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Punitive psychiatry in Kazakhstan: human rights activist Zinaida Mukhortova forcibly placed in lunatic asylum for the fourth time

On 02.07.2014 Zinaida Mukhortova was forcibly taken from her home – for a further time. According to information from the public association “Kadyr-kasyet”, during Mukhortova’s detainment her 14-year-old grandson Timur was struck on the head, and her 5-year-old granddaughter was pushed away with brute force.

The Kazakhstan human rights defender Zinaida Mukhortova is being persecuted for having repeatedly called upon the Kazakhstan authorities to investigate into the reports on the alleged corruptive activities of one Member of Parliament. As a result, she was charged with “false denunciation” and ordered to undergo psychiatric treatment by a court. Doctors deemed the activist to be “suffering from a delusional disorder”, as she “denied her guilt” and “stalked the MP”. The head doctor of Balkhash psychiatric hospital stated in court: “Over the last 7-8 years, the patient Mukhortova constantly lodged complaints... She discredits the civil servants, political activists”¹.

“All that she needs in order to become ‘normal’ again is to stop lodging the complaints” – the Kazakhstan law enforcement underlined².

Starting from November 2013 to June 2014, Zinaida Mukhortova lived with her son in the vicinity of Almaty, in fear of forced treatment. During this time, the police visited her flat in Balkhash and enquired with her neighbours about her whereabouts.

On 02.07.2014, Zinaida Mukhortova’s flat was forcibly entered by six unknown men, who presented themselves as “electricians” and drove her against her will to the psychiatric hospital in Balkhash. She was beaten up and abducted in front of her juvenile grandchildren, to whom Zinaida had gone to visit in Balkhash for a number of days. Zinaida’s grandchildren were also victims of illegal actions: 14-year-old Timur was hit on the head, and her 5-year-old granddaughter was pushed away with brute force.

Mukhortova’s sister Natalya Abent states that ***the head doctor at Balkhash psychiatric hospital, Rysbek Iskakov, promised the human rights activist will be set free provided that she surrenders her outpatient card.*** Based on Mukhortova’s statements, on 26.05.2014 the Ministry of Health conducted an inspection in the Balkhash psychiatric hospital. Natalya Abent presumes that the doctors intend to destroy Mukhortova’s outpatient card with the record of her release from psychiatric observation. It is quite likely that is the main reason behind her latest hospitalisation.

Zinaida Mukhortova had previously been kept in various psychiatric hospitals for more than 12 months, out of which she spent 9 months in a state penitentiary-type psychiatric hospital along with extremely dangerous criminal lunatics. In 2012, by decree of Kazakh courts she was rehabilitated and released from her court-ordered treatment. However, in August 2013 Mukhortova’s hospitalisation was sanctioned once again. In the process, conclusions by several Kazakh commissions and international experts were ignored, in all of which the activist’s mental health was certified. In recent times, Kazakhstan has seen the increased use of the old Soviet practice of punitive psychiatry as a method of combatting the undesired human rights defenders and activists.

¹ <http://www.respublika-kaz.info/news/society/33034/>

² http://www.bureau.kz/data.php?n_id=6206&l=ru

HISTORY OF ZINAIDA MUKHORTOVA'S PERSECUTION

A human rights activist from the city of Balkhash (Karaganda district), since 1995 she worked as a barrister and was involved in human rights activity, as well as providing legal advice. One of the court cases, connected with the interests of a Member of Parliament, resulted in Mukhortova's court-ordered treatment in a psychiatric hospital, lasting a number of months. Mukhortova was held in closed wards, forced to undress and perform squats. The hospital attendants used physical force against her, forcing her to take psychotropic drugs. Over the nine months, she lost 12 kilograms of body weight. Any of Mukhortova's legal attempts to appeal the court-ordered psychiatric treatment resulted in the doctors extending the period of her hospitalisation. The doctors repeatedly promised her she would be released from the court-ordered treatment in return for withdrawing the appeals against the psychiatric expertise.

Human rights activist Evgeniy Zhovtis commented on the persecution of Zinaida Mukhortova in the following way: *"When Mukhortova found herself for the first time (...) in conflict with the authorities on the local level and treaded on someone's business, the system started to react. (...) Therefore she fell victim to the system's imperfections. A fate that may befall any person whatsoever"*³.

- The beginning of Zinaida Mukhortova's persecution coincided with her conflict against with the Kazakhstan MP Erlan Nigmatulin and barrister Noylya Rozhentseva. On **30.07.2009**, Zinaida Mukhortova accused Niylya Rozhentseva of having used the name and high official position of Nigmatulin in order to exert pressure on the court⁴. As a consequence, a court case was instigated against Mukhortova with the charges of "notoriously false denunciation". **The activist was arrested on 12.02.2010.**
- On 26.02.2010, the court ordered a psychiatric expertise for Mukhortova, as a result of which she was **diagnosed with a "delusional disorder towards specific persons"**⁵. In the words of the activist herself, the doctors told her she was delusional as she "refused to accept her guilt", "criticised the criminal court case" and "stalked the MP Nigmatulin"⁶.
- **On 05.08.2010**, the Kazakhstan court ruled Zinaida Mukhortova guilty of "false denunciation", however releasing her on criminal penalty and sending her for ordered psychiatric treatment. **She was placed in a closed ward of a penitentiary type psychiatric hospital in the town of Aktas, Almaty district, where serial killers and cannibals are held**⁷. In Mukhortova's own words, she refused to take the neuroactive medicaments, but she was repeatedly beaten, tied up and forced to swallow the pills⁸. Mukhortova developed a strong allergic reaction to the medicine. Only after that did the doctors stop forcing her to take the medicaments.
- **Mukhortova was discharged from the psychiatric hospital on 22.09.2011.** The doctors gave her no diagnosis. The commission stated that Mukhortova's state caused no concerns, but that she could be referred to a local psychiatrist by place of residence. However, the Balkhash hospital staff refused to admit her onto the list, stating she had not been given a diagnosis.
- Having been released, on 05.12.2011 Mukhortova filed a complaint with the Supreme Court on the verdict of her guilt of false denunciation and her forced treatment in the psychiatric hospital. After

³ <https://www.youtube.com/watch?v=GuAC-34eflc>

⁴ <http://www.nv.kz/2010/03/31/17013/>

⁵ The diagnosis was issued 07.07.2010 by doctors of Republican research and development centre for psychiatry and narcology of Almaty.

⁶ <http://www.respublika-kaz.info/news/society/20412/> ; <http://www.respublika-kaz.info/news/society/33694/>

⁷ After the court verdict, Zinaida Mukhortova was held for 5 months in the detention ward, after which on 12.01.2011 she was sent for court-ordered treatment to the Republican psychiatric specialised hospital in the town of Aktas, Talgarsk region of Almaty district. On 06.09.2011, by ruling of Talgarsk regional court, Zinaida Mukhortova was referred to general stationary ward of psychoneurotic clinic of Balkhash - <http://www.respublika-kaz.info/news/society/20412/> ; <https://www.youtube.com/watch?v=kh-qcyZrUAU>

⁸ http://ru.soros.kz/uploads/user_68/2013_29_07_11_23_57_663.pdf

only a few days, on 12.12.2011, she was summoned “for an interview” with the head doctor of the Balkhash psychoneurotic specialised clinic. **As soon as she arrived at the hospital, she was forcibly detained in the psychiatric ward, where she was held until 29.12.2011**⁹.

- **On 31.01.2012**, the Supreme Court nullified the decision on Mukhortova’s guilt of false denunciation and her subsequent placement in court-ordered treatment. The case was sent for a revision examination. As a result, on **26.07.2012 the Balkhash municipal court relieved the human rights activist from criminal penalty and waived the court-ordered treatment**¹⁰. **On 30.07.2012, Mukhortova was discharged from psychiatric observation and had her outpatient card returned**¹¹.
- Within a year, on **09.08.2013**, Zinaida Mukhortova was again forcibly treated in the Balkhash psychiatric hospital. The basis for her hospitalisation was the fact that she had failed to report to the district doctor for her interview. However, Mukhortova was not obliged to visit the doctor, as she was discharged from observation. **On 20.08.2013, the Balkhash municipal court sanctioned preventive hospitalisation for Mukhortova**. The human rights activist filed a complaint against the decision, but all the instances of appeal dismissed her complaint¹².
- **On 02.09.2013**, the Committee for supervision of medical and pharmaceutical activity reached the conclusion that Mukhortova does not need court-ordered treatment. However, on **09.09.2013** the doctors of the regional psychoneurotic specialised clinic of Karaganda issued a decision on the necessity of forced treatment¹³. Next, Mukhortova was placed under observation at the Medical centre for mental health of Astana, from which she was discharged on **01.11.2013**. On 13.11.2013, the decision was made public by the doctors of the centre, according to whom Mukhortova “could not presently be held accountable for her actions” and “she had previously suffered from mental disorders, qualified as chronic delusional disorder”¹⁴. The doctors of Astana had not stated whether Mukhortova needed the forced treatment, stating that the issue was outside their scope of competence¹⁵.

PSYCHIATRIC WARD SECLUSION AS REPERCUSSION FOR HUMAN RIGHTS ACTIVITY

The doctors of Balkhash ascribed the human rights activist Mukhortova with *paranoia querulans* – an inclination to file lawsuits on various pretexts in fight for one’s allegedly infringed laws. According to the scientific opinion, one of the main characteristics of *paranoia querulans* is the lack of grounds and insignificance of the complaints filed with various instances^{16, 17}. **However, the Supreme Court and a number of other courts ruled in favour of Mukhortova, which proves her complaints were well-grounded**. Taking into account that the majority of her complaints were filed against doctors, there are bases to believe that the **management of Balkhash psychiatric hospital repeatedly and forcibly hospitalised the human rights activist in an act of revenge for her legal actions**.

In the ruling by Balkhash court on the court-ordered hospitalisation of Mukhortova it is stated that “...the patient again developed paranoid delusional notions and prejudices, focusing on proving her point. Mukhortova Z.Zh. again started writing complaints in various instances, giving interviews to the mass-media ‘in order for justice to prevail’ “.

⁹ <http://www.kuramshyn.org/blog/2011-12-12-92>

¹⁰ The ruling was confirmed on 13.09.2012 by the cassation collegium of Almaty district court.

¹¹ <https://www.facebook.com/photo.php?fbid=826825407350745&set=a.416301131736510.103149.100000698807499&type=1>

¹² On 03.12.2013, the Karaganda regional court, and on 22.05.2014 the Supreme Court waived the appeal complaint by Mukhortova and ruled her court-ordered hospitalisation to have been valid - <http://rus.azattyq.org/content/mukhortova-prinuditelnya-gospitalizatsia-psikhdispanser/25442692.html>.

¹³ <http://www.respublika-kaz.info/news/society/32592/>

¹⁴ <http://rus.azattyq.org/content/kazakhstan-mukhortova-left-the-country/25189237.html>

¹⁵ <http://rus.azattyq.org/content/zinaida-mukhortova-kazakhstan/25167279.html>

¹⁶ <http://netk.net.au/Psychology/VexatiousLitigants.pdf>

¹⁷ <http://anp.sagepub.com/content/14/2/145>

Meanwhile, Zinaida Mukhortova had been diagnosed by a number of commissions and international experts who confirmed her mental health, such as:

- Findings of the Balkhash commission dated 22.09.2011;
- Findings of a Russian expert, Kuyry Idrisov, PhD Medicine, dated 05.10.2012¹⁸.
- Findings of commission to Committee for supervision of medical and pharmaceutical activity headed by Olga Smirnova as of 02.09.2013;
- Findings of an international level expert in the area of mental illnesses, New York Law School professor and member of the US Supreme Court Michael Perlin¹⁹.

The official pretext for the last forced hospitalisation of Zinaida Mukhortova was the fact that she had failed to present to a psychiatrist. The given basis, however, is not mentioned in any of the legal acts of Kazakhstan. According to art. 94 of the Code of the Republic of Kazakhstan “On the health of the nation and healthcare system”, rendering medical assistance without the consent of the citizen in question is allowed with respect to those afflicted by severe mental conditions, suffering from shock trauma, or posing a threat to their surroundings.

During Zinaida Mukhortova’s forced hospitalisation, the authorities of Kazakhstan violated a number of local and international acts:

- art. 127 Republic of Kazakhstan Criminal Code (RoKCC) – unlawful placement into a psychiatric clinic;
- art. 261 RoKCC – inducement to use of narcotics of psychoactive substances;
- art. 141-1 RoKCC – torture;
- art. 7 International Covenant on Civil and Political Rights (ICCPR) – inadmissibility of torture and inhuman treatment;
- art. 9 ICCPR – inadmissibility of arbitrary arrest;
- art. 14 ICCPR – inadmissibility of unfair trial by law.

According to art. 16 and 17 of UN Basic principles on the role of lawyers, “Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (...) Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities”.

International human rights organisations, European associations of lawyers and European MPs demanded that Zinaida Mukhortova be set free immediately, stating that forced psychiatric treatment of the activist could be a punitive measure against her for her professional human rights activity. The following spoke in defense of Mukhortova: Human Rights Watch²⁰, Front Line Defenders²¹, The Council of Bars and Law Societies of Europe²², Barristers Association of Paris (Ordre des avocats de Paris)²³, International Commission of Jurists²⁴, the dutch Lawyers for Lawyers²⁵, Kazakhstan international bureau

¹⁸ http://ru.soros.kz/uploads/user_68/2013_29_07_11_23_57_663.pdf

¹⁹ <http://kkassiyet.wordpress.com/кейсы/дело-зинаиды-мухортовой/>

²⁰ <http://www.hrw.org/news/2013/08/15/kazakhstan-lawyer-forced-psychiatric-detention>

²¹ <http://www.frontlinedefenders.org/node/23486>

²² <http://kkassiyet.files.wordpress.com/2014/03/statement-by-the-president-of-council-of-bars-and-law-societies-of-europe-02-09-2013.pdf>

²³ <http://odfoundation.eu/i/fmfiles/pdf/odf-mukhortova-ordre-des-avocats-de-paris-11-09-2013.pdf>

²⁴ <http://www.icj.org/kazakhstan-icj-is-concerned-at-new-detention-of-lawyer-zinaida-mukhortova/>

²⁵ <http://www.advocatenvooradvocaten.nl/8216/kazakhstan-forced-psychiatric-confinement-of-zinaida-mukhortova/>

for human rights and observance of law²⁶, European Parliament Member Niccolo Rinaldi, as well as human rights activists of Kazakhstan, Kyrgyzstan, Poland and Tajikistan^{27, 28}.

The case on Zinaida Mukhortova is not the only case of an undesirable being placed in psychiatric hospitals by Kazakh authorities. One of the persons sent to a forced treatment was Nurlan Ospanul, a philosopher from Shymkent, who criticised the tribal nature of higher authority strata. Court-ordered psychiatric expertise was also prescribed for the 67-year-old minister Bakhtzhan Kashkumbayev who was charged with extremism, as well as the 62-year-old activist Aleksandr Kharlamov who was charged with incitement to religious hatred²⁹.

In fact, the court of Kazakhstan in its ruling on Mukhortova's forced hospitalisation only confirmed that filing complaints against unlawful court-ordered treatment is the same as suffering from "delusional disorder". It is inadmissible for the authorities of Kazakhstan, who wax lyrical about the democratic course of the country's development, to evaluate their citizens' fight for their rights as mental illness. The case of Zinaida Mukhortova bears clear symptoms of a politically ordered one; without the international support for the human rights activist, she may well be kept in the psychiatric hospital for an indefinite amount of time.

We call upon the representatives of OSCE, UN and EU in the Republic of Kazakhstan to visit Zinaida Mukhortova in the Balkhash hospital in order to monitor the conditions of her detainment, as well as to issue their official position on the frequent practice of using court-ordered psychiatry as a method of combatting nonconformist views in the country.

The case of Zinaida Mukhortova should be reviewed during the approaching 20th session of the working group of Universal Periodic Review (UPR) as yet another example of Kazakhstan disregard for its international obligations. By persecuting Zinaida Mukhortova, the authorities of Kazakhstan continue to ignore the recommendations by UN countries in the UPR, especially by:

- taking measures to prevent any interference into activists (barristers) rendering their duties;
- effectively conducting investigations and bringing the culprits to justice for their transgressions against the human rights activists and journalists;
- continue to uphold the rule of law, including the independence of the judiciary and impartiality of trials by law;
- continue to maintain the principle of zero tolerance for torture and cruel, inhuman or degrading treatment and punishment.

We also call for support for the following demands aimed at the authorities of Kazakhstan:

- Immediately release Zinaida Mukhortova.
- Bring to justice all those who were party to unlawful hospitalisation of the human rights activist.
- Review the grounding and lawfulness of the results of works by court and medical experts who ruled the activist to be mentally ill.
- Take into account the rulings of medical committees and international experts who confirmed the mental soundness of the activist.

²⁶ http://www.bureau.kz/data.php?n_id=6206&l=ru

²⁷ <http://vof.kg/?p=11325>

²⁸ <http://kkassiyet.wordpress.com/кейсы/дело-зинаиды-мухортовой/заявления-в-поддержку-з-мухортовой/>

²⁹ <http://en.odfoundation.eu/a/3149,the-case-of-bakhtyghan-kashkumbayev-kazakh-authorities-accused-a-christian-pastor-of-extremism-and-incitement-of-religious-hatred> ; <http://en.odfoundation.eu/a/1261,the-case-of-aleksandr-kharlamov-the-civic-activist-has-been-released-but-is-still-under-investigation>

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- If necessary, organise revised, independent expertise with the participation of European specialists.
 - Guarantee the right to a fair trial and create conditions for all the human rights activists to perform their legal activities with no fear of hindrance or repression.

All parties interested are welcome to support our cause by sending their letters to the following addresses:

- GU “Psychoneurotic specialized clinic” of Balkhash – Republic of Kazakhstan, Karaganda district, city of Balkhash, 1 Bolnichny Gorodok Street, tel.: +7(71036) 4-37-63 (head doctor – Iskakov Rysbek Rakhimzhanovych), 4-00-68 (reception), fax: +7(71036) 4-20-91, e-mail: gpnd2008@mail.ru ;
- Ministry of healthcare of the Republic of Kazakhstan - 010000, Astana city, Left bank, 8 Orynbor Street, House of Ministries, entrance 5, tel.: +7 (7172) 74-32-43, +7(7172) 74-32-40 (chancellery), fax: +7(7172) 74-36-50, e-mail: minzdrav@mz.gov.kz ;
- Balkhash Prosecutor’s Office – Republic of Kazakhstan, Karaganda district, city of Balkhash, 37A Sabitovoy Street, tel.: +7(71036) 4-20-34 ;
- Republic of Kazakhstan Prosecutor General Office – 010000, Republic of Kazakhstan, city of Astana, 14 Orynbor Street, tel.: +7 (7172) 71-26-50 ;
- Ministry of Interior of the Republic of Kazakhstan - 010000, Republic of Kazakhstan, city of Astana, 1 Tauelsyzdyk Ave, tel.: +7 (7172) 71-40-12 (reception to Marat Demeuov, first Deputy Minister), e-mail: Kense@mvd.kz ;
- Ministry of Foreign Affairs of the Republic of Kazakhstan – 010000, city of Astana, Left bank, 31 Kunayeva Street, tel.: +7 (7172) 72-05-18, +7 (7172) 72-05-16, e-mail: midrk@mfa.kz ;
- Republic of Kazakhstan Parliament Senate – Republic of Kazakhstan, city of Astana, building of Republic of Kazakhstan Parliament Senate, tel.: +7 (7172) 74-72-37; +7 (7172) 74-72-53 (reception for citizens addresses), e-mail: Smimazh@parlam.kz ;
- Mazhilis of the Republic of Kazakhstan Parliament – Republic of Kazakhstan, city of Astana, House of the Mazhilis of Parliament. tel.: +7 (7172) 74-67-79 (reception of Committee for legislature and judiciary-legal reform) e-mail: Smimazh@parlam.kz .

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