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Ukraine

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 176th session (Geneva, 3 to 19 February 2025)



Mr. Artem Dmytruk serves as a subdeacon of the Ukrainian Orthodox Church. © Amsterdam & Partners

UKR-03 – Artem Gennadievich Dmytruk

Alleged human rights violations

- ✓ Enforced disappearance
- ✓ Torture, ill-treatment and other acts of violence
- ✓ Threats, acts of intimidation
- ✓ Arbitrary arrest and detention
- ✓ Lack of due process in proceedings against parliamentarians
- ✓ Violation of freedom of opinion and expression
- ✓ Violation of freedom of movement
- ✓ Undue invalidation, suspension, revocation or other acts obstructing the exercise of the parliamentary mandate
- ✓ Other violations: discrimination

Case UKR-03

Ukraine: Parliament affiliated to the IPU

Victim: Independent member of parliament

Qualified complainant(s): Section I.1(a) of the Committee Procedure (Annex I)

Submission of complaint: September 2024

Recent IPU decision: October 2024

IPU mission(s): - - -

Recent Committee hearing(s): - - -

Recent follow-up:

- Communication from the authorities: December 2024
- Communication from the complainant: January 2025
- Communication to the authorities: December 2024
- Communication to the complainant: October 2024

A. Summary of the case

Mr. Artem Gennadievich Dmytruk was first elected to the Verkhovna Rada (the Parliament of Ukraine) in 2019. Although he was at one point a member of the ruling Servant of the People faction, he was expelled from the party in 2021 after expressing disappointment with the government. Mr. Dmytruk is well known for his independent views, as well as his outspoken defence of the Ukrainian Orthodox Church (UOC) and the rights of its adherents. According to the complainant, Mr. Dmytruk has been repeatedly targeted by the authorities of Ukraine for his views, including his vocal opposition to Bill 8371, adopted on 20 August 2024, which bans all activities of the UOC and those of other religious bodies with alleged ties to the Russian Federation.

The complainant reports that, in the months before the Russian invasion of Ukraine, Mr. Dmytruk received mounting threats over his criticism of government figures, including over allegations of corruption that earned him some enemies. On 24 February 2022, the day the full-scale Russian invasion started, Mr. Dmytruk officially enlisted himself and many others from his large following in a territorial defence battalion under the authority of the police.¹ Since then, aside from a few critical remarks on the mishandling of the defence of Odesa in the first days of the war, Mr. Dmytruk reined in any criticism of the authorities and urged his fellow citizens to lay all differences aside in order to unite in defence of Ukraine.

According to the complainant, on 3 March 2022, as part of his volunteer work to support civilians affected by the Russian invasion in his Odesa constituency, Mr. Dmytruk was manning a checkpoint with his fellow battalion members and police officers during curfew, when he was approached and threatened by agents of the Security Service of Ukraine (SBU), leading to a heated exchange at a local police station. According to the complainant, Mr. Dmytruk was attacked by one of the agents later that night but managed to disarm him and confiscated the agent's weapon with the intention of submitting it to the local SBU head, whom he knew. However, the complainant submits that, when Mr. Dmytruk called the local SBU head the next morning, he was surprised to hear that "he was a dead man". According to the complainant, Mr. Dmytruk assumed that the threats were connected to his criticism of the local Odesa authorities and that he would be able to sort out any misunderstanding later.

The complainant reports that, on the same day, namely 4 March 2022, Mr. Dmytruk and two of his assistants were abducted by a detachment of heavily armed SBU agents and taken to the local SBU office, where they were held incommunicado and subjected to torture and inhuman and degrading treatment.² According to the complainant, Mr. Dmytruk's teeth, nose, fingers and toes were broken, his eyes sustained damage and his spine was deformed as a result of several agents jumping on his back while he was on the floor. The complainant adds that Mr. Dmytruk was repeatedly beaten until he lost consciousness, only to be revived and tortured again. The complainant adds that Mr. Dmytruk was forced to record a video where he renounced his political opinions and pledged to cooperate with the SBU, under threat of further violence. According to the complainant, Mr. Dmytruk and his assistants were released later that day. Although the complainant has provided photographic evidence of the signs of violence inflicted on Mr. Dmytruk, the complainant insists that the pictures were not reported to the police, Mr. Dmytruk having been threatened by the SBU that if he reported the acts of torture or sought medical treatment he would be tortured again.

According to a report by the Office of the United Nations High Commissioner for Human Rights (OHCHR), 91 individuals were subjected to enforced disappearance, torture and/or extrajudicial killings by Ukrainian state agents in the days after the outbreak of the full-scale war.³ This included Mr. Denys Kireyev, a prominent politician who was shot dead by the SBU in Kyiv on 5 March 2022. Two parliamentarians who had briefly disappeared in the same period resurfaced soon after.

The complainant further reports that the torture endured by Mr. Dmytruk effectively silenced him in public and political forums. The complainant states that, before the torture, Mr. Dmytruk had been highly active on social media, and that his numerous followers were alarmed by his sudden silence. According to the complainant, on 17 March 2022, the SBU contacted Mr. Dmytruk again, demanding that he resume his social media activity under threat of them "finishing what they had started".

¹ <https://bitly.cx/vuKUH>

² <https://bitly.cx/eZVy>

³ www.ohchr.org/en/documents/country-reports/report-human-rights-situation-ukraine-1-august-2022-31-january-2023

Mr. Dmytruk complied but significantly toned down his public advocacy. Although he resumed his parliamentary duties, his once vocal stance was notably subdued. The complainant reports that the SBU's actions aimed to break Mr. Dmytruk's spirit and force his compliance, limiting his ability to express his beliefs and to continue to fulfil his duties as a parliamentarian.

However, the complainant reports that, in 2024, Mr. Dmytruk resumed his public criticism of the government on account of mounting human rights violations, including the prolonged detention and prosecution of his colleague Mr. Oleksandr Dubinsky, and the arrests and intimidation faced by members of his Church. Furthermore, he became a prominent critic of Bill 8371,⁴ which was adopted at its second reading in August 2024. According to the complainant, by then Mr. Dmytruk had been facing intensified threats to cease his advocacy. The complainant adds that, on 18 August 2024, the head of the Office of the President, Mr. Andriy Yermak, made a post on his Telegram account that was interpreted by his followers as an encouragement to use violence against Mr. Dmytruk and other opponents of Bill 8371, after which there was a marked increase in threats against Mr. Dmytruk. Since then, numerous prominent Ukrainian social media figures and radicals have led a campaign aimed at discrediting Mr. Dmytruk and offered bounties for his death. Among these figures were Mr. Yevhen Karas, who offered protection from prosecution for anyone who would assault Mr. Dmytruk, and Mr. Andriy Serhiyovych, who offered on social media US\$ 250,000 for Mr. Dmytruk's death.⁵

The complainant stresses that the pleas for protection and the complaints filed with the police by Mr. Dmytruk were summarily dismissed and that the security detail previously assigned to him was actually withdrawn without explanation. Mr. Dmytruk was left with no choice but to leave the country on 24 August 2024, which caused a public uproar, as Ukrainian men are banned from leaving the country by presidential decree. According to the complainant, that decree violates the rights of Ukrainians to freedom of movement and to claim asylum in another country.

The complainant adds that, on 25 August 2024, Mr. Dmytruk was charged with inflicting minor bodily harm on an SBU agent and criminal intent to steal a weapon on 3 March 2022. He was also charged with hooliganism and actual bodily harm in another altercation that had occurred as part of his work for the parliamentary Committee on Law Enforcement dating back to 29 October 2023. According to the complainant, the timing of these charges close to the final reading of Bill 8371 in parliament demonstrates their political nature. The complainant adds that the General Prosecutor's note submitted as part of the arrest notice manipulates and obfuscates facts that prove that it was Mr. Dmytruk who was attacked on both occasions.

The complainant also alleges that Mr. Dmytruk's family was followed by a group of unknown men after they left Ukraine to join Mr. Dmytruk in the United Kingdom, prompting local law enforcement officers to intervene as Mr. Dmytruk's family was transiting through an airport in Romania.

The complainant further reports that a pretrial detention order and an international arrest warrant issued against Mr. Dmytruk following his exile are part of an attempt to arbitrarily detain him. In addition, the complainant has shared reports that a wide array of additional charges with heavy penalties are being drawn up against Mr. Dmytruk. The complainant further submits that Mr. Dmytruk sought asylum in the United Kingdom.

On 5 September 2024, the Ukrainian authorities requested the extradition of Mr. Dmytruk on charges of hooliganism and bodily harm, which led to his arrest in the United Kingdom and the beginning of an extradition process. The complainant states that Mr. Dmytruk was freed on bail shortly thereafter. According to the complainant, the extradition of Mr. Dmytruk to Ukraine would violate the non-refoulement principle, as Ukrainian authorities cannot guarantee he would not be tortured or attacked. A full hearing on the extradition request is scheduled for June 2025. If the request is granted, the decision would not take effect before the outstanding asylum claim is resolved.

The complainant further reports that Mr. Dmytruk has been denied access to his online parliamentary portal and has been summarily dismissed from his parliamentary committee, which effectively deprives him from the ability to exercise his mandate. In addition, the complainant reports that Mr. Dmytruk's counsel in Ukraine is repeatedly being denied access to the case material.

⁴ Bill 8371 was adopted on 20 August 2024 as the Law on the Protection of the Constitutional Order in the Field of Activities of Religious Organizations, informally known as the Law on the Prohibition of the Russian Orthodox Church in Ukraine.

⁵ https://t.me/karas_evgen/9436

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Thanks* the Chairperson of the Verkhovna Rada of Ukraine for the information provided in a written communication in response to the questions submitted by the Committee; *acknowledges* the limits placed upon the Verkhovna Rada by the Constitution and the Criminal Procedure Code of Ukraine pending the result of the investigation into the charges levelled against Mr. Dmytruk; *believes*, nevertheless, that nothing prevents the parliamentary authorities from providing their official views on the allegations of torture, threats, acts of intimidation and lack of due process in proceedings against one of their parliamentarians, which are matters that fall within the purview of the Verkhovna Rada's oversight function;
2. *Wishes* to receive information on the allegations in this case, including the reason for the seemingly unjustified dismissal of Mr. Dmytruk's complaints by the Ukrainian police and Ministry of the Interior as well as the reason for the termination of his security detail, even though he continued receiving mounting death threats and had requested additional protection for himself and his family; and *also wishes* to receive information on any action taken to hold Mr. Yevhen Karas, Mr. Andriy Serhiyovych and the other authors of these threats and intimidation to account;
3. *Is deeply concerned* by the serious allegations of torture, threats, acts of intimidation and other violations that interfered with the exercise of Mr. Dmytruk's parliamentary mandate; *wishes* to receive information on these points from the parliamentary authorities; and *trusts* that the Verkhovna Rada will seek the information requested in this paragraph and the information requested from the relevant authorities in the preceding paragraph;
4. *Is troubled* by allegations that Mr. Dmytruk has been prevented access to his parliamentary online portal and that he has been expelled from the Committee on Law Enforcement, which seriously limits his ability to exercise his parliamentary mandate while he is awaiting a decision on his asylum request abroad; and *urges* the parliamentary authorities to ensure that Mr. Dmytruk regains his right to fulfil his parliamentary mandate as far as is feasible remotely;
5. *Also urges* all Ukrainian authorities that are relevant in this case to ensure that Mr. Dmytruk's rights to a fair trial are respected in full, including by ensuring that he is provided with access to the case files as requested by his counsel; *further urges* the Ukrainian authorities to ensure that all allegations of human rights violations are promptly investigated and that Mr. Dmytruk is provided with an effective remedy for all violations identified in the present case; and *sincerely hopes* that the authorities of Ukraine and, likewise, those of the United Kingdom while Mr. Dmytruk chooses to remain within the latter's jurisdiction, will do their utmost to ensure that his fundamental rights under the European Convention on Human Rights and other human rights treaties to which they are party will be respected in full;
6. *Decides* to send a trial observer to the legal proceedings in the United Kingdom and in Ukraine with a view to collecting information and reporting on how Mr. Dmytruk's human rights are respected in the case at hand;
7. *Requests* the Secretary General to convey this decision to the Ukrainian parliamentary authorities, the relevant authorities of the United Kingdom, the complainant and any third party likely to be in a position to supply relevant information;
8. *Decides* to continue examining the case.