



Inter-Parliamentary Union  
For democracy. For everyone.

T +41 22 919 41 50  
F +41 22 919 41 60  
E [postbox@ipu.org](mailto:postbox@ipu.org)  
[www.ipu.org](http://www.ipu.org)

Chemin du Pommier 5  
Case postale 330  
1218 Le Grand-Saconnex  
Geneva – Switzerland

# Committee on the Human Rights of Parliamentarians

## UKR-03 – Artem Dmytruk

### Report by Ms H el ene MASSIN-TRACHEZ (France)

At the request of the Inter-Parliamentary Union (IPU), I travelled to London (United Kingdom) from 20 to 23 October to observe the case before Westminster Magistrates' Court concerning Mr Artem Hennadiyovych DMYTRUK, whose hearings were scheduled from 20 to 24 October 2025 inclusive.

These hearings concerned the extradition request made by the Ukrainian authorities to the British authorities on 5 September 2024 against Mr DMYTRUK, after he fled Ukraine on 24 August 2024 to seek refuge in the United Kingdom.

Mr DMYTRUK has applied to the British authorities for asylum. However, this application is *de facto* suspended pending the decision on the extradition proceedings. In any event, asylum application hearings are not public, and observers are therefore unable to attend.

Prior to my trip, contact was made with Katy O'MARA, a member of Mr DMYTRUK's defence team. I was provided with all the findings, claims, expert reports and documents submitted to the court, which facilitated my understanding of the claims of the various parties and enabled me to follow the hearings and the issues at stake.

I was able to exchange views formally and informally with members of Mr DMYTRUK's defence team, and received answers to all my requests and questions, even though the exchanges were generally brief due to the intensity of the week's hearings.

The team responsible for defending the interests of the Ukrainian State (the "prosecution team"), led by Mr Joel SMITH, a barrister at the law firm Furnival Chambers, took the time to inform me that they were unable to discuss the case with me while it was ongoing.

It should also be noted that the prosecution team pointed out to the experts, who were using the decision adopted by the Committee on the Rights of Parliamentarians of the Inter-Parliamentary Union at its 175th session (Geneva, 12–16 October 2024) as a basis, that this decision was based solely on the statements of Mr DMYTRUK and that the facts reported had not been independently investigated by the IPU. The prosecution team therefore considered that the evidential value of this decision with respect to the allegations made by the complainant should be seen in relative terms. In this regard, it should be noted that, as mentioned in the decision adopted by the Committee at its 176th session, the Ukrainian authorities had been invited to provide their observations, which they had. Nevertheless, it appears that the authorities did not deem it appropriate to respond to the Committee's questions regarding the substance of the case.

Mr DMYTRUK's Ukrainian counsel, Mr Petro SHERSTIUK, was present throughout the proceedings, as was Mr Egor LUKANOV, political analyst at Amsterdam & Partners (counsel for the Ukrainian Orthodox Church).

Although I did not have the opportunity to meet Chief Magistrate Paul GOLDSRING (Senior District Judge), who presided over the proceedings, he raised no objection to my presence in the courtroom itself. The rest of the public is normally seated in a room separated from the courtroom by a glass partition.

Few people were present in the public gallery. Mr DMYTRUK's mother attended every hearing. His wife and daughter came on the first day, which prompted a reaction from the judge, who did not object but did say that, with the exception of families, he was not in favour of children being present in the public gallery.

On the second day of the hearing, the judge announced that the press had requested access to the parties' statements to the court and asked the parties for their authorization to do so. Mr Joel SMITH said that the agreement of the Crown Prosecution Service (CPS) was required to grant this request.

Drafted in Lyon, 13 December 2025

## BACKGROUND

Mr Artem DMYTRUK is the Ukrainian member of parliament for the constituency of Odesa, elected in 2019 to the *Verkhovna Rada* (Ukrainian Parliament) as a member of the “Servant of the People” party of the current President, Volodymyr ZELENSKY. In 2021, he criticized the Ukrainian President’s policies and expressed his disappointment at the lack of any real fight against corruption. He was expelled from the presidential party and continued to sit as an independent.

Mr DMYTRUK reported that he had been subjected to threats and acts of intimidation after speaking out against the illegal transfer of land to state-controlled companies in his Odesa constituency, even though he had not been allowed to attend local council meetings when land issues were being discussed.

Before his expulsion from the party, Mr DMYTRUK said he had been summoned by President ZELENSKY himself to be reprimanded and urged to cease his criticism.

Following Russia’s invasion of Ukraine on 24 February 2022, Mr DMYTRUK enlisted in a police-controlled territorial defence battalion in his Odesa constituency. He used his status as a member of parliament to raise awareness of the burning issues, but also to organize food distributions.

During the hearing at Westminster Magistrates’ Court in London, he stated that he had been the victim of at least two assassination attempts by the authorities, which he believes were ordered by President ZELENSKY, on 3 March and 5 March 2022 and in August 2024.

On 3 March 2022, while manning a checkpoint with his colleagues from the defence battalion and several police officers during the curfew, he was threatened by agents of the Security Service of Ukraine (SBU). He was confronted by one of the armed SBU men, who attempted to assassinate him. Mr DMYTRUK disarmed him, stating that he had used proportionate force, and handed the man over to the police.

On 4 March 2022 at 5.47 p.m., Mr DMYTRUK posted a video of the incident on his Telegram account. This video was deleted on 4 March 2022 at 11.10 p.m.

In the early evening of 4 March 2022, Mr DMYTRUK and two of his assistants, Mr Dmytro MIKHU and Mr Ivan MARZAK, were abducted by a detachment of SBU agents and taken to the SBU premises. The Ukrainian Prosecutor’s Office confirmed that Mr DMYTRUK was questioned between 10.10 p.m. on 4 March 2022 and 12.05 a.m. on 5 March 2022.

Mr DMYTRUK claims he was arbitrarily detained and subjected to inhuman and degrading treatment and acts of torture. Mr DMYTRUK states that he was forced to record videos in which he had to declare that he was giving up his activities and his criticism of the Ukrainian Government. Threatened with reprisals if he made the events public and if he went to hospital, Mr DMYTRUK did not seek medical treatment and remained in hiding at a friend’s house until any signs of the torture he had suffered had disappeared. He photographed his injuries and the after-effects of the torture on the morning of 5 March 2022, after his release.

He did not resume his activities on social media until 17 March 2022, after, in his own statements, the SBU forced him to give a sign of life to his followers, who were concerned about his silence.

In 2024, he again expressed criticism of the Ukrainian Government due to the increase in human rights violations, including the prolonged detention and prosecution of parliamentarian Oleksandr

DUBINSKY, and the arrests and acts of intimidation suffered by members of the Ukrainian Orthodox Church (UOC), of which he is a member. He also clearly opposed the law "on the protection of constitutional order in the field of religious organizations" (Law No. 3894-IX). This law allows for the dissolution of "religious organizations affiliated to centres of influence whose leadership is located in a country that is conducting armed aggression against Ukraine". This law primarily concerns the Ukrainian Orthodox Church (UOC), a church which, until May 2022, was officially attached to the Moscow Patriarchate, while enjoying a significant degree of autonomy. However, it is considered by the Ukrainian Government to be affiliated to and under the control of the Moscow Patriarchate. It should not be confused with the Orthodox Church of Ukraine created in 2018.

In October 2023, Mr DMYTRUK was one of 14 parliamentarians who voted against this law and openly denounced on social media the seizure of temples and attacks against UOC worshippers.

On 5 October 2023, according to information provided by Mr DMYTRUK, while he was conducting an investigation in the city of Kyiv on behalf of the *Verkhovna Rada's* Committee on Law Enforcement, during which he had found evidence of fraud, his colleague was attacked by an individual who attempted to steal his telephone containing evidence of the fraud. He also attacked Mr DMYTRUK with a knife. Mr DMYTRUK and the individual fought, and the latter suffered actual bodily harm. Mr DMYTRUK and his colleague subsequently called the police to apprehend the individual and filed a complaint. The Ukrainian indictment only states that "A. DMYTRUK (...) seriously disturbed public order, in disregard of the rules and norms of behaviour generally recognized in society, due to a manifest lack of respect for society, accompanied by particular insolence, struck the victim B. SIROSA, inflicting moderate bodily harm". It makes no mention of the knife recovered at the scene.

In July 2024, Mr DMYTRUK was ordained a subdeacon in the UOC.

On 18 August 2024, Andriy YERMAK, Chief of Staff to President Volodymyr ZELENSKY, posted a message on his Telegram channel that was widely interpreted by his followers as encouraging violence against Mr DMYTRUK and other opponents of Bill No. 83711.<sup>1</sup>

On 20 August 2024, the Ukrainian Parliament adopted Bill No. 8371 (Law No. 3894-IX) at its final reading (entry into force on 23 September 2024). On the same day, Mr DMYTRUK spoke at length against the bill before parliament.

On 23 August 2024, he posted a message concerning an assassination attempt against him and, on the same day, filed a request for close protection due to the numerous threats to his life and the lives of his family.

On 24 August 2024, he posted a video on his Facebook page entitled "ZELENSKY has banned orthodoxy in Ukraine". On the same day, Mr DMYTRUK left Ukraine and travelled to the United Kingdom via Moldova.

On 25 August 2024, President ZELENSKY posted an announcement on social media stating that he had "scheduled a meeting for tomorrow with the Security Service of Ukraine (SBU), the National Bureau of Investigation (DBR), the Specialized Anti-Corruption Prosecutor's Office (SAP), the Prosecutor General and others. There are many things to discuss. The meeting will focus on the traitors who fled Ukraine. Dmytruk, are you sleeping?"<sup>2</sup>

---

<sup>1</sup> <https://t.me/ermaka2022/5150>:

<sup>2</sup> <https://t.me/truexanewsua/97052>:

On the same day, a warrant was issued for Mr DMYTRUK for inflicting minor bodily harm on an SBU agent in Odesa on 3 March 2022 and for hooliganism, having caused actual bodily harm in Kyiv on 5 October 2023.

On 28 August 2024, during his speech at the "Ukraine 2024. Independence" forum, Prosecutor General Andriy KOSTIN said: "My indignation is even greater than that of the public... Physical and technical prevention, namely closing the borders, is an absolute priority... Suspicions have been raised against this member of parliament in two criminal cases. I expected the files for both cases to be prepared carefully. As soon as the files were prepared and carefully reviewed, I immediately signed the notice of suspicion. Dmytruk still has the opportunity to come forward for questioning by the investigator."<sup>3</sup>

On 29 August 2024, the Pechersk District Court in Kyiv issued a pretrial detention order against Mr DMYTRUK.

On 1 October 2024, a request for the extradition of Mr DMYTRUK was issued by the Ukrainian authorities and sent to the British authorities.

Upon his arrival on British soil, Mr DMYTRUK immediately consulted his lawyers, who were then able to contact the authorities in anticipation of the expected extradition request. When the extradition request was filed, the police gave him a few days to surrender voluntarily. He was therefore arrested at his home without incident. After a brief period in police custody and half a day in a cell, he was released on bail and then placed under house arrest with electronic surveillance. He will soon be applying for this measure to be lifted.

### III. APPLICABLE LEGISLATION

#### A. Extradition proceedings in the United Kingdom

Part 2 of the Extradition Act 2003 applies to territories with which the United Kingdom has formal agreements through the European Convention on Extradition, the Commonwealth Scheme or a bilateral treaty (also known as category 2 territories). These territories are separated into two types, A and B. Type A countries, including Ukraine, are not required to provide *prima facie* evidence in support of their requests for extradition. The extradition process to these territories follows these steps:

##### 1. Extradition request by the requesting State to the Secretary of State

The extradition request is made to the UK Central Authority (UKCA) at the Home Office. Generally, an initial draft request is submitted to the Crown Prosecution Service (CPS) so that any potential problems can be resolved at the outset. The Secretary of State decides whether to order extradition.

##### 2. Issuing a certificate by the Secretary of State

The extradition request is valid if extradition is stated to be for the purpose of prosecuting or punishing a person accused or convicted of an offence in a category 2 territory, and if the request is made by an appropriate authority on behalf of that territory. Where these basic criteria are fulfilled, the Secretary of State certifies the request and sends it to the competent court. In London, this is Westminster Magistrates' Court.

---

<sup>3</sup> <https://www.youtube.com/watch?v=Ni8Zd3zDgAo>

### 3. Issuing a warrant

If the court is satisfied that enough information has been supplied, an arrest warrant can be issued. The court must be satisfied that there are reasonable grounds for believing that the conduct described in the request is an extradition offence (which includes the requirement for dual criminality).

**Provisional arrest:** For urgent cases where a requested person is deemed to be a flight risk and insufficient time is available to prepare a full request, a requesting State can make a provisional arrest request.

### 4. Arrest and preliminary hearing

After the person has been arrested, they are brought before the court and the judge sets a date for the extradition hearing.

### 5. Extradition hearing

The extradition hearing before the District Judge is where most of the issues in the case are decided. The Crown Prosecution Service (CPS) represents the requesting State in the proceedings. The judge must ensure the following in the context of this hearing:

- That the alleged conduct amounts to an extradition offence (dual criminality).
- That there is *prima facie* evidence of guilt (where applicable and in accusation cases).
- That none of the bars to extradition apply, in particular that extradition will not breach the human rights of the requested person.

### 6. Secretary of State's decision

The Secretary of State must order extradition unless the surrender of a person is prohibited by certain statutory provisions of the 2003 Act. The requested person may make any representations as to why they should not be extradited within four weeks of the case being sent to the Secretary of State. The Secretary of State is not required to consider any representations received after the expiry of the four-week period.

Extradition is prohibited by statute if:

- o the person could face the death penalty (unless the Secretary of State gets adequate written assurance that the death penalty will not be imposed or, if imposed, will not be carried out)
- o there are no speciality arrangements with the requesting country – "speciality" requires that the person must be dealt with in the requesting State only for the offences for which they have been extradited (except in certain limited circumstances)
- o The person has already been extradited to the United Kingdom from a third State or transferred from the International Criminal Court, and consent for onward extradition is required from that third State or that Court (unless the Secretary of State has received consent)

If none of these prohibitions apply, the Secretary of State must order extradition. Or, if surrender is prohibited, the person must be discharged.

## 7. Possible remedies

### **Appealing the District Judge's decision whether or not to refer a case to the Secretary of State:**

The judge's decision may be appealed within 14 days of notification of the decision. However, the High Court will only consider the appeal if and when the Secretary of State orders the extradition of the requested person.

If the District Judge orders the discharge of the requested person, the requesting State may apply to the High Court for leave to appeal against that decision.

If the High Court grants leave, it will hear the appeal.

If the High Court allows the appeal, it will set aside the order for the release of the requested person and refer the case back to the District Judge for a new decision.

**Appealing Secretary of State's decision: High Court.** Appeal is only possible with the (leave) permission of the High Court. Notice of application for leave to appeal must be sought within 14 days of extradition being ordered by the Secretary of State or discharge being ordered by the Secretary of State.

**Appealing High Court decisions: Supreme Court.** A requested person, or a requesting State, can apply for leave to appeal to the Supreme Court against the High Court's decision. Notice of application for leave to appeal must be given within 14 days of the High Court decision. Such an appeal can only be made if the High Court has certified that the case involves a point of law of general public importance.

## 8. Extraditing a requested person

Unless there is an appeal, a requested person must be extradited within 28 days of the Secretary of State's decision to order extradition.

## B. Martial law in the territory of the Republic of Ukraine

At 5.30 a.m. on 24 February 2022, martial law was declared throughout Ukraine, imposing a curfew in the Odesa region from 11 p.m. to 5 a.m. The implementation of this martial law has been regularly renewed by the *Verkhovna Rada* since that date. Men aged 18 to 60 were thus prohibited from leaving Ukraine, with some exceptions.<sup>4</sup>

Ukraine is a signatory to the International Convention for the Protection of All Persons from Enforced Disappearance of 20 December 2006<sup>5</sup> and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ETS No. 126) of 26 November 1987.<sup>6</sup>

Ukraine is also a signatory to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 005) of 4 November 1950 (ECHR), which it ratified in 1997.<sup>7</sup>

On 28 February 2022, the Ukrainian authorities declared a derogation from the ECHR in accordance with Article 15 of the Convention. Citing martial law and armed conflict, the Ukrainian authorities

<sup>4</sup> It is only since 26 August 2025 that men aged 18 to 22 have been able to leave Ukraine to travel abroad.

<sup>5</sup> See: [https://treaties.un.org/pages/viewdetails.aspx?src=treaty&mtdsg\\_no=iv-16&chapter=4&clang=\\_en](https://treaties.un.org/pages/viewdetails.aspx?src=treaty&mtdsg_no=iv-16&chapter=4&clang=_en)

<sup>6</sup> See: <https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treatynum=126>

<sup>7</sup> See: <https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treatynum=005>

derogated from several provisions, including Articles 4.3 (forced labour), 8 (right to respect for private and family life), 9 (freedom of thought, conscience and religion), 10 (freedom of expression), 11 (freedom of assembly and association) and 14 (prohibition of discrimination). Subsequently, the Ukrainian authorities also derogated from Articles 5 (right to liberty and security), 6 (right to a fair trial) and 13 (right to an effective remedy). This gives the Ukrainian authorities greater leeway to restrict the above-mentioned rights.

On 4 April 2024, Ukraine announced that the derogations would no longer apply to Articles 4.3, 9, 13, 14 and 16 (restrictions on the political activity of foreigners) of the ECHR.

Despite the lifting of the derogation from Article 9 of the ECHR, Ukraine nevertheless adopted a law four months later restricting and/or prohibiting the activities of the Ukrainian Orthodox Church.

The derogation from Article 6 on the right to a fair trial remained in force.

In addition, the imposition of martial law and the recognition that the functioning of the courts will be affected by the ongoing war have led to significant changes in the Code of Criminal Procedure concerning the powers of the Public Prosecutor's Office in criminal cases.

Under section 615 of the Criminal Code, "where it is objectively impossible for the investigating judge to exercise the powers provided for in sections 140, 163, 164, 170, 173, 206, 219, 232, 233, 234, 235, 245 to 248, 250 and 294 of the Code, these powers shall be exercised by the head of the relevant Public Prosecutor's Office at the request of the Public Prosecutor or at the request of the investigator in agreement with the Public Prosecutor".

A prosecutor can now decide, without judicial oversight, to arrest and extend the detention of an accused person, conduct secret investigations, search private property and homes, and seize assets. The duration of the preliminary investigation can also be extended by a prosecutor without simultaneous judicial intervention. Ukrainian law allows an accused person to be detained for 72 hours before a judge is required to authorize continued detention.

The same section provides:

"11. Testimony obtained during the questioning of a witness or victim, including during the simultaneous questioning of two or more persons who have already been questioned, in criminal proceedings conducted under martial law, may be used as evidence in court only if the contents and results of the questioning have been recorded using available technical means of video recording.

Testimony obtained during the questioning of a suspect, including the simultaneous questioning of two or more persons who have already been questioned, in criminal proceedings conducted under martial law, may only be used as evidence in court if a defence lawyer participated in the questioning and if the contents and results of the questioning were recorded using available technical means of video recording."

### **C. Criminal provisions applicable to the charges brought by the Ukrainian authorities against Mr Artem DMYTRUK**

According to the extradition request issued by the Ukrainian authorities, with regard to the maximum penalty, the request states:

"The penalty for the offences referred to in section 345(2), section 262(1) and section 122(1) of the Ukrainian Criminal Code is **imprisonment for up to seven years.**"

## IV. HEARING KEY ISSUES AND HIGHLIGHTS

First, it should be noted that Mr DMYTRUK was assisted by an interpreter throughout the hearing. In addition, the Chief Magistrate was particularly mindful of time differences when witnesses were heard via videoconference, in particular Ms Colleen ROHAN, who was testifying from Australia.

### A. The torture alleged by Mr Artem DMYTRUK

Mr DMYTRUK is basing his opposition to extradition primarily on the alleged risk of violations of Article 3 of the ECHR if he is returned to Ukraine (see Appendix 3).

In its judgment in *Ireland v. the United Kingdom* (5310/71, 18 January 1978), the European Court of Human Rights (ECtHR) held that:

*"The Court agrees with the Commission's approach regarding **the evidence on which to base the decision whether there has been violation of Article 3 (art. 3)**. To assess this evidence, the Court adopts **the standard of proof "beyond reasonable doubt"** but adds that such proof may follow from the coexistence of sufficiently strong, clear and concordant inferences or similar unrebutted presumptions of fact. In this context, the conduct of the Parties when evidence is being obtained has to be taken into account."* (§161, p.79)

It must therefore be determined whether there are substantial grounds for believing that the person concerned, if extradited (or expelled), faces a real risk of being subjected to torture or to inhuman or degrading treatment or punishment in the requesting (or receiving) country.<sup>8</sup> Whether, at the time of expulsion, there have been **serious grounds for believing that the extradited person would be at real risk of being subjected to treatment contrary to Article 3** must also be examined. This examination involves, on the one hand, establishing the facts concerning the personal history of the requested person and, on the other, assessing the general situation in the requesting country. This point was the focus of two key moments during the hearing.

First was the hearing of two medical experts.

Dr Julia COHEN, at the request of Mr DMYTRUK's defence team, drew up a medical report based on an interview with Mr DMYTRUK on 15 January 2025 and on the examination of photographs and a video provided by the complainant. Dr Julia COHEN concluded that, in accordance with the criteria set out in Annex IV of the Istanbul Protocol, Mr DMYTRUK shows signs of post-traumatic stress disorder (PTSD) and that his history, symptoms, clinical findings and the photographic and video evidence provided are consistent with the account of torture and ill-treatment described by the complainant. However, she expressed a reservation about the date of the photographs, of which she could not be entirely sure, but relied on the date of the video provided. This video was viewed and discussed at the hearing before the Court. The discussions focused in particular on the question of whether the photographs of the torture alleged by Mr DMYTRUK, in terms of the stage of wound development and healing and their severity, are indeed those of injuries inflicted during the events that occurred on the night of 4 to 5 March 2022. The issue of PTSD was also discussed at length in order to assess whether Mr DMYTRUK could have invented all the acts of torture he claims to have suffered. The issue of the existence of post-traumatic stress and the date of the photographs were the focus of the prosecution team's cross-examination of the expert.

---

<sup>8</sup> The application of this principle to cases of expulsion was confirmed in the *Cruz Varas and a. v. Sweden* case of 20 March 1991 (application no. 15576/89).

The second expert, Prof. Jason PAYNE-JAMES, prepared a report at the request of the requesting State, which was also the subject of questioning and cross-examination by video link. The expert's report mainly consists of a commentary on Dr Julia COHEN's report.

It should be noted that the Ukrainian Government also called on the services of a psychiatric expert, Dr Matthew HARTLEY, who examined Mr DMYTRUK on 2 September 2025, and whose hearing will take place on 16 December 2025.

The Ukrainian counsel for the complainant, Mr Petro SHERSTIUK, raised the issue of the long time lapse between the various medical examinations. He recalled that the fact that Mr DMYTRUK was in a better mental state during the second examination does not mean that the alleged acts of torture did not occur and that they could not happen again if he were extradited to Ukraine.

The second key moment was the hearing of Mr DMYTRUK as a witness, which lasted a day and a half, during which he was questioned at length about the facts. He confirmed the three written statements in the file. He was detailed and consistent in his description of the torture he had suffered.

Judge GOLDSRING emphasized two fundamental principles. First, he reminded the Ukrainian Government's lawyers, whose cross-examinations were generally lengthy, that in view of the acts of torture alleged by Mr DMYTRUK, there was not only no need to pressurize him into making statements, but also that caution and sensitivity should be exercised in the questions asked so that the questioning did not run the risk of harassment. In addition, the judge interrupted the cross-examination when the Ukrainian Government began questioning Mr DMYTRUK about the alleged offences of which he is accused by the Ukrainian State, which are the subject of the extradition request, in order to remind it that Mr DMYTRUK might be led to provide details that could later be used against him in the Ukrainian courts if he were to be extradited. The judge therefore reminded Mr DMYTRUK of his right to remain silent and not to incriminate himself. Mr DMYTRUK therefore referred to his already very full written statements on the reported facts.

Mr Joel SMITH, counsel for the Ukrainian State, asked Mr DMYTRUK whether he would agree to provide the original photographs of the torture he had suffered in order to remove any doubt, through the use of metadata, about the dates on which the photographs were taken and their undeniable link to the alleged torture. Mr DMYTRUK said he had no objection but feared that the original photographs had been deleted from the device on which they were taken. He also said he was no longer sure which telephone had been used to take the photographs or how to retrieve them.

## **B. The right to a fair trial in Ukraine**

This principle is guaranteed by Article 6 of the ECHR, as is the right to the presumption of innocence. (see Appendix 3).

One of the points relating to the issue of a fair trial concerns the application of the above-mentioned section 615 §11 of the Criminal Code. Mr DMYTRUK's defence team has been requesting the Ukrainian authorities since 30 June 2025 to provide it with the recordings of Mr DMYTRUK's questioning during which he stated he had been tortured, as the provisions of section 615 §11 apply given the imposition of martial law.

The Ukrainian State argued that section 615 does not apply in Mr DMYTRUK's case, as the derogations from Article 6 of the ECHR and martial law only apply in the temporarily occupied territories of Ukraine. Moreover, the Ukrainian Government stated that Mr DMYTRUK had been questioned by the SBU on the night of 4 to 5 March 2022 as a witness and not as a suspect. It also

mentioned that Mr DMYTRUK made a confession and gave a full account of the facts. Mr DMYTRUK claimed he was forced to sign this confession under torture.

The question of the Ukrainian system's ability, in its current state and in the circumstances of this case, particularly given Mr DMYTRUK's status as a politician, to guarantee him a fair trial was debated at length. Mr DMYTRUK's defence team called on two experts for this purpose.

First, Ms Colleen ROHAN, an expert in fair trials and a specialist in international and national criminal law, who co-authored the *Defense Counsel Handbook: A Guide for Ukrainian Lawyers Practicing in Domestic War Crimes Cases (2024)*. She concluded in general terms that Ukrainian judges and prosecutors are particularly vulnerable to political pressure and corruption. The questions focused mainly on the ability of the Ukrainian courts to try Mr DMYTRUK independently and without pressure from the political authorities, in view of the improvements noted in several reports and the Ukrainian structures put in place to combat corruption and increase respect for human rights.

During the expert's re-examination, the judge challenged Mr DMYTRUK's defence counsel on the relevance of asking the witness to clarify his analysis of the various political statements made by Ukrainian officials. The defence explained that these political statements were an integral part of the witness's report and analysis of the Ukrainian courts' ability to grant him a fair trial. The judge then questioned Ms ROHAN on how she could know that President ZELENSKY's statements concerned specifically and solely Mr DMYTRUK. He also asked her why she had used the questionnaire on war crimes when Mr DMYTRUK is accused of minor offences and whether, therefore, this parallel was relevant given Mr DMYTRUK's particular status and position.

Second, Prof. William BOWRING, Emeritus Professor of Law at the University of London and an expert on corruption and fair trials in Ukraine, was heard. He expressed serious doubts about the Ukrainian judicial system's ability to ensure a fair trial for Mr DMYTRUK, given, in his experience, the close relationship between judges and the Public Prosecutor's Office. He highlighted certain elements specific to Mr DMYTRUK's situation, in particular the fact that the Ukrainian Government is unable to explain why no investigation was opened against Mr DMYTRUK after the events of 2022, but only much later, after Mr DMYTRUK's statements to parliament and his flight from Ukraine; but also on the fact that Mr DMYTRUK is a special case among the parliamentarians who opposed the vote on the law against the UOC, in particular because of his status as a member of the UOC, his very firm positions and his popularity.

These two experts were cross-examined at length by the Ukrainian counsel. The judge reminded the Council that these two experts were testifying based on their expertise and knowledge of the Ukrainian system and the information currently available to them, and that they could not predict what would happen in the coming months or if Mr DMYTRUK was returned to Ukraine. Prof. William BOWRING's hearing led to the judge reprimanding not only the expert himself but also the Ukrainian counsel and the wording of his questions during the cross-examination. He stressed that the prosecution team's questions focused on very specific points, which led the witness to feel compelled not to answer the question and to point out that the answer could be found elsewhere in the report. The judge therefore reminded them of the rules of cross-examination. The judge's irritation was palpable.

During my informal discussions with Prof. William BOWRING, he shared with me his feeling that the judge had already made up his mind (without specifying in which direction, however) but that this could change with the submissions. The witness also told me that he had been giving this type of testimony for many years and had never been questioned so "harshly", with many closed questions

that left no room for detailed answers and many speculative views on the situation in Ukraine, which is very fluid and makes it difficult to predict what will be likely to happen even next week.

During his testimony, Mr DMYTRUK had the opportunity to respond clearly to the prosecution's question about the possibility of receiving a fair trial if he returned to Ukraine. He said that he had no confidence in the judges who might put him on trial, not only because of the circumstances surrounding the charges against him, but also because of the current application of martial law, which greatly extends President ZELENSKY's powers. Mr DMYTRUK argues that in these circumstances, President ZELENSKY can directly influence the judges and the Public Prosecutor's Office.

The Ukrainian Government pointed out that, as an IPU observer was present at the current hearing, it was only to be expected that this would also be the case should there be a hearing in Ukraine and that it would be likely to guarantee a fair trial. Mr DMYTRUK said that, while appreciating the measures adopted by the IPU, the presence of an observer could not, unfortunately, guarantee respect for this principle. The same question had been put not only to Ms Colleen ROHAN, but also to Prof. William BOWRING. Both replied that such a presence was not sufficient to guarantee a fair trial.

When asked whether he thought he would be physically safe if he returned to Ukraine, Mr. DMYTRUK replied clearly in the negative. He said that he was convinced he would not even make it to court and would be murdered before reaching it. As proof, he cited the murder of another member of parliament in the street.

Mr DMYTRUK was asked by the Ukrainian counsel whether, should he be extradited, he would wish to be tried in person or whether he would agree in any event to appear via video link before the Ukrainian courts, which would guarantee his safety. Mr DMYTRUK has made it clear that he wants to be able to be heard and to exchange views with the prosecution face to face and that he would therefore refuse a video hearing.

During cross-examination, Mr DMYTRUK also answered in the affirmative when asked by Mr SMITH whether he believed he would receive a fair trial in the United Kingdom. During a telephone conversation on 28 October 2025, Mr DMYTRUK expressed his feeling that, overall, the proceedings had been conducted objectively, even though he felt that some of the questions asked by the prosecution team had been biased. He nevertheless noted the objectivity shown by all the experts who were called to testify. He also noted that being questioned for a day and a half was a difficult and tiring exercise, especially as he felt that many of the questions were not relevant to the extradition proceedings. The Ukrainian counsel repeatedly returned to the charges brought against him in Ukraine, which he perceived as an attempt to provoke him and lead him into making mistakes in his statements, to find flaws and possible inconsistencies in his various written statements. He recalls, for example, being questioned about the style of his eyebrows or moustache in the photographs. Similarly, he was asked the same questions at the beginning and end of the cross-examination. This feeling is shared by the complainant's Ukrainian counsel, who saw possible underlying intentions, as part of delaying tactics. As previously stated, Mr DMYTRUK is facing two separate charges from the Ukrainian authorities. At this stage, the proceedings in Ukraine are frozen until Mr DMYTRUK returns to Ukraine.

- The proceedings relating to the events of 5 October 2023.

These proceedings relate to alleged acts of violence by Mr DMYTRUK. The investigation has been completed and is therefore closed. According to Mr DMYTRUK's Ukrainian counsel, the purpose of this closure is to prevent any further investigation, and the case has therefore been referred to a judge. At the last hearing in December 2024/January 2025, the investigating authorities did not provide the judge with the material evidence from the investigation, thereby violating the principle of a fair trial and the adversarial principle, preventing the judge from handing down a ruling. The next hearing will be held in mid-January 2026.

Given that the principle of legality of prosecution prevails in Ukraine, the Prosecutor had no choice but to investigate not only the allegations against Mr DMYTRUK, but also the acts of violence reported by Mr DMYTRUK himself, of which he was a victim and injured, and for which he filed a complaint. The police therefore had to investigate and question him about the facts. However, Mr DMYTRUK was not informed of his rights as a victim in these proceedings and the investigation was closed, preventing him from providing his own evidence as a victim.

An appeal was lodged with the investigating judge, who handed down a ruling upholding the decision of the Prosecutor to close the investigation. An appeal against this decision is pending before the Court of Appeal.

### **C. Conditions of detention in the event of extradition**

This issue refers to the provisions of Articles 3 and 5 of the ECHR (see Appendix 3).

This point will be addressed in a testimony provided by Mr George TUGUSHI, an expert on detention and an expert with the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), requested by Mr DMYTRUK's defence. This expert will be heard on 16 December 2025. In the meantime, reference will be made to his report and in particular to Ukraine's seventh periodic report (CAT/C/UKR/7) dated 25 April 2025.

Mr DMYTRUK's Ukrainian counsel confirmed during our discussions that it is unrealistic to think that the complainant's safety could be guaranteed in detention, not only because of his specific status and popularity, but also in view of the overall security situation in Ukrainian territory.

### **D. The risk of political and religious prejudice during trials in Ukraine in the event of extradition**

Section 81 of the British Extradition Act states:

#### **"81 Extraneous considerations**

A person's extradition to a category 2 territory is barred by reason of extraneous considerations if (and only if) it appears that—

(a) the request for his extradition (though purporting to be made on account of the extradition offence) is in fact made for the purpose of prosecuting or punishing him on account of his race, religion, nationality, gender, sexual orientation or political opinions, or

(b) if extradited he might be prejudiced at his [or her] trial or punished, detained or restricted in his personal liberty by reason of his race, religion, nationality, gender, sexual orientation or political opinions."

Under section 81(a), it is incumbent on the requested person to demonstrate a causal link between the extradition request and the particular extraneous consideration. The state of mind of the requesting State at the time the request was made must be assessed, to determine whether its objective was to prosecute or punish the requested person for one of the extraneous reasons. With regard to section 81(b), it is not necessary to prove, on the balance of probabilities, that the requested person will be prejudiced by reason of religion or political opinion. It is sufficient to demonstrate that there is a real risk of prejudice at trial on one of the prohibited grounds.

It was in order to demonstrate this real risk of prejudice that Mr DMYTRUK's defence called on two experts in religious matters, in relation to the status of the UOC and the law to which Mr DMYTRUK objected. First, Dr Timothy CARROLL, an anthropologist of Eastern Orthodox Christianity at University College London and a priest in the Antiochian Orthodox Church. This expert was heard on 24 October 2025, so I was unable to attend the hearing. Second, Prof. Nadieszda KIZENKO, professor of history and director of religious studies at the University of Albany (SUNY). She was heard by the Court via videoconference from the United States. She stated that it is difficult to believe that the sanctions against Mr DMYTRUK are not linked to his opinions and his opposition to Law No. 3894-IX. She also reaffirmed that there is no objective evidence to confirm that the UOC is affiliated to Moscow and receives its orders from Russia.

According to Mr DMYTRUK's defence, it is clear that the extradition request against the requested person is the result of political factors, in particular the persecution of the UOC, and that it was introduced because of his religious and political opinions, in particular those he expressed in the *Rada* as an elected representative, which run counter to the discourse held by the State. These same opinions would cause him to suffer prejudice during his trial and sentencing.

The significant delay before Mr DMYTRUK was charged and the fact that he was charged with the offences alleged against him by the Ukrainian State only immediately after he openly opposed Bill No. 8371 seeking to ban the UOC would irrefutably indicate the political motivation behind the proceedings against him and the subsequent extradition request. It would also be particularly significant that criminal proceedings were only brought against Mr DMYTRUK the day after he left Ukraine, on 25 August 2024, when it became clear to senior officials, including President ZELENSKY, that he remained opposed, would not change his mind, would continue to be a political problem and had fled Ukraine for his own safety.

Mr DMYTRUK's Ukrainian counsel is surprised at the amount of funds spent by the Ukrainian State on prosecuting Mr DMYTRUK for minor offences. He questions the social interest of these proceedings, which justify their being pursued with such determination and with such a delay in relation to the charges against him. In its view, there is no doubt that this is a political trial against Mr DMYTRUK.

Moreover, Mr DMYTRUK's Ukrainian counsel points out that, in Ukraine, only the prosecutor and investigators can publicly comment on criminal proceedings or issue orders or take decisions. However, in Mr DMYTRUK's case, the facts and proceedings have been widely commented on publicly and orders have been given by politicians, which clearly demonstrates the political nature of the charges brought against the complainant.

## V. CONCLUSIONS

All fair trial principles were scrupulously observed by the parties to the proceedings, both by the prosecution and the defence as well as by Westminster Magistrates' Court in this case, at least during my presence.

None of the parties raised any particular issues, not even Mr DMYTRUK, who was clearly able to confirm unequivocally that this principle was respected in these proceedings.

The concerns of all the parties questioned relate to the plausible risk of a violation of this right and its corollary principles in the event of Mr DMYTRUK's extradition to Ukraine.

However, this British hearing is not yet over and, at the time of writing, two further days of hearings are scheduled to take place:

- 16 December 2025, for the hearing of the remaining two experts called on by the requested person and the requesting State.
- 9 January 2026, for the parties to present their submissions on the law and evidence.

At the end of the proceedings, the case will be adjourned so that the judge can draft his ruling. The counsel for Mr DMYTRUK therefore expects a ruling in February 2026, although the exact date is not known at this stage, and it should be noted that the ruling could be handed down earlier or later.

The principle of non-refoulement is currently guaranteed by the practice of the various British courts responsible for examining Mr DMYTRUK's extradition request and asylum application.

Thus, regardless of the judge's ruling on the extradition proceedings, Mr DMYTRUK cannot be handed over to the Ukrainian authorities until a decision has been made on his asylum application. The latter proceedings, which are still ongoing, are being slowed down by the extradition proceedings themselves, as the issues at stake in the two proceedings are closely linked.

It is surprising, however, that the asylum application is not being treated as a priority, or at least not being pursued in parallel with the extradition proceedings. Indeed, the recognition of Mr DMYTRUK's refugee status by the British asylum authorities would likely put an end to any question over the truth of the acts of torture suffered by the member of parliament, leading to the judge's outright refusal to extradite.

**Lyon, 13 December 2025**

## Appendix 1: LIST OF CONTACTS AND VARIOUS INTERLOCUTORS

- **Crown Prosecution Service:**  
Specialist Prosecutor – Extradition Unit: Paula Craven
  
- **Westminster Magistrates' Court:**  
- Senior District Judge (Chief Magistrate): Paul GOLDSRING
  
- **Prosecution Team:**  
- Senior Counsel - Barrister: Joel SMITH KC (Furnival Chambers)  
- Junior Counsel - Barrister: Amanda BOSTOCK (3 Raymond Buildings Law – 3RBlaw)
  
- **Mr Dmytruk's Defence team:**  
- Senior Solicitor: Katy O'MARA (Head of the Extradition Department at Hodge Jones Allen LLP (Solicitors))  
- Senior Counsel (Barrister): Edward FITZGERALD KC (Doughty Street Chambers)  
- Junior Counsel (Barrister): Benjamin JOYES (9 BR Chambers)  
- Political Analyst: Egor Lukanov (Amsterdam & Partners)  
- Ukrainian legal services provider: Petro SHERSTIUK (MIU legal firm)

**Appendix 2: HEARING SCHEDULE – EXTRADITION PROCEEDINGS  
20 TO 24 OCTOBER 2024**

	<b>Morning – 10 a.m. to 1 p.m.</b>	<b>Afternoon: 2pm-4pm/4.30pm</b>
<b>Monday 20/10/2025</b>	Ms Colleen ROHAN: Examination and cross-examination (via videoconference from Australia)	Prof. William BOWRING: Witness examination and cross-examination
<b>Tuesday 21/10/2025</b>	10–11 a.m.: Ms Colleen ROHAN: Completion of cross-examination and re-examination (via videoconference from Australia)  11 a.m.–12 p.m.: Prof. William BOWRING: Completion of cross-examination and re-examination	2–2.45 p.m.: Oral arguments by the parties on the right to a fair trial in Ukraine  3–5.05 p.m.: Prof. Nadieszda KIZENKO (via videoconference from the United States): Examination, cross-examination and re-examination
<b>Wednesday 22/10/2025</b>	Prof. PAYNE-JAMES (via videoconference): Examination, cross-examination and re-examination	Dr Julia COHEN: Examination, cross-examination and re-examination
<b>Thursday 23/10/2025</b>	Mr Artem DMYTRUK: examination	Mr Artem DMYTRUK: cross-examination
<b>Friday 24/10/2025</b>	Mr Artem DMYTRUK cross-examination	Dr Timothy CARROLL (University College London)

**SCHEDULE OF PENDING HEARINGS:**

	<b>Morning – 10 a.m. to 1 p.m.</b>	<b>Afternoon: 2pm-4pm/4.30pm</b>
<b>Tuesday 16/12/2025</b>	Dr George TUGUSHI (report on detention conditions in Ukraine)	Psychiatric expert appointed by the prosecution team that examined Mr Artem DMYTRUK
<b>Friday 9 January</b>	Presentation of observations relating to the law and evidence (submissions, i.e. other words "pleadings") by the parties	

**Meetings alongside the hearings:**

- **21/10/2025:** Informal discussions after the hearing with Prof. William BOWRING
- **28/10/2025:** Mr Artem DMYTRUK, in the presence of Mr Egor LUKANOV (Amsterdam & Partners law firm - for translation) by telephone
- **25/11/2025:** Email exchanges with Katy O'MARA on the next steps in the extradition proceedings
- **27/11/2025:** Telephone conversations with Petro SHERSTIUK, counsel for Mr Artem DMYTRUK in Ukraine

### **Appendix 3: RELEVANT PROVISIONS OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS OF 4 NOVEMBER 1950**

#### **Article 2: Right to life**

“1. Everyone’s right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.

2. Deprivation of life shall not be regarded as inflicted in contravention of this Article when it results from the use of force which is no more than absolutely necessary:

(a) in defence of any person from unlawful violence;

(b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;

(c) in action lawfully taken for the purpose of quelling a riot or insurrection.”

#### **Article 3: Prohibition of torture**

“No one shall be subjected to torture or to inhuman or degrading treatment or punishment.”

#### **Article 5: Right to liberty and security**

“1. Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law:

(a) the lawful detention of a person after conviction by a competent court;

(b) the lawful arrest or detention of a person for non-compliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law;

(c) the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;

(d) the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;

(e) the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants;

(f) the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition.

2. Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him.

3. Everyone arrested or detained in accordance with the provisions of paragraph 1 (c) of this Article shall be brought promptly before a judge or other officer authorised by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial.

4. Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.

5. Everyone who has been the victim of arrest or detention in contravention of the provisions of this Article shall have an enforceable right to compensation.”

#### **Article 6: Right to a fair trial**

“1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.

3. Everyone charged with a criminal offence has the following minimum rights:

(a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;

(b) to have adequate time and facilities for the preparation of his defence;

(c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;

(d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court.”

#### **Article 9: Freedom of thought, conscience and religion**

“1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.”