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## Committee on the Human Rights of Parliamentarians

Report on the mission to Mongolia 5 - 7 June 2019

**MNG01 - Zorig Sanjasuuren**



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### Executive Summary

Mr. Zorig Sanjasuuren (“Mr. Zorig”) was regarded by many as the father of the democratic movement in Mongolia in the 1990s. On 2 October 1998, he was assassinated. He was a member of parliament and acting Minister of Infrastructure at the time, and was being considered as a candidate for the position of Prime Minister on the day he was killed.

After nearly 17 years of complete lack of progress, three suspects were suddenly arrested and detained between 2015 and 2017. They were allegedly tortured into confessing to their involvement in the assassination of Mr. Zorig. In 2016, they were sentenced to prison terms of between 23 and 25 years. The sentences were confirmed on 14 March and 4 August 2017 following expedited trials by the Appeals Court and the Supreme Court. In an unprecedented move, the Mongolian Government decided in

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December 2017 that most of the files related to the Zorig case should be declassified. Nevertheless, little progress has been achieved since, as declassified documents remained unavailable to the public and only some of them were accessible to the parties.

In March 2019, a classified tape was made public showing the ill-treatment and torture of two of those convicted of Mr. Zorig's murder ("the convicts"). The authorities also acknowledged that there were deficiencies in the 2016 trials. The two convicts were sent to the prison hospital for treatment pending further steps in their legal case. Simultaneously, fast-tracked amendments to the laws on judicial appointments were passed by the Parliament, and several key officials were dismissed and replaced.

In order to better assess these important developments and their significance for the resolution of Mr. Zorig's case, the IPU Committee on the Human Rights of Parliamentarians ("the Committee") returned to Mongolia from 5 to 7 June at the invitation of the parliamentary authorities.

As part of its findings, the delegation welcomes the fact that the Parliament has established an ad hoc committee on the Zorig case in line with the IPU Committee's recommendations. However, the delegation considers that the Ad Hoc Committee should be given a much stronger role to ensure that the ongoing investigation into the masterminds behind Mr. Zorig's assassination ("the Masterminds investigation") is properly monitored and that previously identified misgivings about the treatment of and legal proceedings against the three convicts are addressed. The delegation received extensive and serious information about the convicts which allowed it to conclude that they had been tortured, intimidated and sentenced on the basis of fabricated evidence. The delegation fails to understand why two of the convicts are still detained given the emerging consensus that they were wrongly convicted. (The third convict, Mr. Amgalanbaatar, is serving a sentence for another crime). Therefore, the delegation calls on the Mongolian authorities to release Ms. Chimgee and Mr. Sodnomdarjaa forthwith and ensure that all convicts are not subject to any further legal action regarding the Zorig case unless there is clear evidence pointing to their responsibility.

The delegation deeply regrets that the authorities did not make copies of the court verdicts available (despite earlier written assurances that they would), and that the ongoing Masterminds investigation remains shrouded in secrecy. The delegation calls on the authorities to provide translations of the court verdicts and to respect the government's declassification ordinance by allowing the parties concerned to access the declassified documents.

## Table of contents

<b>A.</b>	<b>Origin and conduct of the mission</b>	
1.	Origin of the mission .....	4
2.	Conduct of the mission .....	4
<b>B.</b>	<b>Outline of the case and IPU follow-up action</b>	
1.	2000–2017 IPU follow-up action .....	5
2.	Subsequent developments .....	6
<b>C.</b>	<b>Information gathered during the mission</b>	
1.	Observations on recent developments	
-	General observations .....	6
-	Establishment of the ad hoc committee on the Zorig case .....	6
-	Reforms of the judiciary .....	7
2.	Use of torture to extort confessions .....	8
-	Excerpts of Mr. Sodnomdarjaa’s torture video .....	8
-	Excerpts of Ms. Chimgee’s torture video .....	8
3.	Meeting with the three convicts .....	9
-	Meeting with Ms. Chimgee .....	9
-	Meeting with Mr. Sodnomdarjaa and his legal counsel .....	10
-	Meeting with Mr. Amgalanbaatar .....	11
4.	Lack of transparency and inconsistencies in information from the authorities	
-	Use of torture and lack of fair trial .....	12
-	The Masterminds investigation and classification of evidence .....	14
<b>D.</b>	<b>Findings and recommendations .....</b>	<b>15</b>
<b>E.</b>	<b>Observations provided by the authorities .....</b>	<b>17</b>

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## **A. Origin and conduct of the mission**

### **1. Origin of the mission**

1. The Zorig case is one of the longstanding cases before the Committee. A total of 53 decisions have been adopted since it was opened. At the 140<sup>th</sup> IPU Assembly (Doha, April 2019), the Committee examined the case and held a hearing with the Mongolian authorities in light of recent developments. The parliamentary authorities reiterated their wish for the Committee to conduct a follow-up mission to Mongolia. The Committee welcomed that invitation but emphasized that a mission to Mongolia could only take place once the Committee had received copies of the court verdicts and written assurances that its delegation would be authorized to meet with the three convicts. The Committee set these conditions to ensure the effectiveness of the mission. On 21 May 2019, the Mongolian authorities provided written assurances about the mission's prerequisites and undertook to facilitate its speedy organization.

### **2. Conduct of the mission**

2. Following consultations, the mission took place from 5 to 7 June 2019. It was led by Ms. Aleksandra Jerkov, President of the Committee (Serbia) and Mr. Ali Alaradi, Committee member (Bahrain). They were assisted by Ms. Boutayna Lamharzi from the IPU Secretariat.

3. The delegation sincerely thanks the Mongolian authorities for their cooperation and openness, in particular, the Chairman and Deputy Speaker of the State Great Hural, and the parliamentary staff who ensured the smooth conduct of the mission. The delegation was particularly pleased that its request to meet with the three convicts was granted, and renews its thanks to the State Great Hural and the Minister of Justice for their instrumental role in facilitating these visits. It also wishes to thank the Head of the National Intelligence Agency for his cooperation and for providing a copy of the tape showing the ill-treatment and torture of two convicts. Nevertheless, the delegation regrets that, despite written assurances, the Mongolian authorities did not make available translations of the three court verdicts adopted in the case. The delegation also regrets that a meeting with the judges who sentenced the three convicts could not take place. It considers that this was a missed opportunity for representatives of the judicial branch to provide their views on the case in light of recent developments.

4. The delegation met with the following parliamentary, government and judicial authorities, members of parliament, representatives of international organizations and complainants:

- State Great Hural:
  - Mr. Gombojav Zandanshatar, Speaker of the State Great Hural;
  - Mr. Luvsantseren Enkh-Amgalan, Deputy Speaker of the State Great Hural;
  - Mr. Jalbasuren Batzandan, Chairman of the Ad Hoc Committee on Mr. Zorig's case;
  - Mr. Luvsanvandan Bold and Mr. Agvaansamdan Sukhbat, members of the Ad Hoc Committee;
  - Ms. Oyundari Navaan-Yundengiin, Chairwoman of the Sub-Committee on Human Rights.
- Executive authorities:
  - Mr. Tsend Nyamdorj, Minister of Justice and Home Affairs.
- Judicial authorities:
  - Mr. M. Chinbat, Deputy General Prosecutor and Mr. O. Altangerel, head of the department for investigations oversight and Associate Prosecutor to the Prosecutor General;
  - Mr. D. Otgonbayar, Associate Prosecutor and head of the department for inmate supervision.
- Intelligence services:
  - Mr. D. Gerel, Head of the National Intelligence Agency.
- National Human Rights Commission:
  - Mr. J. Byambadorj, Chair of the National Human Rights Commission;
  - Mr. C. Altangerel, Executive Director of the National Human Rights Commission.

- Political parties, parliamentary political caucuses and/or MPs:
  - Mr. D. Erdenebat, Chairman of the Council of the Democratic Party;
  - Mr. D. Murat, Member of the State Great Hural (Democratic Party);
  - Ms. Z. Narantuya, Member of the State Great Hural (Democratic Party);
  - Mr. O. Baasankhuu, Member of the State Great Hural and lawyer (Mongolian People's Revolutionary Party).
  
- The convicts:
  - Ms. T. Chimgee;
  - Mr. B. Sodnomdarjaa and his legal counsel;
  - Mr. Ts. Amgalanbaatar.
  
- Family members and friends of Mr. Zorig:
  - Mr. Chuluunbat, Mr. Bayasgalan and Ms. Bulgan.
  
- Family members and legal counsel of the convicts:
  - The delegation met with several relatives of Ms. Chimgee and of Mr. Sodnomdarjaa.<sup>1</sup>
  
- United Nations:
  - The delegation held a formal briefing on its mission with the UN Resident Coordinator, Ms. Beate Trankmann, and Ms. Tsetsegmaa Amar, Coordination Specialist.

## **B. Outline of the case and IPU follow-up action**

### **1. 2000–2017 IPU follow-up action**

5. In 1998, Mongolia, a nascent democracy, was undergoing a period of political upheaval after the breakdown of a coalition government. Mongolia was also experiencing economic challenges, including high inflation and food shortages, due to its transition from a socialist economy to a market-based system. At the time, negotiations were taking place to select the next Prime Minister. Mr. Zorig was being considered as a candidate for the post on the day he was killed. The murder is widely believed to have been a political assassination that was covered up.

6. The Committee ran three fact-finding missions to Mongolia. They took place at crucial phases of the case to ensure that the murder of Mr. Zorig would not go unpunished. In 2001, a delegation of the Committee concluded that the initial investigation had been entirely deficient. A judicial investigative working group was established, but it failed to identify Mr. Zorig's murderers. Between 2001 and 2015, little progress was reported by the authorities. After 14 years, the authorities were still unable to identify the perpetrators and masterminds of the murder. The case was handled by the National Intelligence Agency as it was considered a state secret. In 2015, the Committee mandated a delegation to return to Mongolia to assess the situation and promote dialogue. It concluded that only tangible progress and transparency in the investigation could effectively demonstrate that the political will to identify Mr. Zorig's killer(s) was still strong.

7. The case took a sudden turn in 2016 with the hasty conviction of three suspects whose trial proceedings had until then been dormant for several years. In a decision adopted in April 2017, the IPU Committee and the Governing Council expressed deep concern that the trials had taken place behind closed doors and that the court decisions had not been disclosed. They were also concerned that the alleged torture of Ms. Bulgan had not been adequately addressed by the relevant Mongolian authorities, despite her release. Therefore, the IPU Committee and the Governing Council called again for the immediate declassification of the case. They urged the Supreme Court to remedy the existing and serious deficiencies by ordering a public retrial in the presence of domestic and international observers so as to avoid any miscarriage of justice and to help shed light on the truth in this case.

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<sup>1</sup> The delegation decided to withhold their names for security reasons given the threats and harassment they have been exposed to.

8. In light of these concerns, the Committee decided to mandate, with the authorities' approval, a delegation to return to Mongolia for a third time in September 2017. At the end of its mission, the delegation came to the conclusion that the three convicts appeared to have been framed by the intelligence services and pressured to make false confessions. It also concluded that the legal proceedings could not be considered as a legitimate and credible effort to establish truth and accountability, as they were not in line with international human rights standards for due process and fair trials. The delegation also noted that the IPU's previous recommendations had not been implemented.

## **2. Subsequent developments**

9. In April 2019, an ad hoc committee on the Zorig case was established by the Parliament. The Ad Hoc Committee is composed of members of Parliament, relevant officials of the executive branch and law enforcement agencies, and the lawyers of the victim. The Ad Hoc Committee draws its members from various branches of government with the aim of promoting cooperation and dialogue between the parties.

10. In March 2019, the authorities released a tape showing the ill-treatment and torture of two people convicted of Mr. Zorig's murder. The Speaker of Parliament and the Minister of Justice publicly acknowledged the deficiencies of the 2016 trials. The two convicts were sent to the prison hospital for treatment pending further steps in their legal case. A few intelligence officers and the former Head of the National Intelligence Agency were allegedly detained and investigated. Simultaneously, fast-tracked amendments to the laws on judicial appointments were passed by the Parliament. As a result, the Chief Justice, the Prosecutor General and his Deputy were dismissed in March 2019 and replaced.

## **C. Information gathered during the mission**

### **1. Observations on recent developments**

#### **• General observations**

11. Throughout its discussions with the parliamentary authorities, the delegation noted the positive steps taken to promote the resolution of the case, namely the establishment of an ad hoc committee on the Zorig case ("the Ad Hoc Committee"). Discussions also focused on the tape showing ill-treatment and torture of two of the convicts and the profound impact it had on the public. The tape was aired on national television on 3 June 2019 at the initiative of the Ad Hoc Committee. As a result, parliamentary public hearings on human rights, including children's rights, were held. A report of the National Human Rights Commission, *The situation of human rights and freedoms in Mongolia* was discussed in the Plenary for the first time. The delegation noted that opinions were divided about the recent amendments made to the law on judicial appointments. While some interlocutors expressed their satisfaction with the dismissals of key individuals who prevented progress in the case, others were concerned about the lack of judicial independence that they said would inevitably ensue from the adoption of the amendments.

#### **• Establishment of the Ad Hoc Committee on the Zorig case**

12. Members of the Ad Hoc Committee explained that there were seven members, including Members of Parliament and relevant officials of the executive branch and law enforcement agencies. The Ad Hoc committee is to review, examine and draw conclusions from the Zorig case on the basis of IPU recommendations. The Ad Hoc Committee's mandate is somewhat limited as it does not have effective oversight tools to help ensure justice in this case; there is also no deadline by which it must complete its work.

13. Members of the Ad Hoc Committee informed the delegation that, following the release of the declassified tape showing two of the convicts being tortured, the Prosecutor General opened a criminal case against intelligence and law enforcement officials allegedly responsible for torturing the

convicts. The Chairman of the Ad Hoc Committee underlined that any action in favour of the release of the two convicts would be subject to the outcome of the criminal case opened against their alleged torturers. The Ad Hoc Committee highlighted its incapacity to intervene in the judicial process and therefore its inability to push for the release of the convicts despite the torture tape and the fact that their conviction was based on fabricated evidence.

14. The delegation also learned that the former chief of the National Intelligence Agency, Mr. Bat Khurts, was dismissed as a result of the torture video. He was detained for 30 days before being released. The delegation was told that, following his release, Mr. Khurts became a member of the board of the Democratic Party. Coincidentally, the Chairman of the Ad Hoc Committee, Mr. Batzandan and Mr. Bold, a committee member, were both dismissed from the Democratic Party due to their work with the IPU on the Zorig case. After being dismissed, Mr. Batzandan and Mr. Bold created their own political party.

15. Members of the Ad Hoc Committee expressed concern that several people preventing progress in the case still held their positions, even though the Chief Justice, the Prosecutor and the Head of the Anti-Corruption Agency had been dismissed. For example, the judges who had heard the case were still in post; and the former Chief Justice, who had indeed been dismissed, had allegedly resumed his duties as a judge. Members of the Ad Hoc Committee also expressed concern about the newly appointed Chief Justice. In their view, he was part of the same group preventing progress in the Zorig case.

16. The delegation was told that the Ad Hoc Committee could only provide a copy of the verdict from the court of first instance, as the other two verdicts were under the authority of the Office of the Prosecutor. The Office was refusing to hand the verdicts over despite the declassification ordinance. Members of the Ad Hoc Committee could access all three court verdicts after signing a non-disclosure agreement. However, they were not authorized to keep copies of the verdicts from the court of second instance and the Supreme Court.

17. The delegation learned that the Ad Hoc Committee was still facing several difficulties to conduct its work due to the ongoing Masterminds investigation, and the classification of several related documents. The Chairman of the Ad Hoc Committee indicated that the National Intelligence Agency was still in charge of the Masterminds investigation. It was continuing to keep the case secret and to restrict access to the court verdicts. According to the Ad Hoc Committee, the intelligence agency was still keeping the verdicts secret in an attempt to water down its role in torturing two of the convicts.

18. Members of the Ad Hoc Committee were also vocal about the identity of the person responsible for the murder of Mr. Zorig. According to Mr. Batzandan, former President Elbegdorj had played an instrumental role over the past 20 years. He had held several key positions that had allowed him to influence the course of the case. The reasons for his involvement in the case and for his attempts to close it were crystal clear for members of the Ad Hoc Committee.

- **Reforms of the judiciary**

19. Two months before the delegation's visit, the Parliament held an emergency session without hearings or public consultations. During the session, it approved a series of amendments to laws governing the appointment and dismissal of high-level judicial staff. The amendments allowed the National Security Council to recommend the dismissal of the Chief Justice, the Prosecutor General, his deputy and the Head of the Anti-Corruption Agency before the end of their six-year terms. The delegation was also told that the amendments were the result of the Zorig case ill-treatment and torture videos coming to light. Throughout discussions held with the Chair of the Sub-Committee on Human Rights, the delegation observed that the amendments could endanger the independence of the judiciary as they consolidate power in one branch of power.

20. These concerns were echoed by the UN Resident Coordinator and several Members of Parliament who told the delegation that the Mongolian judiciary needed to be seriously overhauled. The delegation observed that the majority of people it spoke to throughout its mission, from Members of Parliament to complainants and independent observers, only partly believed that the newly

appointed Public Prosecutor and Chief Justice would correct the deficiencies of the investigation. The delegation observed that distrust towards the judiciary was still predominant; none of the delegation's interlocutors appeared to have full confidence in the newly appointed Chief Justice and Prosecutor General or to believe that removing a few individuals would help rebuild a flawed justice system.

## **2. Use of torture to extort confessions**

21. Prior to the delegation's mission, a video tape was revealed showing the ill-treatment and torture of Ms. Chimgee and Mr. Sodnomdarjaa, two of the people convicted in the Zorig case. The delegation insisted on watching the tape to ascertain its content and draw conclusions about the acts described.

22. Although the authorities demonstrated their will to hold an open dialogue with the delegation, the Deputy Prosecutor, members of the Ad Hoc Committee and the Head of the National Intelligence Agency were all reluctant to share the tape with the delegation. It seemed to the delegation that none of the bodies wanted to assume responsibility for sharing the tape. Nevertheless, following the delegation's insistent requests to the Speaker of Parliament, the National Intelligence Agency provided a copy of the tape and the delegation was able to view it inside the Parliament.

### **• Excerpts of Mr. Sodnomdarjaa's torture video**

23. The first excerpts showed Mr. Sodnomdarjaa from 1 to 6 September 2015 after his arrest on 31 August 2015. According to the authorities, his arrest and detention were part of the investigation process. Mr. Sodnomdarjaa was held in a cell which appeared to be in a basement. He was sharing the cell with Mr. Amgalanbaatar and an intelligence officer. The cell was narrow and without basic facilities (for example, they had a bucket as a toilet). While the intelligence officer was freely moving in and out of the cell, Mr. Sodnomdarjaa and Mr. Amgalanbaatar remained in it for six days.

24. The delegation observed that Mr. Sodnomdarjaa was punched, kicked and violently shaken several times by Mr. Amgalanbaatar, who was also verbally pressuring him to confess. The delegation also noted that Mr. Sodnomdarjaa was forced to strip to his underwear and to squat with his hands behind his back. He was forced to hold this position for several hours, which started to affect his breathing. His two tormentors forced him to continue squatting, despite his pleas to stop. Mr. Sodnomdarjaa was also deprived of sleep, food and water over the first three days as he was not seen eating or sleeping during that time. On 5 September 2015, Mr. Amgalanbaatar and the intelligence officer became more aggressive towards Mr. Sodnomdarjaa given his unwillingness to confess. The tape showed Mr. Amgalanbaatar pouring the bucket containing urine over Mr. Sodnomdarjaa after he refused to squat. As he continued resisting, Mr. Sodnomdarjaa was heavily beaten by the intelligence officer so as to force him to squat.

25. The delegation noted that, on 6 September 2015, Mr. Amgalanbaatar left the cell while Mr. Sodnomdarjaa remained there with the intelligence officer. Both men were later joined by a law enforcement officer who also verbally abused Mr. Sodnomdarjaa and forced him to do push-ups and squat with his hands behind his back.

26. Based on the footage observed, the delegation concluded that Mr. Sodnomdarjaa had been subjected to cruel acts, including beating, holding degrading positions, and being deprived of sleep, food and water. The delegation also observed the lack of due process in Mr. Sodnomdarjaa's case, as he was prevented from meeting with his legal counsel, and/or his family during the first six days of his detention. The delegation noted that the tape did not provide a twenty-four-hour diary of Mr. Sodnomdarjaa's first six days of detention. However, the excerpts viewed by the delegation confirmed the use of torture against him.

### **• Excerpts of Ms. Chimgee's ill-treatment video**

27. The delegation also watched excerpts of a tape showing how Ms. Chimgee was verbally abused and pressured to confess to Mr. Zorig's murder. Ms. Chimgee was arrested and detained on 31 August 2015. The video showed to the delegation contained excerpts of Ms. Chimgee's detention from 8 to 9 September 2015. Ms. Chimgee was held in a small cell which seemed to lack basic



facilities and also appeared to be in a basement. The authorities informed the delegation that Ms. Chimgee was to have taken a polygraph test on the morning of 9 September 2015.

28. On the night of 8 September 2015, Mr. Amgalanbaatar entered Ms. Chimgee's cell, half-naked and smoking cigarettes. Ms. Chimgee appeared to be petrified and paralyzed in the video. According to the footage examined, Mr. Amgalanbaatar verbally abused, intimidated and threatened Ms. Chimgee. He was trying to manipulate and weaken Ms. Chimgee's mental state in light of the following day's polygraph test. Mr. Amgalanbaatar was then seen exiting the cell on the orders of someone thought to be a prison guard.

### **3. Meeting with the three convicts**

29. The delegation greatly appreciated the authorities' willingness to authorize a meeting with the three convicts. The delegation reiterates its thanks to the parliamentary authorities, the Minister of Justice and the prison management for facilitating the meetings with Ms. Chimgee and Mr. Sodnomdarjaa, who had both been transferred to the prison hospital, and with Mr. Amgalanbaatar, who was detained in a maximum-security prison. Nevertheless, the delegation regrets that it was not authorized to meet with the convicts privately.

30. The delegation held an open dialogue with all three convicts who appeared to speak freely. The convicts did not seem to follow any instructions while answering the delegation's questions. The delegation further noted that the convicts did not appear anxious or afraid of repercussions and appeared to be healthy. However, the delegation observed that Ms. Chimgee appeared to be emotionally fragile as she was still affected by the death of her daughter.

#### **• Meeting with Ms. Chimgee**

31. Ms. Chimgee informed the delegation that she had been transferred to the prison hospital on 20 March 2019 after spending one year and ten months in detention centre 407. She also stated that her detention conditions had considerably improved since her transfer to the prison hospital as she could now access the medical attention that her state required. Ms. Chimgee explained that her previous detention conditions had been emotionally, physically and psychologically difficult. Following her arrest on 11 May 2017, Ms. Chimgee's detention conditions were extremely poor as her cell had not had appropriate sanitary facilities in it for three months. She had not received adequate medical care when her state of health deteriorated and had been denied the right to visits from her family and lawyer.

32. Ms. Chimgee stated that the Minister of Health and the Minister of Justice had visited her during her detention between 2015 and 2017. The Ad Hoc Committee had also visited her twice in the prison hospital. In addition, she has the right to be visited by her family once every 45 days, as provided for by law.

33. The delegation was told that, during the first few days of her arrest in August 2015, Ms. Chimgee was subject to several acts of intimidation, harassment and abuse as part of the investigation. She described how she used to hear the sounds of crying infants outside her cell and how people would randomly start insulting her and shouting profanities to intimidate her. Ms. Chimgee also informed the delegation that on 8 September 2015, her inquiry officer told her that she would take a polygraph test the next day (9 September 2015). On the night before the test, Ms. Chimgee told the delegation that Mr. Amgalanbaatar was allowed into her cell. He was half-naked and smoking cigarettes. According to Ms. Chimgee, he was brought to her cell to pressure her to confess by using degrading and threatening language. Given her vulnerable state on 9 September 2015, the day of the polygraph test, Ms. Chimgee was not allowed to take the test. However, the inquiry officer accused her of lying and forced her to take the test anyway, which she failed.

34. Prior to the verdict of the court of first instance, Ms. Chimgee was held in a basement room for nine months. Her detention conditions were extremely difficult. She explained that efforts were made to break her emotionally in a bid to force her to confess. Ms. Chimgee's inquiry officer was constantly pressuring and bullying her to write a confession letter, which she always refused to do. However, following the sentence of the court of first instance, Ms. Chimgee's detention conditions improved slightly, as she was transferred to another detention facility and was able to appeal the court

decision. The delegation was also told that the only evidence found in the court verdicts against Ms. Chimgee was based on the confession of Mr. Amgalanbaatar since she had never confessed to committing the crime.

35. The delegation observed that Ms. Chimgee was not physically tortured but was subject to continuous harassment and intimidation during her detention. The harassment reached its peak when Ms. Chimgee's inquiry officer told her that her daughter had died in a car accident and blamed "bad karma" for her death. The delegation was not able to ascertain whether Ms. Chimgee's daughter's death was intended, or accidental as the authorities claimed. As part of the intimidation and harassment suffered by Ms. Chimgee, the authorities briefly detained her husband during the investigation for no valid reason. Ms. Chimgee explained to the delegation her relationship with Mr. Amgalanbaatar and stated that she believed he had chosen to implicate her given their distant family ties. Nevertheless, she still failed to understand why he had picked her, as at the time of the murder, Mr. Amgalanbaatar was only 16 years old, and she was far from knowing anything about Mr. Zorig, his position or politics in general.

36. According to Ms. Chimgee's testimony, prior to the conclusions of the court of first instance, she still believed in the justice system. She was convinced that the court would rule in her favour and that the case would be resolved fairly. However, after the first instance verdict and during the appeals trial, Ms. Chimgee's confidence significantly decreased, as judges disregarded her testimony and the arguments of her lawyer. She also told the delegation that she was unable to file a complaint about torture; she was afraid and mentally fragile since she blamed herself for the death of her daughter. Ms. Chimgee told the delegation that, after the appeal court decision, she completely lost trust in the Mongolian justice system. However, she was confident that the case would end one day, although only via a political solution.

- **Meeting with Mr. Sodnomdarjaa and his legal counsel**

37. Mr. Sodnomdarjaa informed the delegation that he was transferred to the prison hospital on 20 March 2019. Prior to his transfer, he had been held in detention centre 409. Mr. Sodnomdarjaa repeatedly told the delegation that he was innocent and that he was wrongfully convicted.

38. The delegation was told that in 1998, Mr. Sodnomdarjaa was 24 years old and was due to begin a career in the military. He failed a test, which prevented him from pursuing this path. He continued as a herder and lived in Erdenet, which is 380 kilometres away from Ulaanbaatar. His relationship with Mr. Amgalanbaatar dates back to 1980 when they were neighbours. In Mr. Sodnomdarjaa's view, Mr. Amgalanbaatar gave his name to the authorities as an accomplice out of despair and in light of his lengthy sentence for murdering a taxi driver in 2004.

39. Mr. Sodnomdarjaa told the delegation that he had started receiving text messages from an unknown number in 2013, which turned out to be Mr. Amgalanbaatar's. At the time, Mr. Sodnomdarjaa began to fear that he was at risk of being framed for Mr. Zorig's murder, given the content of the text messages he received. He therefore reported them to the police and to the Office of the Prosecutor in 2014. They both ignored him. The delegation failed to understand what had prevented the authorities from acting on Mr. Sodnomdarjaa's complaints at the time. Based on the case file, Mr. Sodnomdarjaa later found out that intelligence officers had had Mr. Amgalanbaatar's phone and that they had been behind the threatening text messages.

40. Mr. Sodnomdarjaa was forcefully arrested on 31 August 2015 and brought to a maximum-security prison. On the way to the detention facility, the inquiry officer intimidated him to make him confess to killing Mr. Zorig. He was later held in a basement cell. Mr. Sodnomdarjaa explained that, during the first six days of his detention in September 2015, Mr. Amgalanbaatar and an intelligence officer tortured him. Mr. Sodnomdarjaa was drugged and forced to sign a confession letter without legal counsel. He was immediately blindfolded and taken to Mr. Zorig's house. He was instructed to point at Mr. Zorig's apartment, which he did. Mr. Sodnomdarjaa explained that the inquiry officers told him that if he signed his confession as a witness, he would not be held responsible for the crime.

41. Mr. Sodnomdarjaa told the delegation that the evidence held against him in the court verdicts was based on Mr. Amgalanbaatar's confession, the fact that Mr. Sodnomdarjaa had pointed to

Mr. Zorig's house and his written confession to Mr. Zorig's murder. Mr. Sodnomdarjaa's lawyer explained to the delegation that he was allowed to read the court verdicts but prevented from keeping copies. He informed the delegation that he had not challenged the decision as he had only recently become Mr. Sodnomdarjaa's lawyer; but that he intended to approach the Prosecutor General in that regard.

- **Meeting with Mr. Amgalanbaatar**

42. The delegation met with Mr. Amgalanbaatar in a maximum-security prison in east Ulaanbaatar. The meeting was also attended by Mr. Otgonbayar, Associate Prosecutor and head of the department for supervising inmate detention conditions. Mr. Otgonbayar informed the delegation that Mr. Amgalanbaatar was a convict and a witness at the same time, which meant that he was given special protection.

43. Mr. Amgalanbaatar explained to the delegation that he was also a victim of a corrupt system that used him to cover up a high-profile crime. In 2007, Mr. Amgalanbaatar was convicted of murdering a taxi driver in 2004 and sentenced to death. In 2010, the supervisory court reduced his sentence to 25 years in prison. Mr. Amgalanbaatar told the delegation that in 2012, his mother became very ill and he was desperate to see her. Therefore, he attempted to reduce his prison sentence by admitting to different crimes that he had not committed. However, his statements were never considered reliable and credible. According to Mr. Amgalanbaatar, his cellmate at the time told him that admitting to random crimes would not help him reduce his sentence, but that he should instead confess to killing Mr. Zorig if he wanted to stand a chance of seeing his ill mother. His cellmate told him that Mr. Zorig was wearing a white shirt on the day he was murdered so that Mr. Amgalanbaatar's confession would seem more credible. In June 2013, Mr. Amgalanbaatar wrote a confession letter in which he claimed that he had killed Mr. Zorig.

44. Before his transfer to a maximum-security prison, Mr. Amgalanbaatar was held in a transitional location (investigation centre). He explained to the delegation that he had doubts about his fabricated confession as he began to realize the seriousness of the murder, which appeared to be a politically motivated crime involving high-level officials. Suddenly, his cellmate who had advised him to confess to killing Mr. Zorig visited him in the investigation centre to reassure him and stayed with him for three days. He also promised Mr. Amgalanbaatar that he would continue visiting him. Mr. Amgalanbaatar told the delegation that he found it strange that his former cellmate could easily visit him and that intelligence officers appeared to know him. Mr. Amgalanbaatar strongly suspects that his cellmate was in fact an intelligence officer. To further reassure Mr. Amgalanbaatar, intelligence officers promised him a presidential pardon and a future life abroad while also providing him with details about the crime.

45. Mr. Amgalanbaatar told the delegation that he withdrew his testimony in 2013 and admitted that he had lied. This was due to the seriousness of the case and the increasing pressure he was undergoing. However, intelligence officers told him that it was too late and started threatening him and his family. Between 2013 and 2015, Mr. Amgalanbaatar was held in a maximum-security prison. He was denied the right to receive visitors or legal counsel for two years. The only visit he received was from the head of the counterintelligence agency, Mr. Mukhbat, who threatened to kill his family if he did not follow the instructions of intelligence officers. Mr. Amgalanbaatar told the delegation that he had been psychologically and physically tortured for two years by intelligence officers. They had threatened to kill his child if he did not provide the names of two suspects, which he eventually did.

46. Mr. Amgalanbaatar also told the delegation that he had been trained by counterintelligence officers to torture Ms. Chimgee psychologically and to break her until she confessed. He had also been promised five million Tugriks if Ms. Chimgee confessed to the crime. He confirmed that he had gone to Ms. Chimgee's cell in a bid to force her to confess and that he had inflicted physical and mental pain on Mr. Sodnomdarjaa. Mr. Amgalanbaatar told the delegation that he had never sent text messages to either Ms. Chimgee or Mr. Sodnomdarjaa, but that he had spoken to them on the phone in 2014. Mr. Amgalanbaatar only became aware of the text messages when he was brought to Mr. Sodnomdarjaa's cell in September 2015.

47. According to Mr. Amgalanbaatar, counterintelligence officers also fed him details about the case by describing Mr. Zorig's apartment and telling him that Ms. Bulgan had a mark on her back. In

July 2013, the head of the counterintelligence agency, Mr. Mukhbat, visited him and gave him more details about the case. Mr. Amgalanbaatar told the delegation that the case had been fabricated as there was no valid reason to believe that, as a 16-year-old, he knew who Mr. Zorig or Ms. Bulgan were. He also stated that key witnesses who had testified in the 2015 trial and helped identify him and the other suspects had failed to identify the perpetrators in 1998. He found it strange that the same witnesses had suddenly remembered all the details of the case and had easily recognized him, Ms. Chimgee and Mr. Sodnomdarjaa after 17 years. Mr. Amgalanbaatar told the delegation that the key prosecution witnesses were all liars. One of them was a prostitute who testified that Mr. Bat Uül<sup>2</sup> and Ms. Bulgan paid Mr. Amgalanbaatar and the other two convicts four million Tugriks to commit the crime. Mr. Amgalanbaatar categorically denies this. He also informed the delegation that in November 2018, an intelligence officer had visited him, told him that Ms. Bulgan and Mr. Bat Uül would be convicted for the crime and advised him not to tell anyone what had happened to him.

48. The delegation was told that Mr. Amgalanbaatar had been transferred from the maximum-security prison to the new detention facility on 24 September 2018 where his detention conditions have improved. Mr. Amgalanbaatar informed the delegation that he had met with the Prosecutor General and the head of the detention facility and asked them whether there would be repercussions should he write a letter to the Ad Hoc Committee to recant his testimony. The Prosecutor General and the head of the detention facility assured Mr. Amgalanbaatar that he would be protected from any pressure but asked him not to reveal details about the case. In his letter,<sup>3</sup> Mr. Amgalanbaatar stated that he had not murdered Mr. Zorig and that Ms. Chimgee and Mr. Sodnomdarjaa were innocent. Mr. Amgalanbaatar also told the delegation that if he had had a legal counsel in 2013, he would not have confessed to the crime, nor would he have dragged Ms. Chimgee and Mr. Sodnomdarjaa into the investigation. He expressed regret about his actions and decisions.

#### **4. Lack of transparency and inconsistencies in information from the authorities**

- **Use of torture and lack of fair trial**

49. The delegation took due note of the position of the newly appointed Head of the National Intelligence Agency, Mr. Gerel, who appeared willing to cooperate with the Committee and keen to improve the Agency's transparency and accountability. Mr. Gerel told the delegation that the investigation of the Zorig case had lacked professionalism, as it appeared that the investigators in charge of the case had, in reality, been undercover intelligence officers illegally gathering evidence. The released torture tape had confirmed these allegations. Mr. Gerel informed the Committee that, due to the seriousness of the torture allegations, the National Intelligence Agency, the Anti-Corruption Commission and the Office of the Prosecutor had established a working group to investigate the torture tape.

50. The Deputy Prosecutor confirmed that, since the Office of the Prosecutor had become aware of the torture video, it had ordered the arrest and detention of several officials involved in the case. The Deputy Prosecutor also told the delegation that the Office of the Prosecutor was fully cooperating with the Ad Hoc Committee by attending all its meetings and providing the requested information when it was in a position to do so. He acknowledged that the three convicts had been found guilty on the basis of fabricated evidence. However, he explained that the release or retrial of Ms. Chimgee and Mr. Sodnomdarjaa was subject to the outcome of court proceedings. The Deputy Prosecutor stated that, should the officers accused of torture be convicted, the court's previous decisions would be overturned. The issue would be raised with the Supreme Court, which would decide whether or not the three convicts would then be released or retried. The delegation failed to understand why Ms. Chimgee and Mr. Sodnomdarjaa's release or retrial hinged on the outcome of the court ruling in the torture case when all parties appeared to acknowledge that their conviction was based on fabricated evidence.

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<sup>2</sup> Mr. E. Bat-Uül was a member of the Democratic Party at the time of Mr. Zorig's murder. He was elected mayor of the city of Ulaanbaatar in 2012. For several years, rumor had it that Mr. Bat-Uül was involved in the murder of Mr. Zorig along with other high profile officials.

<sup>3</sup> A copy of Mr. Amgalanbaatar's letter and its official translation are available as supporting documents.

51. The Head of the National Intelligence Agency told the delegation that the officers currently being investigated on torture charges were also being investigated for past events which might include torture as well. The declassification of the torture video had revealed flaws both in the investigation of Mr. Zorig's murder and also within the Agency, since it seemed that several investigators were not operating professionally. The Agency was currently working on clarifying several details related to the investigation from the start. Mr. Gerel stated that the torture video had been released due to the tireless efforts of the lawyers of Ms. Chimgee and Mr. Sodnomdarjaa, who filed several complaints denouncing the use of torture against their clients. This was confirmed by the Deputy Prosecutor who told the delegation that the Office of the Prosecutor had received formal complaints alleging torture against the three convicts during the investigation. According to the Deputy Prosecutor, these complaints had been submitted in 2018, which had prevented the Prosecutor General from taking them into account during the trials. The delegation regrets that the Prosecutor General did not take any action of its own accord to investigate much earlier the accusations of torture that had already surfaced in 2015 and to which the IPU Committee and Governing Council repeatedly referred in their public decisions on the case of Mr. Zorig.

52. The Minister of Justice, Mr. Nyamdorj, told the delegation that he had become aware of torture allegations in 2016 when he was an opposition Member of Parliament. At the time, he wrote to the National Intelligence Agency and to the Office of the Prosecutor to alert them to the alleged use of torture. Mr. Nyamdorj also informed the delegation that he had decided to transfer Ms. Chimgee and Mr. Sodnomdarjaa to the prison hospital after he had met with them and following the release of the tapes. On 5 June 2019, the torture investigation was transferred from the police to the Office of the Prosecutor. The Minister of Justice reiterated that Ms. Chimgee and Mr. Sodnomdarjaa should be released immediately as, according to him, they were innocent. He also stated that Mr. Amgalanbaatar was a victim as well, despite the role he had played in the torture tape. In the Minister's view, the release of Ms. Chimgee and Mr. Sodnomdarjaa should not be subject to the outcome of the torture case and its court verdict. He believed that the Chief Justice and the Prosecutor General were not using their mandate to release them as several key officials preventing progress in the case were still in office, even despite the recent dismissals.

53. The Chair of the National Human Rights Commission told the delegation that the torture video had been filmed through a surveillance camera. He said that the torture of Ms. Chimgee and Mr. Sodnomdarjaa had led to their forced confession based on which they had been wrongfully convicted and were serving an unjust sentence. The Commission wrote several letters to the Office of the Prosecutor and the National Intelligence Agency on the matter which is now being used as evidence in the torture case.

54. The delegation was keen to understand the current situation of Ms. Bulgan (Mr. Zorig's widow) and the basis of the restrictions she is facing. The Deputy Prosecutor informed the delegation that Ms. Bulgan was considered as a potential victim in the torture investigation on the one hand, and as a suspect in the Masterminds investigation on the other. The delegation recalls that the Office of the Prosecutor informed the Committee in August 2018 that Ms. Bulgan was again charged as a suspect on 16 April 2018 for "providing assistance and participating" in the murder of Mr. Zorig. However, the Deputy Prosecutor refused to provide more details about Ms. Bulgan's current situation or about the specific charges brought against her. Nevertheless, he informed the delegation that the Office of the Prosecutor could lift the travel ban imposed on Ms. Bulgan if she proved to be a victim of torture. Ms. Bulgan told the delegation that it had been a year since she had been accused of being connected to the Masterminds investigation and charged as a suspect. However, she was still unaware of the concrete evidence held against her. She also told the delegation that, despite being the only witness to the crime, she had always been denied the right to testify during the trials because she was a suspect in the Masterminds investigation. The delegation observed with concern the lack of clarity about Ms. Bulgan's status in the investigation and the travel ban imposed on her.

55. The Mongolian authorities failed to provide the delegation with translations of the court verdicts, despite written assurances that they would. The Deputy Prosecutor told the delegation that, as long as the Masterminds investigation was ongoing, the court verdicts would remain classified, despite the declassification order. He emphasized that the documents would also remain classified even though there were no instructions to classify them. The delegation recalls that the President of Mongolia issued the declassification order on 10 March 2017. It provided for the declassification of

14,926 pages of documents in the case file. That left only the equivalent of 74 classified pages, most of which were related to intelligence operations. In correspondence dated August 2018, the Prosecutor informed the Committee that some pages of the court verdicts might still be classified and therefore be among the 74 sealed pages. During the mission, the Minister of Justice told the delegation that the declassification order included the three court verdicts and that intelligence officers had prevented their release. The delegation also noted that the Ad Hoc Committee and the lawyers of the three convicts had been given access to the three court verdicts after signing a non-disclosure agreement. The Deputy Prosecutor told the delegation that, although court verdicts should be made public, some parts may remain classified if deemed necessary by the Office of the Prosecutor. Nonetheless, the delegation was not provided with copies of the redacted court verdicts. The defendants' lawyers also told the delegation that there was no reasonable justification for withholding the court verdicts, as the names of intelligence sources could be redacted. The delegation failed to understand how the release of the court verdicts would jeopardize the conduct of the ongoing Masterminds investigation, given the emerging consensus that Ms. Chimgee and Mr. Sodnomdarjaa had been wrongly convicted. This sentiment was echoed by the Minister of Justice who told the delegation that court verdicts should be made public in accordance with the law and that the authorities were reluctant to share them because it would prove that the three people concerned had been wrongfully convicted.

- **The Masterminds investigation and classification of evidence**

56. The Deputy Prosecutor informed the delegation that the Office of the Prosecutor was unable to share more information on the investigation into the perpetrators of the crime since it included evidence about the Masterminds investigation, which is still ongoing. Meanwhile, the Head of the Intelligence Agency explained that the Agency was in charge of the Masterminds investigation and was attempting to correct mistakes made in the initial investigation. He confirmed that the Office of the Prosecutor had opened a criminal case following internal investigations by the Intelligence Agency and the Anti-Corruption Commission under the supervision of the Office of the Prosecutor. Mr. Gerel confirmed that the investigations had led to the dismissal, arrest, and detention of the former head of the National Intelligence Agency, Mr. Bat Khurts, as well as nine other officers from the three agencies.

57. The Head of the National Intelligence Agency, Mr. Gerel, shared his views with the delegation about the initial flawed Masterminds investigation. He explained that, at the time of the murder, several theories had been discussed but only one had been pursued. The theory pursued misled the investigation, as it was not entirely plausible. Additionally, Mr. Gerel underlined that several high-ranking officials involved in the case had pressed for its closure in a misleading manner. The Office of the former Prosecutor had not adequately monitored the investigation, but had instead blindly trusted the investigation team in charge of the case. He also stated that the investigation team had not had the right professional skills, as its leader had been a painter. The Agency was still trying to understand why he had been assigned to the case when he lacked the necessary professional requirements.

58. The delegation came to the conclusion that the Office of the Prosecutor and the National Intelligence Agency were working together closely to resolve the case. However, the delegation failed to understand why the National Intelligence Agency was still in charge of the Masterminds investigation and to what extent the Office of the Prosecutor was overseeing the investigation to ensure its fair and transparent conduct.

59. The head of the National Intelligence Agency reiterated that the declassification order called for the declassification of 98 per cent of the case information; the remaining two per cent concerned classified intelligence sources. Mr. Gerel informed the delegation that the National Intelligence Agency was currently discussing the possibility of redacting names and personal information related to sources mentioned in the verdicts, and then declassifying the remaining documents. He underlined that, although he favoured this suggestion, it was not supported by other high-ranking officers within the Agency. Mr. Gerel further emphasized that the government's ordinance to declassify 98 per cent of the case should be respected by all parties as it would support the resolution of the case.

60. The delegation was unable to ascertain which authority was responsible for authorizing access to the declassified documents, as it was informed by the Ad Hoc Committee that the Office of the Prosecutor had denied it access to the documents. The delegation recalls the Committee's exchange

with the Office of the Prosecutor in August 2108, in which it appeared that the Office of the Prosecutor was the authority in charge of authorizing access to declassified documents. However, the Deputy Prosecutor repeatedly told the delegation that, since there was an ongoing investigation into the masterminds behind Mr. Zorig's murder, several documents would not be disclosed despite the government's declassification order. The delegation noted the contradictory statements from the Office of the Prosecutor and the National Intelligence Agency, despite their alleged cooperation. It appeared to the delegation that neither authority was acting transparently and neither of them was willing to share information about the investigations. The delegation also concluded that the Masterminds investigation was being used to withhold information on the investigation into the perpetrators of the crime.

#### **D. Findings and recommendations**

61. The delegation welcomes the establishment by the State Great Hural of Ad Hoc Committee dedicated to the Zorig case as a result of the implementation of a longstanding recommendation that the Committee has made since 2015. It also welcomes the fact that, during the delegation's mission, the State Great Hural adopted a resolution on human rights. Nevertheless, the delegation noted the limited role of the Parliament and the Ad Hoc Committee in ensuring due process in the ongoing Masterminds investigation and in addressing the misgivings about the judicial proceedings against the three convicts. The delegation repeatedly heard that members of the Ad Hoc Committee would be unable to intervene in the release of Ms. Chimgee and Mr. Sodnomdarjaa until the conclusion of the court's judicial proceedings and the possible conviction of the alleged perpetrators. The delegation also noted that, although the Ad Hoc Committee's mandate is clear, there is no specific timeline within which it should achieve its mission. In the delegation's view, having a time-bounded mandate would strengthen the Ad Hoc Committee's role and place more pressure on the authorities to cooperate and provide the requested information. The Ad Hoc Committee should be strengthened by giving it unhindered access to all documents related to the case, including the classified ones. This would enable it to reach conclusions based on substantial evidence, and to be fully and regularly informed about the progress of the Masterminds investigation and the challenges it faces.

62. The delegation strongly believes that the three convicts were framed by the intelligence services and pressured to make false confessions. The tape shared with the delegation during its mission confirmed the Committee's prior concerns regarding the use of torture against the convicts. Further discussions with the convicts and their lawyers about the court decisions showed that proceedings at the time when Ms. Chimgee, Mr. Sodnomdarjaa and Mr. Amgalanbaatar were being investigated were far from being fair and impartial. The delegation still fails to understand the reasons preventing the immediate release of Ms. Chimgee and Mr. Sodnomdarjaa given the discovery of the torture video and the withdrawal of Mr. Amgalanbaatar's testimony against them.

63. The delegation warmly welcomes the transfer of Ms. Chimgee and Mr. Sodnomdarjaa to the prison hospital in light of the torture tape. This positive reaction demonstrates the willpower of the Mongolian authorities, which all acknowledged the deficiencies of both the investigation and the trials of the three convicts. However, the judiciary should demonstrate its independence and impartiality by ordering the prompt release of Ms. Chimgee and Mr. Sodnomdarjaa. Their release should not rely on the outcome of proceedings in the torture case. The convicts' detention can no longer be justified since all parties acknowledge that they were the victims of a fabricated case based on false evidence and coerced testimonies. The judiciary should also ensure that Ms. Chimgee and Mr. Sodnomdarjaa are not subject to any further legal action related to the Zorig case unless there is clear evidence pointing to their responsibility. If no such evidence is available, Ms. Chimgee and Mr. Sodnomdarjaa should receive compensation for the time spent in prison as the result of the miscarriage of justice and the torture they endured. Given Mr. Amgalanbaatar's previous conviction for murder in a separate case, the delegation understands that he cannot be released. Nonetheless, he should also be presumed innocent in the Zorig case unless there is serious evidence pointing to his involvement.

64. The delegation came to the conclusion that the vagueness surrounding the Mastermind investigation which has still not yielded any results yet, demonstrates that, after almost 20 years, the Zorig case is still shrouded in secrecy. The inconsistencies around the implementation of the government declassification ordinance also troubled the delegation. The Office of the Prosecutor and the National Intelligence Agency appear to continue to withhold information from the public, and the

families and lawyers of the convicts. Despite increased cooperation between the Prosecutor's Office and the National Intelligence Agency, it is essential to provide more clarity on the role of each authority regarding the investigation into the masterminds behind Mr. Zorig's murder and the perpetrators of the murder. The Prosecutor's Office should strengthen its oversight role and supervise the investigation to identify the masterminds of the crime. It should also demonstrate impartiality and independence in the case against the alleged perpetrators of torture.

65. The delegation was saddened by the Mongolian authorities' lack of transparency about the declassified court verdicts. The authorities failed to fulfil their promise to give the delegation a translation of all the declassified verdicts before and during its mission. The delegation strongly insists that it must receive official copies of all the court verdicts, translated in English, to enable the Committee to analyse their content comprehensively. Mr. Zorig's family members, lawyers of the convicts and the Ad Hoc Committee should also be given copies of the three court verdicts without restriction.

66. The delegation still fails to understand the basis of the restrictions imposed on Ms. Bulgan, namely her inability to move freely around Mongolia. These restrictions should be immediately lifted in the absence of formal charges against her based on solid evidence and tested in a court of law.

67. Informal discussions with various interlocutors also raised the delegation's concerns over recent amendments to the law governing the appointment and dismissal of high-level judicial staff, as well as the President's decree dismissing the Chief Justice, the Prosecutor General and his Deputy. Although several individuals acknowledged that the dismissals of these key individuals were necessary to access information about the Zorig case, they also emphasized that the move could weaken the justice system by undermining its independence. Several interlocutors emphasized their distrust in the justice system in spite of the recent dismissals. The delegation underlines that, following his visit to Mongolia in May 2019, Mr. Michel Forst, the United Nations Special Rapporteur on the situation of human rights defenders, highlighted that the recent amendments to the law "would deeply undermine the separation of powers and would dangerously reduce the independence of the judiciary". He also recommended for the "reinstatement of the independence of the judiciary and the autonomy of the prosecution service."<sup>4</sup> The delegation therefore calls on the Mongolian authorities to ensure that these amendments do not delegitimize the judicial process, and to take concrete steps to strengthen the independence of the judiciary.

68. The delegation reiterates that the Zorig case should not be used to advance a political agenda. Its resolution should remain a priority for the judicial authorities, as it will illustrate their determination to provide truthful justice. The delegation hopes that Mr. Batkhuu's case will not face a similar fate and that his death is being investigated thoroughly without political interference or pressure.

**Geneva, August 2019**

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<sup>4</sup> United Nations, Special Rapporteur on the situation of human rights defenders Mr. Michel Forst, End of mission statement following a visit to Mongolia from 30 April to 13 May 2019.



## **E. Observations provided by the authorities**

- **Vice Chairman of the State Great Hural of Mongolia, Chairman of the Executive Committee of the Mongolian Parliamentary Group (11 October 2019)**

[...]

As was established at the State Great Hural (Parliament) of Mongolia to develop relevant proposals and conclusions upon reviewing the decisions of the Governing Council of the Inter-Parliamentary Union on Mr. S. Zorig's assassination, the *Ad Hoc* Committee and its seven parliamentarian members have convened a meeting on 09 October 2019 and discussed the IPU delegation report.

[...]

Signed  
L. Enkh-Amgalan

- **Chairman of the Ad Hoc Committee of the State Great Hural (11 October 2019)**

The report, of the Committee on the Human Rights of Parliamentarians of the Inter-Parliamentary Union (IPU) mission undertook observations in 05-07 June 2019 in Mongolia, addressed to Mr. J. Batzandan - a member of parliament and the Chairman of the *Ad-hoc* Committee of the State Great Hural (Parliament) to develop relevant proposals and conclusions upon reviewing the decision of the Executive Council of the IPU that had arrived in 06 September 2019 was handed in by the Foreign Relations Department of the State Great Hural (Parliament) of Mongolia on 4 October 2019, a month later.

We sincerely ask you an apology for not being able to receive the report on the arrival as it was caused by hackers' attacks on personal e-mail accounts of Mr. J. Batzandan, a member of parliament and the Chairman of the *Ad-hoc* Committee of the State Great Hural (Parliament) to develop relevant proposals and conclusions upon reviewing the decision of the Executive Council of the IPU.

Besides, the preliminary court processing on charges against former Chief of the General Intelligence Agency and other 9 officers who have been alleged for torturing Ms. T. Chimgee and Mr. B. Sodnomdarjaa has taken place between 12-19 August 2019 and the case was returned to further investigation. However, the defense lawyers have submitted protest, which was accepted by the appeal court judge.

The members of the *Ad-hoc* Committee are unanimous with the following issues mentioned in the report of the Committee on Human Rights of Parliamentarians.

1. Ms. T. Chimgee and Mr. B. Sodnomdarjaa were tortured during their investigation;
2. Special agents, investigators and prosecutors have committed serious professional infringements during the investigation;
3. The inadequacy of legal counselor's rights led to violation of their clients' legal rights.
4. Right to be tried in fair and independent was inadequate;
5. Ms. T. Chimgee and Mr. B. Sodnomdarjaa must be released immediately and be compensated;
6. The unlawful restriction on Ms. B. Bulgan must be lifted and restate her rights;
7. A serious condition had been created to the detainees that is seriously violated their rights and threatened their lives;
8. The investigation of "Mastermind" had wasted time, stayed secretive and been controlled weakly;
9. The entire court decision must be declassified;

*Ad-hoc* Committee had convened a meeting regarding the mission report of the Committee on Human Rights of Parliamentarians and sent the report to relevant judicial agencies and human rights organizations such as the Supreme Court, the General Intelligence Agency, the General Prosecutor's Office and the National Police Agency of Mongolia.

Please take a note that the recommendation 71 in section D. of the report stating “the delegation reiterates that the Mr.S.Zorig case should not be used to advance a political agenda”, is providing to those who carried torture or to some politicians an opportunity to use against the fight to protect the human rights of *Ad-hoc* Committee members and as well as Ms. T. Chimgee, Mr. B. Sodnomdarjaa and of Ms. B. Bulgan.

Sincerely,

Chairmain,  
Ad-Hoc Committee to develop relevant proposals  
and conclusions upon reviewing the decisions of  
the Governing of the IPU

Signed and stamped  
J. Batzandan