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When Psychiatrists Assist Greedy Relatives

By Natalya Krainova

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Editor's note: This is the second article in a series on punitive psychiatry.

Galina Kozlova, then 62, was drinking tea in her Moscow apartment when psychiatrists called by her sister broke down the door, handcuffed her, dragged her to a car and took her to a psychiatric hospital.

Her 81-day treatment included copious doses of psychoactive drugs and beatings by her doctor, she said. The treatment ended when she agreed to sign away her land plot and a share of her three-room apartment to her sister.

"The doctor told me when he beat me: 'Don't be stubborn. Give away your property rights to your sister,'" Kozlova, now 72, said in a recent interview.

She left the hospital in 2001, only to be ruled mentally incapable by a district court. A higher court canceled the decision after an independent psychiatric examination confirmed her

mentally sound, but by then the damage had been done. She has spent the last decade suing for the reinstatement of her property rights, but to no avail.

The story is far from unique.

Relatives, authorities, neighbors and even psychiatrists who want to grab an elderly person's apartment often ask courts to declare the person mentally incapable in order to be appointed their guardians, said Tatyana Malchikova, head of the Civil Commission for Human Rights in Moscow, which has tracked abuse in psychiatry for the past 11 years.

She was echoed by independent psychiatrist Emmanuil Gushansky, whose professional experience spans more than half a century. "It is convenient to declare people mentally incapable to deprive them of ... their property," Gushansky said in an interview.

A 1992 law grants psychiatrists the right to hospitalize people involuntarily if they pose a danger to themselves or others, or if their physical health faces "significant damage" without urgent intervention.

Anyone can complain to police or psychiatrists about anyone whom they think needs hospitalization, Malchikova said.

Paramedics can deliver people to mental health facilities before checking whether they need hospitalization if the patient is deemed as dangerous, said lawyer Yury Yershov, who defends victims of psychiatric abuse.

Psychiatrists have to justify their actions before a judge within two days. But that gives them more than enough time to drug a patient, making him or her look psychologically unstable when brought to the courtroom, Malchikova said.

The patients get free, state-provided lawyers, but the lawyers are notoriously prone to side with the psychiatrists, Yershov said.

As for the judges themselves, they nearly always rule against the patients, Malchikova said.

Even more often, the hospitalized patient is never brought to the court hearing at all and does not know that it was held, Malchikova said.

Kozlova said she learned about the trial that ordered her hospitalization only several years after it took place.

The Kremlin addressed the problem in April, after years of pressure from the UN Human Rights Committee to uphold the rights of psychologically unfit people. President Dmitry Medvedev signed into law a bill that banned courts from declaring people unfit based only on a psychiatric examination, obliging judges to listen to the patient or his or her lawyer and hand a written court order for hospitalization to the patient in person. Moreover, patients ruled mentally unfit now have the right to appeal the diagnosis.

But that does little to help cases that date back to earlier times. Kozlova, for one, lives with relatives because her sister — who could not be reached to comment for the article despite repeated attempts — refuses to let her back into the apartment, ignoring a court order,

Kozlova said.

The sister has actually convinced court marshals that she isn't blocking Kozlova's entry into the apartment, leading them to close the case, she said.

"I am tired," Kozlova said, unable to hold back tears. "There is such an evident and insolent crime out there, and no one wants to deal with it."

Boris Stremyakov, head of the Izmailovo district branch of the Federal Court Marshals Service, refused to comment on the affair, which he said pre-dates his appointment.

A Moscow Times reporter also studied documents and interviewed three other elderly Moscow residents and one Moscow region resident who were forcefully hospitalized, declared mentally incapable by courts at the request of relatives, and then lost the rights to their apartments to the relatives.

Kozlova and two other women, Tatyana Truntayeva and Lyubov Andreyeva, have been offered legal assistance by the For Human Rights group, while the other two, Lidia Balakireva and Viktor Goryachyev, have received support from The Civil Commission for Human Rights.

In a typical example, 58-year-old Lidia Balakireva was declared mentally incapable and hospitalized in 2007 at the request of her daughter after she refused to sell her share in their apartment for a price far below market value.

District police appeared to have had a hand in the affair, because an officer invited Balakireva to go with him to the police station to "write an explanation," she said. When she arrived, she was put in a holding cell and handed over to psychiatric ambulance, purportedly for a check at a hospital. But then she was kept at the hospital for treatment.

A court later ruled the hospitalization illegal and confirmed her psychological health as normal. But Balakireva has since been living in an apartment where she works as a caregiver, saying she fears that her daughter will have her hospitalized again if she returns home.

Tatyana Truntayeva, 70, was officially registered as suffering from a psychoneurological disorder in 2007 at the request of her son-in-law after she refused to sign away her apartment and dacha to him in her will.

The designation, registered at a neighborhood clinic, means Truntayeva can't sell or give away her property and her will is considered invalid in the eyes of the law. As things stand, her daughter will inherit her property, and if the daughter, who is gravely ill, dies, the property automatically goes to her son-in-law.

Lyubov Andreyeva, 69, was declared mentally incapable by Moscow region psychiatrists at the request of her son, who wanted her apartment and dacha.

The son and his wife evicted Andreyeva from her property by beating her and threatening to kill her, she said. She currently lives with relatives, one of whom told The Moscow Times that she considers Andreyeva mentally sound.

Viktor Goryachyev, 70, was sent to a psychiatric hospital in 2004 at the request of his wife,

eight years his junior, after he said he wanted a divorce and asked her to move out of his three-room apartment.

A male nurse handcuffed him and beat his face on a table, even while admitting Goryachyev was psychologically "adequate" and there was no legal reason for hospitalization, Goryachyev said.

A higher court overturned the order for Goryachyev to be hospitalized. He then divorced his wife and managed to evict her out of the apartment — but only after two years of court battles.

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