

# URGENT ACTION

## ACTIVIST MAY FACE FORCED PSYCHIATRIC TREATMENT

**On 29 October, Andrei Bondarenko, a trade union activist was ordered to undergo a forced psychiatric examination by a court in Vinnytsya, south west Ukraine. He is in hiding and fears that he will be subjected to psychiatric treatment because of his legitimate trade union and human rights activities.**

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. The first request was turned down by a judge in July on the basis that the hospital had not formulated the request correctly. The second request was turned down in August after Andrei Bondarenko went to a psychiatrist in Vinnytsya regional hospital and presented 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 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 power of attorney allowing the hospitals’s doctors to represent the interests of Andrei Bondarenko at the court hearing. The case was adjourned and Andrei Bondarenko travelled to the town of Gaisin in Vinnytsya Region (100 km south of Vinnytsya) in August 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. However, the Prosecutor’s office appealed against this decision and on 22 October Andrei Bondarenko travelled to Zhitomyr in the neighbouring region where he arranged to have a third psychiatric examination proving his sanity. On 29 October in a closed session, the judge granted the order for a psychiatric examination. Andrei Bondarenko was not present and was represented by two civil defenders and a lawyer. The lawyer was ordered out of the court room by the panel of judges.

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

- Asking for Andrei Bondarenko to be given psychiatric examination outside the Vinnytsya Region to ensure impartiality, with 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;
- Asking for an investigation into the numerous irregularities in this case, for example the fact that his lawyer was excluded from the hearing on 29 October;
- 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, retaliation.

### PLEASE SEND APPEALS BEFORE 15 DECEMBER 2010 TO:

#### Prosecutor General

Viktor Pshonka  
Vul Riznitska 13/15  
01601 Kyiv, Ukraine  
Fax: + 380 44 280 2851  
Salutation: Dear Prosecutor

#### President Viktor Yanukovich

Bankovaya Str. 11  
01220 Kyiv, Ukraine  
Fax: +380 44 255 6161  
e-mail: <mailto:press@stpu.gov.ua>  
Salutation: Dear President

#### Ombudsman

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

Also send copies to diplomatic representatives accredited to your country. Check with your section office if sending appeals after the above date.

**AMNESTY  
INTERNATIONAL**



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### ADDITIONAL INFORMATION

Andrei Bondarenko started a trade union branch at the factory where he worked in Vinnytsya in 2006. He was subsequently dismissed from his job but continued as trade union representative, and in 2009 he became the Deputy Head of the regional branch of the independent Ukrainian trade union "Trudyashchi" (workers). He has campaigned tirelessly for the rights of employees in Vinnytsya region and in doing so has threatened the vested interests of powerful local leaders. He has not hesitated to expose the irresponsible and inadequate behaviour of officials and in August 2010 he registered an NGO called Movement for a Corruption Free Vinnytsya Region Prosecutor's Office.

In particular, Andrei Bondarenko seems to have angered the authorities with his work with sugar factory workers. These seasonal workers are employed for only a few months a year after the sugar beet harvest and are frequently not paid their salaries. Many of these factories are officially owned by shadow companies, although in fact the real owners are influential local people many of them high up in the local administration. Andrei Bondarenko started a campaign of taking the shadow companies to court to demand payment of wages. According to one prosecutor's statement, he started 80 such cases in 2008 alone.

UA: 232/10 Index: EUR 50/011/2010 Issue Date: 03 November 2010

