolability of professional secrecy. The document also obliges states to ensure effective investigations into cases of threats, attacks or obstruction of lawyers' activities, and establishes an international mechanism to monitor compliance with these obligations.

Under the Convention on Lawyers, it is prohibited to compel lawyers to disclose, transmit or give evidence regarding any information or materials received, directly or indirectly, from clients or prospective clients, as well as regarding any communication with them and any materials prepared in connection with such communication or the conduct of legal proceedings on their behalf (Article 6(1)(c) and (3) of the Convention on Lawyers). The explanatory report[52] to the Convention on Lawyers emphasises that these provisions are intended to ensure that no one else can hear or otherwise understand what is being discussed by the participants in confidential communications – lawyers, clients or prospective clients.

The signing of the Convention on Lawyers demonstrates Ukraine's commitment to strengthening the rule of law, the independence of the legal profession and ensuring effective access to justice. This step is important for bringing the Ukrainian legal system closer to the Council of Europe's high standards regarding safeguards for lawyers' activities and the protection of their professional independence.

The Government assures that the issues raised in the Court's judgments in the cases of *Reznik v. Ukraine* and *Denysyuk and Others v. Ukraine* will serve as a baseline within the framework of legislative activity regarding the implementation of the Convention on Lawyers.

It is also worth noting that on 15 September 2025, the Bar Association, at an extraordinary meeting, adopted an appeal to the President of Ukraine, requesting the signing of the Law of Ukraine ***"On Amendments to the Code of Ukraine on Administrative Offences and the Criminal Code of Ukraine Concerning the Enforcement of Guarantees of Legal Practice"*** No. 4547-IX,

[50] https://zakon.rada.gov.ua/laws/show/475-2025-%D1%80#Text
[51] https://mfa.gov.ua/news/komentar-mzs-shchodo-pidpisannya-konvenciyi-radi-yevropi-pro-zahist-profesiyi-advokata
[52] https://unba.org.ua/assets/uploads/publications/ENG_Report.pdf

which was adopted by the Verkhovna Rada on 16 July 2025[53]. This Law introduces administrative liability for publicly identifying a lawyer with their client.

One of the amendments introduced by this Law is the revision of Article 397 of the CCU ("Interference with the Activities of a Defence Counsel or Representative") in a broader formulation. In particular, the following unlawful acts, among others, will be subject to criminal liability under the new wording:

- unlawful obstruction of a lawyer's meeting with a person receiving legal assistance, as well as any other deliberate interference with the professional activities of a lawyer or the exercise of their powers to defend or represent a person, as provided by laws or other legal acts;
- the same acts committed through interference, in any form, with confidential communication between a lawyer (or lawyers) and the person to whom legal assistance is provided, including by listening, intercepting, recording the content of conversations, messages or correspondence; unlawful inspection, copying, seizure or disclosure of materials (documents) collected, processed or prepared by a lawyer; as well as unlawful inspection, seizure or copying of information contained on devices or data carriers used by a lawyer in connection with their professional activity; unlawful entry into a lawyer's residence, office or workplace, conducting searches or other investigative actions therein; personal searches of a lawyer; demands for or seizure of a lawyer's documents; as well as any other deliberate acts resulting in third-party access to or disclosure of lawyer–client privilege, except where such acts are carried out in the manner and in the cases provided for by the CPC of Ukraine;
- the same acts committed by an official through the misuse of their official position.

It is worth noting that the Bar Association is also participating in the work on amendments to existing legislation aimed at strengthening the rights and interests of lawyers, and at reinforcing the guarantees of legal practice with respect to the protection of lawyer–client privilege during searches of a lawyer's home or other premises.

In particular, within the scope of its competence, the Bar Association is building a legal framework for draft laws, which, in accordance with the procedure established by law, must be submitted to the Verkhovna Rada of Ukraine for further consideration and initiation of the legislative process. Once the relevant draft laws have been registered and published on the official website of the Verkhovna Rada of Ukraine, the Government will inform the Committee of Ministers in this regard.

In the case of *Reznik v. Ukraine*, the Court, *inter alia*, emphasised the lack of safeguards ensuring the protection of lawyer–client privilege in connection with the seizure of a hard drive and a USB flash drive from Mr Reznik's apartment for the purpose of subsequent forensic examination at the Kyiv Scientific Research Institute of Forensic Expertise (the - **Institute**).

Under the applicable legislation, a forensic expert bears responsibility - including criminal liability under Article 387 of the CCU - for disclosing information that becomes known to them in the course of an examination.

The Government would like to note that the Institute applies a range of organisational and technical security measures, including:

- isolated workstations with no external Internet access during the examination of data storage devices;
- a centralised system for logging the receipt and transfer of examination materials;
- a multi-level access control system for research objects (electronic access logs, sealing and labelling of devices);
- the use of established forensic methods and methodologies that have been officially implemented and recommended for practical application.

Accordingly:

- prior to conducting an examination, the initiator (investigator or prosecutor) is required to define the permissible scope of the examination;

[53] https://itd.rada.gov.ua/billinfo/Bills/pubFile/3002539

- the expert carries out the examination strictly within the boundaries of the object specified in the court decision.

While analysing electronic or paper-based documents that may contain privileged legal information, the expert employs the method of *segmented analysis* — isolating the relevant fragments specified in the decision or order, while ensuring that all other information remains intact and unaffected. No other special procedures are currently provided by legislation for the extraction of information from electronic media containing documents related to legal practice, apart from those described above. However, the Government recognise the need to further regulate the specific procedure and guarantees concerning the examination of electronic data carriers, in order to prevent the disclosure to investigative authorities of any electronic correspondence or information protected by lawyer–client privilege, as indicated in paragraph 69 of the judgment in *Reznik v. Ukraine* case.

At the same time, primary oversight of compliance with lawyer–client privilege during the pre-trial investigation or judicial proceedings rests with the investigator, prosecutor, investigating judge, or court that appoint the forensic examination and provide the materials, as well as ensure the lawful procedures for their seizure. The expert, in turn, is responsible for maintaining the confidentiality of any information that becomes known to them in the course of their professional duties.

During searches conducted on the premises of lawyers, the prosecutor ensures compliance with the requirements of the criminal procedural law at this stage of criminal proceedings through supervision of legality. In particular, the prosecutor is authorised to supervise compliance with the law during pre-trial investigations in the form of procedural supervision. Within this role, the prosecutor may instruct the investigator or pre-trial investigation body to conduct investigative (search) or the CISM within a timeframe determined by the prosecutor, give directions on their conduct, or participate in them, and in necessary cases personally carry out investigative and procedural actions in accordance with the procedure established by the CPC of Ukraine (paragraph 4 of part 2 of Article 36 of the CPC of Ukraine).

The Government would like to provide examples of administrative practice, as supplied by the Office of the Prosecutor General, which demonstrate that searches of lawyers' premises are conducted in compliance with all the safeguards enshrined in law.

- In criminal proceedings against a lawyer under part 4 of Article 27 and part 3 of Article 369 of the CCU, due to a substantiated risk of the lawyer destroying evidence in order to avoid exposure of unlawful activities, the question of seizing evidence through temporary access to items and documents was not considered. During the pre-trial investigation, no complaints were filed challenging the actions of investigators or prosecutors in conducting the search. The assessment of the relevance and admissibility of the obtained evidence will be made by the court following the completion of the ongoing trial.

- With the participation of prosecutors from the Office of the Prosecutor General, investigators from the SBI conducted searches at the lawyer's residence and at the premises where he practises law. The searches were conducted in accordance with the provisions of Articles 233–236 of the CPC and Article 23 of the Law on Bar, with the involvement of a representative of the Regional Bar Council. Motions for permission to search the lawyer's home and office were submitted in accordance with the aforementioned provisions and signed by the First Deputy Prosecutor General. The criminal proceedings against the lawyer are currently pending before the court on charges of committing a criminal offence under Part 4 of Article 27 and Part 3 of Article 369 of the CCU. During the pre-trial investigation, the actions of the investigators and prosecutors regarding the search procedure were not challenged. The court will assess the relevance and admissibility of the evidence following the results of the trial.

- In another criminal proceeding under Part 3 of Article 212 and Part 4 of Article 111-1 of the CCU, pursuant to a decision of the investigating judge dated 20 January 2026, issued at the request of the head of the Cherkasy Regional Prosecutor's Office, on 26 January 2026, a search was conducted at the address which is the place of residence (place of practice) of a lawyer providing legal support to a group of companies whose officials and founders are the subject of a pre-trial investigation. The search was conducted by the investigator with the participation of a prosecutor, who oversaw compliance with legal procedures during the search. Furthermore, in accordance with

Part 2 of Article 23 of the Law on Bar, the investigator sent a letter to the Bar Council of the Cherkasy Region prior to the search, notifying them of the search to be conducted at the lawyer's place of residence. No violations of the lawyer's rights occurred during the search. No electronic media were seized.

- According to the Kyiv City Prosecutor's Office, in 2026, as part of a pre-trial investigation in criminal proceedings dated 1 September 2025, a search was conducted in the office premises of the production facility, which were also used by the lawyer. The search was conducted in compliance with the requirements of criminal procedural law and in accordance with Article 23 of the Law on Bar;

- Also, as part of criminal proceedings initiated on 22 January 2026 on suspicion of a criminal offence under Part 3 of Article 332 of the CCU, the Main Directorate of the National Police in Kyiv conducted authorised searches of the home, other premises and place of work of a practising lawyer. These investigative measures were conducted in compliance with the requirements of the CPC and the Law on Bar. A representative of the Regional Bar Council and two witnesses were present during the searches; continuous video recording was ensured using a video camera and a body camera; and lawyers representing the party whose premises were being searched were also present. All participants were informed of their rights and obligations and were given sufficient time to familiarise themselves with the court decisions. During the searches, electronic data storage devices were not seized due to the presence of information on them that may constitute legal professional privilege. All items and documents were inspected in advance by a representative of the Regional Bar Council to prevent the seizure of information constituting legal professional privilege. No complaints were received regarding the actions of police officers following the searches. The orders to seize the confiscated property were not appealed. The pre-trial investigation is ongoing.

Furthermore, a notable example of the lawfulness of searching a lawyer's home or other premises is provided by the legal conclusions set out by the Supreme Court in its decision of 7 April 2025 in case No. **349/508/16-к**[54]. The Supreme Court concluded that the search of the lawyer's home and workplace was carried out by detectives from the NABU, who were included in the investigative team and explicitly named in the investigating judge's decision. Another detective acted on the instructions of the senior member of the investigative team. The investigative action was conducted with full video recording in the presence of a representative of the Ternopil Regional Bar Council and witnesses. The presence of a detective from the NABU during the consideration of search motions complies with Part 4 of Article 234 of the CPC, which provides for the consideration of such motions in the presence of an investigator or a prosecutor. The search of the lawyer's premises was conducted without any violations of human rights or fundamental freedoms. The lawyer's arrest was conducted in accordance with the procedure, in particular regarding the signing of the arrest report, awareness of her procedural rights and the participation of a representative of the Bar Council. Regarding the status of the seized property, the court noted that the funds and other items had been duly recognised as material evidence and examined by experts, and the defence had failed to demonstrate how the failure to attach these funds had substantially violated the lawyer's rights, as she was not their owner (they were the subject of an unlawful benefit). Thus, the actions of the law enforcement authorities during the search, examination and detention of the lawyer fully complied with the requirements of the CPC. The evidence obtained as a result of these investigative actions is admissible. The appellate court duly assessed all the arguments of the parties within the limits of its powers. No grounds have been established for declaring the evidence inadmissible or for quashing the court decisions.

The Government would also like to point out that Article 397 of the CCU provides for criminal liability for obstructing, in any form, the lawful activities of a defence lawyer or a person's representative in the provision of legal assistance, or for violating the guarantees established by law regarding their activities and professional secrecy.

According to information contained in the Unified Register of Pre-trial Investigations, between 2024 and the present, investigators from the SBI, under the procedural supervision of a

[54] https://reyestr.court.gov.ua/Review/126649292

prosecutor from the Office of the Prosecutor General, have conducted pre-trial investigations in 9 criminal proceedings initiated under Article 397 of the CCU.

Following the pre-trial investigations, 6 criminal proceedings have been closed, whilst pre-trial investigations are ongoing in a further 3 cases. No individuals have been notified of suspicion, and no indictments have been submitted to the court.

To further clarify how such searches are authorised and carried out in practice, the Government would like to present to the Committee of Ministers examples of national case law on authorising searches of lawyers' homes or offices, particularly regarding the seizure of electronic data carriers and documents containing lawyer–client privilege.

In case No. **761/12530/21**[55], the investigating judge partially rejected a request by the Deputy Prosecutor General seeking authorisation to search non-residential premises used as the workplace of lawyers *Person_1* and *Person_2*, for the purpose of discovering and recording information concerning the commission of criminal offences. *The refusal was based on the fact that the prosecutor's request contained an overly broad list of items and documents to be seized*, and thus the investigative authority had failed to specify precisely which items and documents were to be searched for. The judge reasoned that the satisfaction of request in full would have conferred excessively wide powers upon the prosecutor and rendered the search disproportionate to its stated objective.

While deciding to satisfy a request in part, the investigating judge examined whether the investigative authority could obtain the necessary evidence by other means involving a lesser degree of interference with individual rights and freedoms, and concluded that such alternative measures would not satisfy the needs of the investigation nor mitigate the risk of destruction or concealment of material evidence. Having been convinced beyond reasonable doubt that the needs of the pre-trial investigation justified such an intrusion, the judge authorised the search of the non-residential premises, specifying which instruments or proceeds of crime were to be sought. The court order also expressly required that the search be carried out in compliance with the Law on Bar, and prohibited the seizure of documents containing lawyer–client privileged information.

In case No. **202/21116/23**[56], the prosecutor applied for authorisation to search a lawyer's office. Among the items and documents deemed necessary for the investigation, the request included mobile phones, SIM cards, tablets, laptops, hard drives, system units, flash drives and other digital storage media.

The investigating judge agreed that the documents listed in the request were relevant to the investigation, and that the information they contained could serve as evidence at trial, and further held that the sought items were likely to be located on the premises in question. The judge accepted that, under the circumstances, a search represented the most appropriate and effective means of locating and seizing items of evidentiary value. However, the judge noted that the request lacked sufficient specification regarding other items and documents, as it failed to identify them either individually or by generic characteristics. *The prosecutor's reference to such items was deemed overly general* and indicative of uncertainty as to what evidence was actually sought. Accordingly, the judge satisfied the request only in part, authorising the search and seizure of certain specified paper documents and cash.

In case No. **757/21596/22-k**[57], the investigating judge also partially granted the prosecutor's request to conduct a search. The court authorised a search of the house to identify and seize illegal firearms, ammunition, explosive devices and substances, and prohibited propaganda materials (of the Russian Federation, "LNR", "DNR"), GPS devices and related items … (etc.). However, the judge refused to satisfy permission to search for and seize information carriers (flash drives, portable hard disks, SIM cards, mobile phones, computers, laptops, tablets), *reasoning that such items could contain information protected by lawyer–client privilege and connected with the lawyer's professional activity*.

[55] https://reyestr.court.gov.ua/Review/102065500
[56] https://reyestr.court.gov.ua/Review/115854807
[57] https://reyestr.court.gov.ua/Review/105873752

In case No. **761/13994/22**[58], the investigating judge also satisfied the prosecutor's request in part, refusing to authorise a search for or seizure of information carriers (CDs, flash drives, portable hard disks and similar devices) that could contain electronic copies of the documents in question or traces of a crime, as well as other materials allegedly exposing accomplices to the offence. *The judge found that the prosecutor had failed to specify the individual or generic features of the items and documents sought*. The absence of such specification was held to be inconsistent with part 2 of Article 235 of the CPC of Ukraine, which requires clarity and precision in defining the scope of a search.

In case No. **760/2153/25**[59], which concerned unlawful actions by a lawyer, the investigating judge, while granting permission to search for computer equipment containing information necessary for the investigation of criminal proceedings, restricted the right to seize it. Thus, the operative part of the prosecutor's motion for a search warrant included, amongst other things, requests for authorisation to search for and seize 'etc.', funds obtained as a result of the unlawful scheme, as well as other items and documents that could be used as evidence of involvement in the aforementioned unlawful activity, and which are relevant to the investigation of this criminal proceeding. *Given the impossibility in this case of identifying such a category of property, and in order to prevent excessive restriction of the property rights of natural and legal persons, the motion was not granted in this respect*. In the operative part of the decision, the investigating judge also specified which items were expected to be identified and seized in the course of the aforementioned investigative action.

As the examples of domestic case law show, while deciding whether to satisfy authorisation for a search of a lawyer's home or office, courts ensure compliance with the general procedural safeguards established by the CPC of Ukraine for searches, while emphasising the need to uphold additional guarantees provided by the Law on Bar.

While assessing the justification of requests for such searches, courts examine whether:

- there are sufficient grounds to believe that the lawyer is involved in the alleged criminal offence prompting the search;
- the items and documents sought are relevant to the investigation and may serve as evidence at trial;
- there are reasonable grounds to believe that the sought items and documents are located at the lawyer's home or other premises; and
- the search constitutes, in the specific circumstances, the most appropriate and proportionate means of locating and seizing such items, especially documents.

Moreover, in compliance with Article 23 of the Law on Bar, which requires that court decisions that authorising searches clearly specify the items and documents to be discovered or seized, national courts deny requests that containing vague or overly general formulations, in order to prevent granting investigative authorities excessive discretion in determining the scope of a search.

In addition, the Government would like to provide an example of a court decision on compensation for damages awarded to a lawyer for unlawful acts committed against him in the course of investigative proceedings.

In March 2024, PERSON_1 brought a lawsuit against the Ukrainian state for compensation for non-pecuniary damage caused by unlawful actions of the official authorities.

The applicant justified his claims on the grounds that, as a practising lawyer, he had been notified of being suspected of committing criminal offences, detained without a formal record being drawn up, and his office as a lawyer, i.e. the place where documents containing legal professional privilege are kept, had been searched. The criminal proceedings lasted four years. By the decision of the court of first instance, which was upheld by the appeal court, the applicant was fully acquitted. By the decision of the court of first instance dated 22 May 2024[60], the lawsuit claims of PERSON_1 were partially satisfied, awarding PERSON_1 UAH 600 000 in compensation for non-

[58] https://reyestr.court.gov.ua/Review/105471223
[59] https://reyestr.court.gov.ua/Review/125424575
[60] https://reyestr.court.gov.ua/Review/119197311

pecuniary damage and UAH 80 000 towards compensation for legal assistance during the criminal proceedings. This court decision was upheld following an appeal review.

The distinctive feature of the case of *Denysyuk and Others v. Ukraine* lies in the Court's finding of violations of Article 8 of the Convention, resulting from the conduct of the CISM without adequate procedural safeguards. The applicants were denied access to judicial warrants authorising the interception of their telephone communications. The Court also identified structural deficiencies in the national legal framework intended to protect the confidentiality of telephone conversations between defence lawyers and their clients.

In addition to the information set out above in the section regarding the conduct of the CISM, the Government would also like to note the following.

According to Article 263 of CPC, collecting information from transport telecommunication networks (networks which provide transmitting of any signs, signals, written texts, images and sounds or messages between telecommunication access networks connected) shall mean a variety of interference in private communication conducted without the knowledge of individuals who use telecommunication facility for transmitting information based on the decision rendered by the investigating judge, where there is possibility to substantiate the facts during its conducting, which have the importance for criminal proceedings. Investigating judge's decision to authorise interference in private communication in such a case shall additionally state identification characteristics which will allow to uniquely identify the subscriber under surveillance, transport telecommunication network, and terminal equipment which can be used for interference in private communication. Collecting information from transport telecommunication networks shall consist in conducting with the use of appropriate technical means of surveillance, selection and recording of the content of information transmitted by a person and important for pre-trial investigation, as well as receiving, converting and recording various types of signals transmitted by communication channels.

Paragraphs 4 and 5 of Article 258 of the CPC establish that interference with private communication involves access to the content of communication where the participants have reasonable grounds to consider their communication private. Any interference with the private communication between a defence counsel or a clergyman and a suspect, accused, convicted, or acquitted person is strictly prohibited.

Taking into account the guarantees provided under Article 23 of the Law on Bar, namely, ensuring the constitutional right of individuals to legal assistance and safeguarding attorney–client privilege, compliance with these guarantees is mandatory for all pre-trial investigation authorities.

Furthermore, paragraph 3.7 of the Instruction on the CISM empowers the prosecutor overseeing procedural guidance in criminal proceedings to terminate the conduct of the CISM ("where it is no longer necessary or on other grounds") that breaches legislative prohibitions, by issuing a decision which must be immediately submitted to the head of the body conducting the CISM for enforcement. If investigative authorities intercept communications between a lawyer and a client, any such information may be deemed inadmissible as evidence.

It is not establish a specific procedure for recording the cases of intercepted communication between a defence lawyer and a client during the conduct of the CISM. At the same time, the recording of the progress and results of the CISM must comply with the general rules governing the recording of criminal proceedings as set out in the CPC of Ukraine. According to Article 252 CPC of Ukraine, upon completion of the CISM, a report (protocol) must be drawn up, to which any necessary annexes may be attached. The 24-hour period for submitting the report and its annexes to the prosecutor begins from the moment the CISM is terminated or, depending on the type and duration of the measure and the instructions of the investigator or prosecutor, from the interval specified for periodic reporting (paragraphs 3.12 and 4.2 of the Instruction on the CISM). This procedure applies uniformly to all types of the CISM, irrespective of the category of persons concerned.

Pursuant to Article 253 of the CPC of Ukraine, persons whose constitutional rights were temporarily restricted during the CISM, as well as the suspect and his or her defence counsel, must be notified in writing by the prosecutor, or by an investigator acting under the prosecutor's

instruction, of such restriction. The timing of such notification is determined with due regard to the existence or absence of risks to the objectives of the pre-trial investigation, public safety, or the life and health of individuals involved in conducting the CISM. The notification regarding the fact and results of the CISM must be provided within twelve months of its termination, and in any case before the submission of an indictment to the court.

Paragraph 7.1.2 of the Instruction on the CISM stipulates that the notification must indicate the type of the CISM conducted, as well as whether the materials obtained will be used in the criminal proceedings or destroyed.

The current CPC of Ukraine does not provide for a separate procedure for notifying the prosecution authorities in the event that investigative bodies intercept communications between a defence lawyer and a client during the conduct of a CISM. Nevertheless, the prosecutor exercises procedural supervision and oversight of legality, including during the conduct of the CISM. Any identified violations are subject to prosecutorial response measures (such as revocation of authorisations, exclusion of evidence as inadmissible, or initiation of disciplinary action) in accordance with Articles 36, 87, and 246–275 of the CPC of Ukraine and Articles 2, 17, and 25 of the Law of Ukraine "On the Prosecutor's Office".

e. As regards the violation of Article 6 due to the failure to conduct automated case allocation system

In the *Yakymchuk* case the Court found the violation of Article 6 § 1 given that the appointment of an appeal court judge to the applicant's case, to replace a judge who did not have clearance for classified information, was not made through an automated case allocation system.

In this regard, the Government would like to note that the allocation of court cases is conducted in accordance with the provisions of procedural law and the Regulations on the Automated Court Document Management System, approved by Decision No. 39 of the Council of Judges of Ukraine dated 11 November 2024 (the - **Regulations on the Automated System**). On 1 April 2025, the new version of the Regulations on the Automated System came into force[61].

In accordance with paragraphs 2.3.43 and 2.3.44 of the Regulations on the Automated System, the re-allocation of court cases among judges by automated means is applied in cases specified by law, as well as for the purpose of replacing one or more judges, the entire panel of judges, or increasing the size of the panel. Only in cases where a judge, in circumstances provided for by law, is unable to continue hearing a case, pending court cases are referred for re-allocation by automated system upon a reasoned decision of the head of the court administration (or the person acting in that capacity), which is attached to the case file.

At the same time, in accordance with Article 155 of the Law of Ukraine "On the Judicial System and the Status of Judges", the organisational support for the court's work is provided by its administration, which is headed by the head of the court administration. The head of the court administration bears personal responsibility for the proper organisational support of the court, the judges and the judicial process.

Unlawful interference with the operation of the court's automated document management system constitutes an offence against the administration of justice under Article 376-1 of the CCU.

Under Article 216 of the CPC, jurisdiction over offences under Article 376-1 of the CCU lies with the investigative bodies of the National Police of Ukraine.

According to the Unified Report on Criminal Offences[62], in 2024, 42 offences under Article 376-1 of the CCU were recorded, and 9 individuals were served with notices of suspicion; in 2025, 35 offences were recorded, and 3 individuals were served with notices of suspicion.

Furthermore, the Council of Judges of Ukraine is empowered to review the organisation of court operations, which also helps to identify cases of illegal interference in the automated document management system. As an example, the Government would like to mention Decision No. 52 of the Council of Judges of Ukraine dated 13 November 2025[63], in which the facts identified

[61] https://rsu.gov.ua/ua/news/opublikovano-novu-redakciu-polozenna-pro-avtomatizovanu-sistemu-dokumentoobigu-sudu-asds
[62] https://gp.gov.ua/ua/posts/pro-osib-yaki-vchinili-kriminalni-pravoporushennya-2
[63] https://rsu.gov.ua/uploads/article/risenna-rsu-no-52-vid-13112025-s-e81a739970.pdf

in the activities of the Pecherskyi District Court of Kyiv, the Bilhorod-Dnistrovskyi City and District Court of Odesa Region and the Mariyka District Court of Donetsk Region were recognised as seriously undermining the authority of the judiciary (among other violations, there were also cases of interference with the automated system, fictitious case registration and breaches of record-keeping rules).

The Government therefore consider that the structural vulnerability identified in the *Yakymchuk judgment* has been thoroughly addressed through the entry into force of the new version of the Regulations on the Automated Court Document Management System on 1 April 2025.

The Government believe that the combination of strict automated re-allocation protocols, systematic scrutiny by the Council of Judges of Ukraine, and robust criminal accountability under Article 376-1 of the CCU ensures that any deviations from automated case assignment are intercepted and penalized.

f. Awareness-raising and capacity building activities

The Government would like to provide information on the training courses held for judges, prosecutors, police officers and members of the Security Service of Ukraine, which focused on compliance with national and international law when conducting and/or sanctioning investigative (search) measures and the CISM.

*Trainings conducted by the National School of Judges of Ukraine (the – **NSJ**) as well as meetings and discussions held between judges*

In 2023, the NSJ organized and held lectures "Resolving disputes about compensation for damage caused by illegal actions of bodies carrying out operational and investigative activities, investigative authorities, the prosecutor's office and the court".

In 2023 – 2024, the NSJ held seminars for judges of local courts "Practical issues of appealing decisions, actions and inactions of the investigator, inquirer, prosecutor during the pre-trial investigation", "Consideration by the court of complaints against the decisions of the investigating judge, issued during the pre-trial investigation. Application of the Court case-law when deciding the issue of preventive measures and seizure of property" and lecture "Resolution of disputes about compensation for damage caused by unlawful actions of bodies carrying out operational and investigative activities, investigative authorities, the prosecutor's office and the court".

In January 2024, the judge of the Supreme Court, Nadia Stefaniv, during the discussion "Guarantees of notarial activity in the context of the task of criminal proceedings", noted that decisions on granting permits for searches of notaries' premises, temporary access to things and documents and their seizure are not appealed in the cassation procedure. However, the Supreme Court periodically prepares reviews and conducts analyzes of judicial practice, in particular, regarding the specifics of appealing certain categories of decisions of investigative judges issued during pre-trial investigation. In addition, Nadiya Stefaniv drew attention to the status of the investigating judge as a procedural person. The judge emphasized that the legislator introduced this institution to prevent the arbitrariness of investigative bodies during the pre-trial investigation[64].

In February 2024, the judge of the Supreme Court, Ihor Ivanenko, during the discussion "Meeting pro" "Investigation without a court" expressed the opinion that the possibility of cassation appeal of individual decisions of investigating judges will make it possible to apply mechanisms to ensure the unity of judicial practice in problematic issues. The discussion also raised the issue of the validity of searches that take place without a decision of the investigating judge. The speaker noted that the limitation of a person's right to privacy during a search, if there are appropriate grounds, should be based on a court decision[65].

In June 2024, judges of the Supreme Court gave lectures as part of training to maintain the qualifications of judges. Svitlana Yakovleva informed the training participants about the peculiarities of evidence in criminal proceedings at the court of first instance. They also discussed the differences between the suspicion and the indictment, procedural actions that require the prior

[64] https://supreme.court.gov.ua/supreme/pres-centr/news/1541936
[65] https://supreme.court.gov.ua/supreme/pres-centr/news/1563050

permission of the court, and the consequences if they take place without such permission or in violation of its essential conditions. In addition, they considered the procedural features of inspection and search of the person's home and other premises, the scene of the incident, conducting a personal search of a person[66].

In June 2024, the judge of the Supreme Court, Nadiya Stefaniv, took part in the approbation of the course "Arrest and confiscation of assets", developed by the NSJ. The speaker noted that the issue related to the administration of justice in criminal proceedings regarding the seizure and confiscation of assets that are the subject of criminal activity and income from it has been brought up to date. The judge reminded that, according to the CPC of Ukraine, the task of seizure of property is to prevent the possibility of its concealment, damage, deterioration, destruction, transformation, alienation[67].

In 2025–2026, the NSJ also held the following training events:

- a workshop entitled "Current issues in the work of investigating judges in criminal proceedings". This event focused on the consideration by investigating judges of specific types of motions (for search, inspection, and seizure of property). The event took place on 4 July 2025, with participation of 32 judges);

- a seminar on "Compulsory deprivation or seizure of property under martial law". The event took place on 24 February 2025, with participation of 8 judges;

- a seminar for local general and appellate judges entitled "Challenges for investigating judges when hearing criminal proceedings relating to human trafficking: legal and psychological aspects. Legal consequences of failing to meet the standard of reasoned justification in court decisions authorising searches of a person's home or other premises". The event took place on 6 October 2025, with participation of 25 judges;

- presentation of a lecture with a question-and-answer session: "The investigating judge: human rights defender or investigative mechanism? An overview of ECHR judgments: "Gration Treyd, TOV v. Ukraine", "Rolik and Shandra v. Ukraine". The event took place on 27 March 2025, with participation of 76 judges);

- workshop "Application of interim measures: standards of justification and proportionality". The event took place on 30 January 2026, with participation of 71 judges;

- a lecture presentation with a question-and-answer session entitled "ECHR case law in criminal proceedings: common mistakes and the Court's approach". The event took place on 18 March 2026, with participation of 115 judges.

In June 2025, during the 8th Kyiv Symposium, Natalia Antoniuk, Deputy Chair of the Cassation Criminal Court, outlined the legal positions of the Supreme Court regarding the application of procedural law[68].

In November 2025, as part of the training programme to maintain the qualifications of judges of local general courts, Supreme Court judge Svitlana Yakovleva gave a lecture during which she noted that entering a person's home or other premises, and conducting an inspection or search, are procedural actions that require prior court authorisation[69].

Also, in November 2025, during a training session on "Criminal offences in the sphere of official duties and professional activities related to the provision of public services" for judges and judicial assistants of local general and appeal courts, among other things, drew attention to the conclusions of the Supreme Court, in particular regarding the specifics of conducting searches[70].

During an extended meeting attended by the leadership of the Cassation Criminal Court and the presidents of the courts of appeal, which took place in February 2026, Natalia Antoniuk explained the key aspects of the Supreme Court's decision concerning the recording of court proceedings when deciding on a motion to conduct a search[71].

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[66] https://supreme.court.gov.ua/supreme/pokazniki-diyalnosti/navch_suddiv_praciv_aparativ_2021/1623586/
[67] https://supreme.court.gov.ua/supreme/pro_sud/aktyal_pytan1_kks/2024_06_10_30_06_2022
[68] https://supreme.court.gov.ua/supreme/pres-centr/news/1826905/
[69] https://supreme.court.gov.ua/supreme/pres-centr/news/1920310/
[70] https://www.supreme.court.gov.ua/press/news/1923231/
[71] https://so.supreme.court.gov.ua/news/1949/u-verkhovnomu-sudi-vidbulasiarozshyrena-narada-za-uchastiu-kerivnytstva-kks-vs-ta-holiv-apeliatsiinykh-sudiv-deobhovoryly-osoblyvosti-kryminalnoho-sudochynstva-pid-chas-viiny__

Trainings conducted by the National Academy of Internal Affairs

- on 23 February 2023, a training course "Peculiarities of the organization of investigative and other procedural actions during martial law" was conducted, in which representatives of the National Police of Ukraine and the Ministry of Internal Affairs of Ukraine participated;
- on 17 March 2023, a round table "Creation of an effective system for ensuring protection of participants in criminal proceedings" was conducted;
- on 30 March 2023, an interdepartmental scientific-practical conference "Current issues and prospects for the use of operational investigative measures in solving crimes under martial law" was conducted;
- on 25-24 April 2023, an educational and practical seminar "Forensic support of investigative actions in the de-occupied territories of Ukraine" was conducted;
- on 27 October 2023, a round table "Criminal procedural law at the current stage of development of Ukraine" was conducted;
- on 26 April 2024, a dialogue platform "Issues of criminal justice" was conducted;
- on 3 July 2024, a scientific and practical conference entitled "Current Issues in Forensic Science and Forensic Examination" was held.
- on 28 March 2024, a round-table discussion entitled "Current Issues and Prospects for Investigative Work in the Activities of Criminal Police Units" was held.
- on 9–11 October 2024, a seminar was held on the topic "Organisation of the work of the territorial investigative units of the Main Directorate of the National Police of Ukraine".
- in December 2024, a round table was held on "General theoretical aspects of human rights protection in the current context".
- on 17 April 2025, a round table was held on the topic "Current issues in improving operational and investigative legislation";
- on 30 April 2025, a scientific and practical conference was held on the topic "Criminal proceedings under martial law and in the post-war period";
- on 24 October 2025, a round table was held on the topic "Respect for procedural rights during pre-trial investigations in Ukraine";
- on 10 December 2025, a round table was held on the topic "Human Rights and the Rule of Law: Current Trends and Challenges";
- on 17 December 2025, round tables were held on the topics "Ensuring human rights in the context of Ukraine's European integration" and "Problematic issues regarding the seizure of information from electronic systems";
- in April 2026, a round table was held on the topic 'The role of forensic science in countering modern challenges of crime'.

*Trainings conducted by the Prosecutor's Training Centre of Ukraine (the - **Training Centre**)*

The Training Centre held training courses for prosecutors, which covered issues related to the conduct of searches and temporary seizure of property in compliance with the provisions of procedural legislation, as well as to conducting searches in the premises of a lawyer:

- on 29-30 May 2023, "Procedural management of pre-trial investigations in criminal proceedings regarding criminal offenses in the field of professional activities";
- on 16-18 October 2023 and on 23-25 April 2024, "Procedural management and maintenance of public prosecution in criminal proceedings on the facts of professional and corruption criminal offenses";
- on 18 August 2023, "Prosecution activity and requirements of Article 8 "Right to respect for private and family life" of the Convention for the Protection of Human Rights and Fundamental Freedoms",
- on 28 August 2023, "Measures to ensure the conduct of the criminal proceedings: temporary access to things and documents, seizure of property, temporarily seized property",
- on 23-24 August 2023, "Investigative actions, requirements for conducting investigative actions, interrogation, presentation of a person for identification, presentation of things for identification, presentation of a corpse for identification, search, examination, examination of a

corpse, investigative experiment, examination of a person, grounds and procedure for conducting expertise",

- on 24 July 2024 – online training course "Application of ECHR case law";
- on 29 January - 24 March 2025 – distance learning course "Pre-trial Investigation and the Convention", organised by the Training Centre in collaboration with the Council of Europe's HELP (Human Rights Education for Legal Professionals) for Ukraine including during wartime' project;
- on 27 November 2025 – online training course "Practice of Applying the Convention".

As part of the initial training for trainee prosecutors at district prosecutor's offices, the following were also held:

- 15 - 25 July 2024 and 26 June 2025 – an online course entitled "Pre-trial Investigation and the Convention", hosted on the Council of Europe's HELP platform;
- 26 - 29 July 2024 and 8 July 2025 – on-site training course "Investigative (detective) actions, requirements for conducting investigative (detective) actions, interrogation, identification parades, presentation of objects for identification, presentation of a corpse for identification, search, inspection, post-mortem examination, investigative experiment, examination of a person, grounds and procedure for conducting expert examinations".

In addition, issues relating to compliance with procedural requirements during searches, the temporary seizure of property, including from a lawyer's premises, as well as during covert investigative (search) actions, were addressed during more than 25 training sessions on the subject of procedural guidance for pre-trial investigations in criminal proceedings concerning various types of criminal offences.

Trainings conducted by the National Academy of the Security Service of Ukraine

The National Academy of the Security Service of Ukraine has included the Court's judgment in the case of *Yakymchuk v. Ukraine* in:

- the educational and methodological materials for the course "Case Law of the European Court of Human Rights", as well as in the lecture notes for the following topics within this course: "The right to a fair trial", "The right to an effective remedy";
- the lecture notes for the course "Criminal Law": "General Characteristics of Criminal Offences against Justice", "Criminal Law Characteristics of Corruption Offences" and "The Concept of Corruption Offences, or Offences Related to Corruption, for which Criminal Liability is Established";
- the educational and methodological set of materials for the course 'Law of the European Convention on Human Rights (Criminal Procedure Aspect)'.

Trainings conducted by the NABU

The NABU continuously takes measures to ensure compliance with the provisions of the Convention and to apply the case law of the Court, particularly in cases against Ukraine, in the official duties of the NABU's officials.

To ensure proper compliance with these guarantees, the NABU organises workshops and training sessions aimed at raising detectives' legal awareness regarding the right to legal assistance, including during the conduct of the CISM and other procedural measures involving potential restrictions on human rights and freedoms.

Recently, detectives from the National Bureau's detective units have completed a series of training courses on preparing for and conducting searches, as well as organising and carrying out the CISM, specifically:

- training on the use of operational and technical capabilities for conducting the CISM for detectives;
- training under the comprehensive professional development programme "Standards of Pre-trial Investigation", which, in particular, addressed issues relating to the standards for conducting specific investigative actions;
- an internal training course for newly appointed detectives entitled "Basic Professional Knowledge: NABU's Experience", during which the newly appointed detectives gained a basic

understanding of how to prepare for and conduct searches, as well as how to prepare for and conduct the CISM operations;

- an internal workshop on the topic "Specifics of planning and conducting operational measures and investigative actions during the investigation of crimes under Articles 368, 369 and 369-2 of the Criminal Code of Ukraine", during which, in particular, issues relating to the conduct of searches, including urgent searches, as well as special investigative measures in criminal proceedings concerning the receipt or provision of unlawful benefits were discussed.

g. As regards the violation of Article 38

In the case of *Denysyuk and Others v. Ukraine*, the Court also found a violation of Article 38 of the Convention due to the failure to provide copies of documents from the second and third applicants' domestic case files. In particular, the Court was not provided with the judicial decisions authorising the monitoring of the second and third applicants' telephone lines requested by the Court as well as the texts of the technical regulations concerning modalities and traceability of access to mobile telecommunications by law-enforcement authorities.

In para 155 of the judgment the Court noted that *«in their further observations submitted on 12 October 2023, the Government noted that the laws and regulations in force, in particular, section 32 of the State Secrets Act, prevented them from communicating the requested documents, since they had been lawfully classified at domestic level (see paragraph 47 above). The Government further expressed regrets that they could not provide them and argued that their inability to comply with the Court's relevant requests was due to legal and operational constraints and not to an unwillingness to cooperate or a reluctance to disclose information»*.

In this regard, the Government would like to emphasize that the resolution of the problem which led the Court to find a violation of Article 38 of the Convention in this case, is closely linked to general measures aiming to solve issues relating to the CISM, namely the issue of declassifying the decisions on authorization of the CISM.

h. As regard the violations of Articles 3, 5, 6

The Government would like to observe that in some of the cases the Court also found the violations of Articles 3, 5, and 6 of the Convention, which are already being addressed through general measures in other groups of cases. In particular:

In the cases of *Yakymchuk* and *Svirgunets*, the Court also found a violation of Article 6(1) and Article 13 of the Convention on account of the excessive length of the criminal proceedings in the applicants' cases and the lack of an effective remedy.

Information on the general measures taken to address the issue of the excessive length of criminal and civil proceedings is provided by the Government within the framework of *Merit/Svetlana Naumenko* groups of cases (app. nos. 66561/01 and 41984/98).

In the cases of *Korniyets and Others* and *Koval and Others*, the Court also found a violation of Article 3 of the Convention.

The violation of Article 3 identified by the Court in these cases is closely related to violations being considered by the Committee of Ministers in *Kaverzin/Afanasyev/Belousov* groups of cases (app. nos. 23893/03, 38722/02 and 4494/07).

The last communication from Ukraine concerning these groups of cases was provided in the Action Plan of 27 March 2026[72].

Also, in the case of *Koval and Others* the Court found a violation of Article 5(1) of the Convention.

The violation of Article 5 identified by the Court in these cases is closely related to violations being considered by the Committee of Ministers in *Ignatov* group of cases (app. no. 40583/15).

IV. PUBLICATION AND DISSEMINATION

[72] https://hudoc.exec.coe.int/eng?i=DH-DD(2026)425E

In addition to the information regarding the publication and dissemination of the Court's judgments in this group of cases, which was provided by the Government in previous communications, information regarding the publication and dissemination of the remaining cases is hereby provided.

The judgment in the case of *Mishchenko v. Ukraine* was translated into Ukrainian and published in the Official Herald of Ukraine [*Ofitsiinyi Visnyk Ukrainy*] No. 14 of 13 February 2026 and put on the Ministry of Justice official web-site[73], and on the web-portal of the Parliament of Ukraine[74]. The translation is also available on the HUDOC database[75] and on the legal portal *Liga Zakon.*

The summary of the judgment was published in the Government's Currier [*Uriadovyi Kurier*] no. 214 of 21 October 2025, on the Ministry of Justice official web-site[76], and on the Supreme Court official web-site[77].

The judgment in the case of *Korniyets and Others v. Ukraine* was translated into Ukrainian and published in the Official Herald of Ukraine [*Ofitsiinyi Visnyk Ukrainy*] No. 42 of 22 May 2026 and put on the Ministry of Justice official web-site[78]. The translation is also available on the HUDOC database[79] and on the legal portal *Liga Zakon.*

The summary of the judgment was published in the Government's Currier [*Uriadovyi Kurier*] no. 228 of 7 November 2025, on the Ministry of Justice official web-site[80], and on the Ministry of Internal Affairs official web-site[81].

The judgment in the case of *Naydyonov and Vedutenko v. Ukraine* was translated into Ukrainian and published in the Official Herald of Ukraine [*Ofitsiinyi Visnyk Ukrainy*] No. 18 of 27 February 2026 and put on the Ministry of Justice official web-site[82], and on the web-portal of the Parliament of Ukraine[83]. The translation is also available on the HUDOC database[84] and on the legal portal *Liga Zakon.*

The summary of the judgment was published in the Government's Currier [*Uriadovyi Kurier*] nos. 258 and 10 of 18 December 2025 and 14 January 2026, on the Ministry of Justice official web-site[85], and on the Supreme Court official web-site[86].

The judgment in the case of *Yakymchuk v. Ukraine* was translated into Ukrainian and published in the Official Herald of Ukraine [*Ofitsiinyi Visnyk Ukrainy*] No. 42 of 22 May 2026 and put on the Ministry of Justice official web-site[87]. The translation is also available on the HUDOC database[88] and on the legal portal *Liga Zakon.*

The summary of the judgment was published in the Government's Currier [*Uriadovyi Kurier*] no. 5 of 7 January 2026, on the Ministry of Justice official web-site[89].

V. CONCLUSIONS OF THE RESPONDENT GOVERNMENT

The Government understand the importance of resolving the problem of legal searches, seizures during the pre-trial investigation as well as the conduct of the CISM. The Government also believe that they show due diligence in fulfilment of obligations arising from the above judgments.

The Government would like to underline that the judicial practice, mentioned in this Action Plan, demonstrates that national court:

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[73] https://minjust.gov.ua/files/general/2025/11/06/20251106143639-14.pdf
[74] https://zakon.rada.gov.ua/laws/show/974_035-25#top
[75] https://hudoc.echr.coe.int/ukr?i=001-247469
[76] https://minjust.gov.ua/files/general/2025/11/06/20251106143639-48.pdf
[77] https://court.gov.ua/storage/portal/supreme/zakonodavstvo/Micshenko_Ukraine.pdf
[78] https://minjust.gov.ua/files/general/2025/12/08/20251208103601-29.pdf
[79] https://hudoc.echr.coe.int/ukr?i=001-247421
[80] https://minjust.gov.ua/files/general/2025/11/04/20251104105321-24.pdf
[81] https://mvs.gov.ua/upload/2/2/0/3/2/7/stislii-viklad-risennia-jespll-u-spravi-kornijec-ta-insi-proti-ukrayini.pdf
[82] https://minjust.gov.ua/files/general/2025/11/10/20251110122333-39.pdf
[83] https://zakon.rada.gov.ua/laws/show/974_037-25#Text
[84] https://hudoc.echr.coe.int/?i=001-247572
[85] https://minjust.gov.ua/files/general/2025/11/10/20251110122333-75.docx
[86] https://court.gov.ua/storage/portal/supreme/zakonodavstvo/Najdionov_Ukraine.pdf
[87] https://minjust.gov.ua/files/general/2026/01/12/20260112231905-43.pdf
[88] https://hudoc.echr.coe.int/ukr?i=001-248944
[89] https://minjust.gov.ua/files/general/2026/01/12/20260112231905-58.pdf

- thoroughly assess the admissibility of evidence obtained as a result of searches or the CISM;

- in cases specified by law, and taking into account the circumstances of the specific case, decide on compensation for damage caused as a result of investigative actions, in particular as a result of the seizure and non-return of property;

- thoroughly review motions for searches and other investigative actions when they concern lawyers.

Furthermore, criminal law provides for criminal liability for unlawful actions by pre-trial investigation authorities, in particular during the conduct of investigative measures, for unlawful entry into a person's home, and for breaches of the guarantees of legal activity.

The activities of the Bar Association and the Committee also have an important role in monitoring the observance of lawyers' rights and safeguards, particularly when investigative measures are taken against them.

Special attention shall be paid to the signing by Ukraine of the Convention on Lawyers which demonstrates Ukraine's commitment to strengthening the rule of law, the independence of the legal profession and ensuring effective access to justice.

Meanwhile, the Government assure to continue the work at the legislative and institutional levels to bring procedures for conducting investigative (search) actions, as well as the CISM, into line with the Court's findings in this group of cases. Furthermore, the Government will continue to strengthen safeguards for lawyers and bring legislation on the legal profession into line with European standards and best practices.

The Government also consider that no additional individual measures are required in the *Svirgunets, Dubovych, Gration Treyd, Tov, Pogrebnyy and Others* and in the *TREYD 2008, TOV* cases. Thus, the Government kindly ask the Committee of Ministers to close its supervision of these cases as the individual measures have been resolved.

As for the other cases the Government will keep the Committee of Ministers informed about further measures taken in their further communication.