



BY AIRMAIL

President of the Republic of Kazakhstan,
Nursultan NAZARBAEV,
473000 Astana, Beibitshilik 11,
ASTANA, **KAZAKHSTAN**

Amsterdam, 10 July 2014

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 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.

Reports by Kadyr Kasiyet, a human rights organization based in Kazakhstan, indicate that on July 2, 2014 Zinaida Mukhortova was taken by force by six men, suspected to be police officers in the guise of engineers, while visiting members of her family in Balkhash. She was forcibly admitted to a psychiatric clinic.

This 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, 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'.

Since then, Zinaida Mukhortova was released and forcibly detained in psychiatric facilities several times. After the Court ruled on 21 August 2013 that the order to forcibly detain Mukhortova in a psychiatric hospital was legal, Mukhortova appealed this decision. In May 2014 the Supreme Court approved the forced psychiatric confinement.

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 assure that any action against Zinaida Mukhortova is taken in conformity with the principles cited above and other international legal obligations binding upon Kazakhstan, and release Zinaida Mukhortova if her forced psychiatric confinement is connected to her invaluable human rights activities.

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



Letters concerning the same topic were sent to:

- The Minister of Justice of the Republic of Kazakhstan, Imashev Berik Mazhitovich
- Minister of Internal Affairs of the Republic of Kazakhstan, His Excellency Kalmukhanbet Kassymov

Copies of these letters were sent to:

- Ambassador Extraordinary and Plenipotentiary of the Republic of Kazakhstan to the Netherlands, H.E. Ms Mainyura Saudabaeva w/o Murzamadiyeva
- Ambassador Extraordinary and Plenipotentiary of Netherlands to Republic of Kazakhstan
- Permanent Mission of the Republic of Kazakhstan to the United Nations Office and other international organizations in Geneva