

URGENT ACTION

ACTIVIST FACES FORCED PSYCHIATRIC EXAMINATION

Ukrainian trade union activist Andrei Bondarenko has now been ordered to undergo a forced psychiatric examination on 13 December. He fears that he might be administered drugs or even detained against his will as a result of the examination.

Andrei Bondarenko, who has no record of mental illness, was ordered to undergo a psychiatric examination by the Court in Vinnytsya, south west Ukraine on 29 October 2010. The Appeal Court upheld this ruling on 23 November; subsequently Andrei Bondarenko appealed against this decision to the High Court on Criminal and Civil Cases. Although no date was set for the hearing in the High Court, Andrei Bondarenko has already received a summons from the Vinnytsya Region Psycho-neurological Hospital dated 2 December to undergo a psychiatric examination on 13 December. If he does not attend the examination voluntary on 13 December, he will be forced to undergo the examination the following day.

Amnesty International is concerned that any such examination within the Vinnytsya Region would not be impartial and therefore maintains its call that any examination should be outside the Vinnytsya Region, with the participation of a psychiatrist from the Ukrainian Psychiatric Association and the World Psychiatric Association.

PLEASE WRITE IMMEDIATELY in Ukrainian, Russian or your own language:

- Expressing concern that Andrei Bondarenko was ordered to undergo a psychiatric examination on 13 December in the hospital in the Vinnytsya region before his appeal against such examination is considered by the High Court.
- Urging the authorities not to carry out such an examination in the Vinnytsya region to ensure impartiality, ensure the participation of a psychiatrist from the Ukrainian Psychiatric Association and the World Psychiatric Association, and that he not be subjected to any treatment until he has exhausted all legal remedies;
- Reminding the authorities that they have an obligation not only to ensure that human rights defenders can carry out their activities unhindered but also to protect them against any "violence, threats and retaliation".

PLEASE SEND APPEALS BEFORE 19 JANUARY 2011 TO:

Prosecutor General
Viktor Pshonka
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01601 Kyiv, Ukraine
Fax: + 380 44 280 2851
Salutation: Dear Prosecutor

President
Viktor Yanukovych
Bankovaya Str. 11
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Salutation: Dear President

Ombudsman
Nina Karpachova
Vul Instytutska 21/8
01008 Kyiv, Ukraine
e-mail: omb@ombudsman.kiev.ua
Salutation: Dear Ombudsman

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date. This is the first update of UA: 232/10 (Index: EUR 50/011/2010). Further information:

<http://www.amnesty.org/en/library/info/EUR50/011/2010/en>

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ADDITIONAL INFORMATION

Andrei Bondarenko has no record of mental illness and has undergone three psychiatric examinations to prove his sanity, the most recent of which was in October 2010. Among the reasons quoted by prosecutors for him to be examined is his “excessive awareness of his own and others’ rights and his uncontrollable readiness to defend these rights in unrealistic ways”.

In 2007, the Vinnytsya Prosecutor’s Office twice asked local health authority officials in Vinnytsya to request forced psychiatric examinations of Andrei Bondarenko. The first request was turned down by a judge in July 2007 on the basis that the hospital had not formulated the request correctly. The second request was turned down in August of the same year after Andrei Bondarenko went to a psychiatrist in Vinnytsya regional hospital and received a certificate stating that he was sane.

In January 2009, he was detained outside his house and charged with refusing to show his identity documents to the police. He was sentenced to 10 days administrative detention, but on the seventh day he was again taken to civic court where a third request for a psychiatric examination was presented by the regional psychiatric hospital. The hospital claimed that Andrei Bondarenko had previously requested a psychiatric consultation, although he denies this, and presented a document allowing the hospital’s doctors to represent the interests of Andrei Bondarenko at the court hearing. However, this third request was turned down by the court.

In August 2010, following the fourth request for his examination, Andrei Bondarenko travelled to the town of Gaisin in Vinnytsya Region (100 km south of Vinnytsya) where he arranged to have a psychiatric examination in order to prove his sanity. On the basis of the certificate he received confirming his mental health, the request for a psychiatric examination was turned down. The Prosecutor’s office appealed against this decision and, in addition to the civil proceedings, filed criminal charges against Andrei Bondarenko for allegedly using false data to conduct the examination in August. Following the release of the previous Urgent Action and the publicity around the case, the criminal charges against Andrei Bondarenko were dropped.

Further information on UA: 232/10 Index: EUR 50/013/2010 Issue Date: 08 December 2010

