

**President Nursultan Nazarbayev
Office of the President of the Republic of Kazakhstan
Akorda building, Left bank of the Ishim River,
Astana, Kazakhstan**

Brussels, 7 October 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 wrote to you earlier this year, on 2 September 2013, to express its serious concern over the situation of a lawyer, Ms Zinaida Mukhortova, who has been kept in forced psychiatric confinement since 9 August 2013 following a request of the prosecutor to the Balkash court, which was then approved by Judge Maira Ibragimova on 20 August 2013.

The CCBE has recently been informed that on 27 September 2013, the Cassation Court Collegium – consisting of three judges – examined and dismissed Ms Mukhortova's appeal in her absence. According to the information that we received, the entire hearing lasted only ten minutes and was held despite a request for a referral presented by Ms Mukhortova's lawyer to ensure her presence at the Court so that she would have the opportunity to fully exercise her right of defence.

According to reliable sources, legal proceedings against Ms Mukhortova on the basis of alleged mental health problems began in 2011 after she lodged complaints of government interference in judicial proceedings. The CCBE has grounds to fear that the forced psychiatric confinement of Ms Mukhortova is a measure of retaliation for her legitimate activity in defence of human rights.

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 effective steps to ensure that the decision of forced psychiatric treatment against Ms Zinaida Mukhortova is immediately reviewed. 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 reprisal and free of all restrictions including judicial harassment.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'E. Tsouroulis', with a large, stylized initial 'E'.

EVANGELOS TSOUROULIS
CCBE President