



BY AIRMAIL

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Subject: Forced psychiatric confinement of Ms Zinaida Mukhortova

Your Excellency,

I am writing to you on behalf of Lawyers for Lawyers (L4L), an independent and non-political Dutch foundation that supports lawyers who are threatened or suppressed in the execution of their legal profession all over the world. L4L is committed to ensure the proper functioning of the rule of law by pursuing freedom and independence of the legal profession. In that context, Lawyers for Lawyers respectfully would like to express its grave concern about the forced psychiatric confinement of our colleague Ms Zinaida Mukhortova, who is a respected human rights lawyer.

Zinaida Mukhortova is a lawyer with more than 10 years' legal practice. She has also provided the local population with free legal consultations and has denounced cases of corruption and interference of political interests in the judiciary.

Lawyers for Lawyers has been informed that on the evening of 9 August 2013, four police officers, one doctor, two nurses and two medical staffers broke the door of Zinaida Mukhortova's apartment and forced her into an ambulance, which brought her to the psychiatric hospital of Balkhash. When Zinaida Mukhortova's legal representative, Mr Amangeldy Shormanbaev, on that same day, called the deputy head of the psychiatric hospital and inquired about the reasons of her confinement, he was informed she was confined because she had previously refused hospitalisation. When Shormanbaev notified the doctor that refusal cannot be a legal reason for forced psychiatric treatment of a person, the phone was hung up.

The recent forced psychiatric confinement of Zinaida Mukhortova seems to be connected to her legitimate activities as a lawyer defending human rights in Kazakhstan. In September 2009, Zinaida Mukhortova sent, together with three other lawyers, a complaint to the president of Kazakhstan on the interference in the administration of justice by Member of Parliament Nigmatullin. In response to this complaint, a criminal investigation was launched against Zinaida Mukhortova for "deliberate false filing of a complaint" under point 2, Article 351 of the Criminal Code. On 12 February 2010, she was arrested in the courtroom of the Balkhash city court, and detained in the pre-trial



detention facilities. In July 2010, a psychiatric examination was ordered and Zinaida Mukhortova was diagnosed with a 'delusional disorder'. On 5 August 2010, the Balkhash city court recognised her as guilty but not legally responsible due to her supposed mental illness, but she continued to be detained in temporarily detention.

On 12 January 2011, Zinaida Mukhortova was sent to the regional psychiatric hospital in Aktas village, where she was forcibly administered unknown medication. She was released on 22 September 2011, after promising that she would not appeal their psychiatric report. During her detention in the hospital, Zinaida Mukhortova was examined three times, after which the doctors informally confirmed her sanity but kept the official diagnosis unchanged allegedly due to external pressure.

In September 2012, an independent medical expert invited by local lawyers defending her case certified Zinaida Mukhortova's sanity. The court, however, rejected this report to be part of her file. She filed an appeal with the Supreme Court, which is due to be reviewed this month.

Various organizations, among them the Lawyers for Lawyers Foundation, tend to consider the forced psychiatric confinement as an attempt by the government of Kazakhstan to curb Zinaida Mukhortova's legitimate activities as a lawyer defending human rights in Kazakhstan. These organizations fear that this forced psychiatric confinement is connected to, and serve to frustrate, her invaluable human rights activities.

In this context, Lawyers for Lawyers urges the government of Kazakhstan to recognize the valuable role played by human rights lawyers and to promote and support their work in line with the Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1990 ('Basic Principles').

In particular paragraphs 16 and 17 of the Basic Principles, state that the Government is under an obligation 'to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference'. Further: 'Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities'.

According to paragraph 23, 'Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings [...]'.

These principles are universally applicable. Therefore, your government is under an obligation to adequately protect and support its lawyers.

In view of the above, Lawyers for Lawyers urges your government, in compliance with its international human rights obligations, to:

- Immediately and unconditionally release Zinaida Mukhortova and cease her forced psychiatric treatment, and take all the necessary measures to guarantee the physical and psychological integrity of Zinaida Mukhortova while in psychiatric hospital;



- Assure that any action against Zinaida Mukhortova is taken in conformity with the principles cited above and other international legal obligations binding upon Kazakhstan
- Guarantee in all circumstances that all lawyers in Kazakhstan are able to practice law without fear of reprisals and free of all restrictions including judicial harassment.

We thank you for your attention to this very important matter. We are confident of your good will and sense of justice and will continue to monitor this case closely.

On behalf of the President of Lawyers for Lawyers, Phon van den Biesen,

Sincerely,

Lawyers for Lawyers

Adrie van de Streek
Executive director

CC.

- *H.E. Ms Mainyura Saudabaeva w/o Murzamadiyeva, Ambassador Extraordinary and Plenipotentiary of the Republic of Kazakhstan in the Kingdom of the Netherlands*
- *Delegation of the European Union to Kazakhstan*