

URGENT ACTION

REVIEW DETENTION IN PSYCHIATRIC INSTITUTION

A young man with no history of mental health concerns has been detained in a psychiatric hospital and forcibly treated following an argument with his father. The relevant court order was issued following a hearing that violated his right to a fair trial.

Konstantin Zadoya, 20 years-old, was forcibly taken to the psychiatric hospital on 7 July and detained there for four days without a court order, in violation of Russian legislation which stipulates that nobody can be detained for more than 48 hours without a judge's decision. On 11 July, four days after his detention, the Dzerzhinsky District Court in Novosibirsk ruled that Konstantin Zadoya should be detained in the Novosibirsk State Psychiatric Hospital no. 3, on the basis of a medical opinion dated 7 July which claimed that he suffers from a "serious polymorphous psychotic disorder without symptoms of schizophrenia". The basis for this conclusion was the fact that during a heated argument with his father, Konstantin Zadoya kicked and broke a glass door in his father's apartment and that he had "delirious ideas about his father, and a very negative attitude towards him".

According to international law and standards, deprivation of liberty on grounds of mental illness is unjustified if not strictly necessary to protect the safety of the person or of others. In the case of Konstantin Zadoya, no sufficient evidence was presented in court to determine if he was a danger to himself or to others, and fair trial guarantees were not respected during the proceedings. The judge failed to take into consideration any arguments presented by the defence, including testimonies by Konstantin's mother and sister, who both testified that he had no prior history of psychiatric problems, and that he was not a threat to himself or others.

The Convention on the Rights of Persons with Disabilities, to which Russia is a State party, forbids the deprivation of liberty based on the existence of any disability, including mental or intellectual. Furthermore, the Special Rapporteur on torture has said that medical treatment administered in the absence of free and informed consent may amount to torture or other ill-treatment.

Please write immediately in Russian or your own language:

- Urging the Russian authorities to immediately review Konstantin Zadoya's detention, ensuring full access to justice and due process;
- Reminding the authorities that involuntary psychiatric treatment without free and informed consent may amount to torture or other ill-treatment;
- Demand that the authorities ensure that Konstantin Zadoya has access to a medical examination by a doctor of his choice, as well as access to legal counsel and his family in accordance with his wishes.

PLEASE SEND APPEALS BEFORE 30 AUGUST 2016 TO:

Prosecutor General of the Russian Federation

Yurii Yakovlevich Chaika
Prosecutor General's Office
ul. B. Dmitrovka, d.15a
125993 Moscow GSP- 3
Russian Federation
Fax: +7 495 987 5841 / +7 495 692 1725

Salutation: Dear Prosecutor General

Prosecutor of Novosibirsk Region

Vladimir Alexandrovich Falileev
Ul. Kamenskaya 20
30099 g. Novosibirsk
Russian Federation

Salutation: Dear Prosecutor

And copies to:

Human Rights Commissioner for Novosibirsk Region
Nina Nikolaevna Shalabaeva
ul. Kirova 3
630011 Novosibirsk
Russian Federation
Email: pochta-upch@nso.ru

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

MR ALEXANDER V. YAKOVENKO, Embassy of the Russian Federation (Residence of the Ambassador), 13 Kensington Palace Gardens, London W8 4QX Tel: 020 7229 3620 or 020 7792 1408 Email info@rusemb.org.uk Email Salutation Your Excellency

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Konstantin Zadoya admitted to doctors that he had a tense relationship with his father, Yury Zadoya, who attempted to force his devout Orthodox Christian beliefs on him. There is evidence that Yury Zadoya, an outspoken defender of “traditional Orthodox values”, used his influence to arrange his son’s detention. He called the police after one particularly heated argument demanding that they take his son to the psychiatric hospital, but the police declined. Following this, he handed a letter to the Head doctor of the Psychiatric Hospital on 6 July requesting that his son be forcibly hospitalized. Yury Zadoya then arranged for staff from the psychiatric hospital to detain his son on 7 July. It has been reported that staff have forcibly administered drugs to Konstantin Zadoya. His prolonged forcible detention at the psychiatric institution prior to the court order being issued, and the failure to ensure the principles of fair trial in court, are in violation of Russian law and of Russia’s obligations under international law.

Article 14 of the Convention on the Rights of Persons with Disabilities imposes an obligation on States to ensure that persons with disabilities, including mental or intellectual, are not deprived of their liberty unlawfully or arbitrarily and that the existence of a disability shall in no case justify a deprivation of liberty. The Committee on the Rights of Persons with Disabilities has been very explicit in calling for the prohibition of disability-based detention and has called on States to abolish legislation authorizing the institutionalization of persons with disabilities on the grounds of their disability without their free and informed consent.

Name: Konstantin Zadoya

Gender m/f: m

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