

ECTHR Will Examine the Case of a Pensioner from Glodeni Who Was Hospitalised by Force in a Psychiatric Institution

Recently, the European Court of Human Rights informed the Government of the Republic of Moldova on [Mihail Dogotar v. Republic of Moldova complaint \(Application No 12653/15 of 28 February 2015\)](#).

Mihail Dogotar is a pensioner, who worked as an engineer for 45 years, and who has, for a long time, a dispute with the National Social Security House, unsatisfied with his pension. He was expressing publicly his dissatisfaction when the authorities held some meetings or in public ones.

The applicant complaint to the European Court of Human Rights about the violation of Article 5.1 of the Convention (unlawful apprehension) in terms of his forced hospitalisation in a psychiatric institution for seven days, after slapping a female member of the Government in that period. The deeds took place in May 2014. See details [here](#). As a result, a criminal file was opened pursuant to Article 287(1) (hooliganism).

In May 2014, the Glodeni Prosecutor's Office ordered the outpatient psychiatric forensic examination of the applicant. According to the applicant, two persons, dressed in civilian clothes, who introduced themselves as police officers, came to his house and asked him to accompany them to Balti town to carry out criminal proceedings. Subsequently, the applicant noted that the vehicle he was in actually drove to Balti Psychiatric Hospital. The applicant stood against entering the hospital, so he was handcuffed.

Mihail Dogotar says he was nervous during the examination

because he has been lied to, and the investigation was performed against his will. As a result, the commission alleged the man was demented or amnesiac. The doctors recommended additional investigations and an inpatient psychiatric examination.

In June 2014, the prosecutor required Glodeni Court to order that the applicant be subjected to additional forensic psychiatric and psychological examination in the hospital. The prosecutor failed to invoke any special reasons for explaining the need to perform the psychiatric examination. The following served, *inter alia*, as rationale for the psychiatric examination '*knowledge with certainty by the applicant that the victim was holding the position of Minister of Labor, Social Protection and Family of the Republic of Moldova*'.

Glodeni Court examined the request of the prosecutor in the absence of the applicant, and the lawyer appointed to provide state-guaranteed legal assistance deemed necessary to support the prosecutor's request, contrary to the client's interests and without consulting his opinion. The Court approved the prosecutor's request and ordered the applicant's additional forensic psychiatric and psychological examination in the Clinical Psychiatric Hospital 'Codru' of Chisinau municipality.

In September 2014, the applicant was approached by three police officers telling him that they 'have to arrest him' under a court decision that must be executed. The police officers apprehended and transported him by force to the Clinical Psychiatric Hospital 'Codru' of Chisinau municipality – where he was hospitalised by force. During his stay in the Clinical Psychiatric Hospital, the applicant was subjected to medical examinations, blood samples and other analysis, different medical procedures and forced labor against his will. He was also closed in a section with other patients suffering from serious mental diseases.

According to Promo-LEX Association lawyer, Vadim Vieru: 'It seems that the Moldovan authorities did not learn the lesson after in 2008 ECtHR convicted our country in the case of the political dissident Gheorghe David, ([see David v. Moldova, Application No 41578/05 of 27 November 2007](#)), referred in 1987 to forced psychiatric treatment by the former head of the state, Nicolae Timofti, a judge in those times, but also in other similar cases ([see Gorobet v. Moldova, Application no 30951/10, 11 October 2011](#)). Just like in other cases, no grounded reasons for depriving the person of liberty existed in the Dogotar case. The circumstances of the case make us believe that this person was deprived of liberty to apply him a masked punishment. This case reveals serious problems on how outpatient psychiatric examinations, as well as other problems related to the procedures of arrest used by policemen, and the quality of the legal assistance, etc. are ordered and executed.'

In December 2016, Glodeni Court fined Mr. Mihail Dogotar of 200 conventional units, pursuant to Article 287(1) (hooliganism), a file initiated in May 2014. The judgment is not final and irrevocable, being contested in the appeal court.

The European Court of Human Rights should issue a judgment related to this case after sending by the parties of remarks on inadmissibility and merits of the case.

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