

Ambassador Almaz Khamzyev
Embassy of the Republic of Kazakhstan
Avenue van Bever, 30
1180 Brussels

Brussels, the 2nd of September 2013

Re: Concerns regarding the forced psychiatric confinement of Ms Zinaida Mukhortova, a human rights lawyer

Your Excellency,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which, through the national Bars and Law Societies of the Member States of the European Union and the European Economic Area, represents more than 1 million European lawyers. In addition to membership from EU bars, it also has observer representatives from a further eleven European countries' bars.

The CCBE, through its Human Rights Committee, places great emphasis on respect for human rights and the rule of law. The CCBE is particularly concerned by the situation of human rights defenders in the world.

The CCBE writes to express its serious concern over the situation of a lawyer, Ms Zinaida Mukhortova, who was brought to a psychiatric hospital on 9 August 2013 and has since been kept in forced psychiatric confinement.

Ms Mukhortova is a lawyer with more than ten years of legal practice who provided the local population with free legal consultations and denounced cases of corruption and interference by political interests in the judiciary. Most notably, in 2009, Ms Mukhortova, together with three other lawyers, filed a complaint to the President of Kazakhstan against Member of Parliament Nigmatullin, denouncing his interference in the administration of justice.

The CCBE has been informed that, as a consequence of this action, Ms Zinaida Mukhortova became the target of multiple acts of reprisal and harassment.

In response to this complaint, Ms Mukhortova faced a criminal investigation on charges of "*deliberate false filing of a complaint*". This case was closed on 26 July 2012, when the city court of Balkhash recognised the absence of corpus delicti. In this context, Ms Mukhortova underwent a psychiatric examination in July 2012 that indicated an alleged "delusional disorder". After this diagnosis Ms Mukhortova was subjected to long periods of detention and psychiatric hospitalisation.

From January 2011 to September 2011, Ms Zinaida Mukhortova was detained in a regional psychiatric hospital in Aktas, where she was reportedly administered unknown medication. According to reliable sources, it seems that three psychiatric examinations were carried out while she was in detention which informally confirmed her sanity, but the official diagnosis was kept unchanged due to external pressure and fear that she would appeal the psychiatric report. Furthermore, in September 2012, Zinaida Mukhortova's sanity was certified by an independent medical expert invited by local human

rights defenders defending her case. The court, however, refused to allow this report to be part of her file.

According to the information that we most recently received, on 9 August 2013, four police officers, one doctor, two nurses and two medical staff broke into the house of Ms Zinaida Mukhortova and forced her into an ambulance, which brought her to the psychiatric hospital of Balkhash. Following this event, a request for psychiatric confinement sent by the prosecutor to the Balkhash court was finally approved by Judge Maira Ibragimova on 20 August 2013.

Especially worrisome is that, since her hospitalisation, Zinaida Mukhortova has been refused access to her family and her legal representative. Her lawyer, Mr Amengeldy Shormanbaev, stated that he was prevented from visiting his client despite the fact that there are regular visiting hours in the hospital.

The CCBE believes that the forced psychiatric confinement of Zinaida Mukhortova is a measure of retaliation for her human rights activism and fears that her physical and psychological integrity might be at risk.

In this context the CCBE wishes to draw to your Excellency's attention the following Articles of the United Nations Basic Principles on the Role of Lawyers (1990):

Article 16 states that:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Furthermore, Article 17 states that:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

In view of the above, the CCBE respectfully urges your Excellency to take immediate and effective steps to ensure that the decision of forced psychiatric treatment against Ms Zinaida Mukhortova is immediately and unconditionally repealed, and that she is granted access to her lawyer and family. The CCBE also implores you to take all necessary measures to guarantee that Ms Mukhortova's physical and psychological integrity is preserved and that all human rights defenders in Kazakhstan are able to carry out their legitimate human rights activities, in all circumstances, without fear of reprisals and free of all restrictions including judicial harassment.

Yours sincerely,



EVANGELOS TSOUROULIS
CCBE President