

## MONGOLIA

- **MNG-01:** Zorig Sanjasuuren
- **MNG-07:** Gavaa Batkhuu

# Mongolia

*Decision adopted unanimously by the IPU Governing Council at its 205<sup>th</sup> session (Belgrade, 17 October 2019)*



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## MNG01 - Zorig Sanjasuuren

### Alleged human rights violations

- ✓ Murder
- ✓ Impunity

#### A. Summary of the case

Mr. Zorig Sanjasuuren ("Mr. Zorig") was assassinated on 2 October 1998. Regarded by many as the father of the democratic movement in Mongolia in the 1990s, Mr. Zorig 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.

Between 2015 and 2017, three suspects were identified, arrested, expeditiously tried and sentenced based on classified evidence, during trials held behind closed doors. Several reports indicated that the suspects were allegedly tortured to make false confessions and framed by the intelligence services. The murder of Mr. Zorig is widely believed to have been a political assassination that was covered up. The investigation into the masterminds of his murder is still open and has not yielded any results yet.

Despite the governmental declassification order of the files relating to the Zorig case in December 2017, the lack of transparency is still prevalent as the court verdicts have remained inaccessible.

Since the submission of the complaint 20 years ago, the Committee has undertaken three fact-finding missions to

#### Case MNG01

**Mongolia:** Parliament affiliated to the IPU

**Victim(s):** Male parliamentarian of the majority

**Qualified complainant(s):** Section I 1(a) of the [Committee Procedure](#) (Annex I)

**Submission of complaint(s):** October 2000, March 2001, September 2015

**Recent IPU decision(s):** [April 2019](#)

**IPU mission(s):** August 2001, [September 2015](#), [September 2017](#), [June 2019](#)

**Recent Committee hearing(s):** Hearing with the delegation of Mongolia at the 141<sup>st</sup> IPU Assembly (October 2019)

#### Recent follow-up:

- Communications from the authorities: Letters from the Deputy Speaker of the State Great Hural and the Chairperson of the *Ad Hoc* Committee (October 2019)
- Communication from the complainant: October 2019
- Communications addressed to the authorities: Letters addressed to the Deputy Speaker of the State Great Hural and the Chairperson of the *Ad Hoc* Committee (October 2019)
- Communication addressed to the complainant: October 2019

Mongolia at crucial phases of the case. In June 2019, the Committee returned to Mongolia following the invitation of the parliamentary authorities and was updated on the important developments in the case, in particular the release of a video in March 2019 showing the torture and ill-treatment of two of the convicts, Ms. Chimgee and Mr. Sodnomdarjaa, as well as the establishment of a parliamentary *ad hoc* committee on the case of Mr. Zorig. The two convicts in question were transferred to the prison hospital as a result of the video and a criminal case was opened against intelligence and law enforcement officials allegedly responsible for torturing them. Nevertheless, they are still held in detention.

As part of its findings, the delegation welcomed the establishment of an *ad hoc* committee on the Zorig case (the *Ad Hoc* Committee), in line with the IPU Committee's recommendations. It also welcomed the opportunity to meet with the three convicts, as well as to watch the video tape released showing alleged acts of torture and ill-treatment. However, the delegation failed to understand the reasons preventing the immediate release of Ms. Chimgee and Mr. Sodnomdarjaa given the recent turn of events.

## B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Thanks* the Mongolian authorities, in particular the parliamentary authorities, for their cooperation during the recent mission by the Committee on the Human Rights of Parliamentarians to Mongolia and for facilitating its smooth conduct, including the meetings with the three convicts in prison; *thanks* the Mongolian delegation to the 141<sup>st</sup> IPU Assembly for meeting with the Committee;
2. *Fully endorses* the findings and recommendations contained in the mission report;
3. *Welcomes* the establishment of the parliamentary *Ad Hoc* Committee on the Zorig case, in line with the longstanding IPU recommendation; *regrets* nevertheless its limited role in ensuring due process in the ongoing investigation into the masterminds and in addressing the misgivings about the judicial proceedings against the three convicts; *hopes* that its role will be strengthened; and *wishes* to be kept informed on a regular basis of its work and of any new developments related to the case;
4. *Is pleased* that the *Ad Hoc* Committee fully supports the mission report's findings and recommendations; *is deeply concerned*, however, that members of the *Ad Hoc* Committee are now reportedly subject to several criminal cases and harassment campaigns for having revealed information about the Zorig case that should be accessible to the public at large; *fails to understand* in this regard that, despite the declassification order of 2017, the court verdicts may have been reclassified because of the ongoing investigation into the case of the torture of the two convicts; *believes* that these steps underscore that, far from truly advancing towards genuine openness and transparency, the authorities are bent on prolonging the secrecy that has dominated the case of Mr. Zorig;
5. *Considers* that any further delays in establishing the identity of those responsible for murdering Mr. Zorig, including the masterminds, are unacceptable; *firmly reiterates* that, as long as the court verdicts remain inaccessible to the public and that those with an interest in seeing justice prevail do not feel free to speak publicly about the case of Mr. Zorig, the lack of transparency continues to undermine the pursuit of justice in this case; *renews its call* for the authorities to provide copies of the court verdicts to all relevant parties, including the *Ad Hoc* Committee on the Zorig case; *urges* the authorities to allow all stakeholders, in particular the *Ad Hoc* Committee, to carry out their work without fear of reprisals;
6. *Urges* the relevant authorities to release Ms. Chimgee and Mr. Sodnomdarjaa promptly, regardless of the outcome of the proceedings in the torture case, and to seriously consider abandoning the legal proceedings against them unless there is clear evidence pointing to their responsibility, while ensuring that the people responsible for their wrongful conviction are held to account; *underlines* that the video watched by the delegation during its mission, combined with the testimonies of the three convicts, as well as evidence indicating that the convicts were framed by intelligence officers on the basis of fabricated evidence and forced confessions, are all compelling elements to justify their immediate release and to award compensation to

Ms. Chimgee and Mr. Sodnomdarjaa for the miscarriage of justice and the torture they endured; *firmly believes* that the mere fact that the authorities might not have detained and convicted the right persons demonstrates that they have not fulfilled their obligations to shed light on the true perpetrators of the crime;

7. *Recalls* that the case has long been used as a political bargaining chip by all political parties; *reiterates* that its resolution should remain a priority; and *expresses the hope* that at last justice will be done, and seen to be done, in the Zorig case;
8. *Requests* the Secretary General to convey this decision to the relevant authorities, the complainant and any third party likely to be in a position to supply relevant information;
9. *Requests* the Committee to continue examining this case and to report back to it in due course.

## Mongolia

*Decision adopted by the Committee on the Human Rights of Parliamentarians at its 161<sup>st</sup> session (Geneva, 20–30 January 2020)*



© Batkhoo Gavaa, Facebook

### MNG-07 - Batkhoo Gavaa

#### Alleged human rights violations:

- ✓ Murder
- ✓ Lack of due process at the investigation stage

#### A. Summary of the case

Mr. Batkhoo Gavaa (“Mr. Batkhoo”), a former member of the State Great Hural from 2008 to 2016, was found dead on 17 May 2019 after he allegedly fell from a substantial height inside the State Palace. The State Palace houses parliament and the offices of the President and the Prime Minister.

Given the mysterious circumstances surrounding his death in a highly secured area, a criminal case was opened at the Capital City Police to investigate his death. The complainants reported that the working group of the National Institute of Forensic Medicine had produced a report (No.1156), according to which Mr. Batkhoo had suffered a severe head trauma, several fractures to the skull and both sides of the ribs, as well as swelling and bruising above the right eye. One member of the forensic group reportedly concluded that Mr. Batkhoo’s death was caused by a stroke due to renal hypertension and hypertensive heart disease. It is not clear whether the working group had reached the conclusion that Mr. Batkhoo’s death was an accident.

The complainants expressed their distrust of the National Institute

#### CASE MNG-07

**Mongolia:** Parliament affiliated to the IPU

**Victim(s):** Former member of the opposition

**Qualified complainant(s):** Section 1.1(a) and (c) of the [Committee Procedure](#) (Annex I)

**Submission of complaint(s):** May 2019

**Recent IPU decision(s):** - - -

**Recent IPU Mission(s):** June 2019, primarily conducted in the case of Mr. Zorig

**Recent Committee hearing(s):** Hearing with the Mongolian delegation to the 141<sup>st</sup> IPU Assembly (October 2019)

#### Recent follow-up:

- Communications from the authorities: Letter from the Deputy Speaker of the State Great Hural (October 2019)
- Communications from the complainant: October 2019
- Communications addressed to the authorities: Letter addressed to the Deputy Speaker (October 2019)
- Communication addressed to the complainant: October 2019

of Forensic Medicine, due to its alleged lack of independence. They consequently submitted a request to the prosecutor for an additional test to be carried out by a team of experts to clear up any discrepancies related to Mr. Batkhoo's cause of death. This request is reportedly still pending. Additionally, the complainants fear that the investigation into Mr. Batkhoo's death may be mishandled and or interfered with in the absence of independent monitoring. They point, in this regard, to an allegedly corrupt investigator who reportedly attempted to divert the other investigators away from examining the possible involvement of a member of parliament, who is suspected by the complainants of being the perpetrator of the crime.

In a letter dated 4 June 2019, the Deputy Speaker brought the complainants' allegations to the attention of the Committee and requested its assistance. During the hearing held with the Mongolian delegation at the 141<sup>st</sup> IPU Assembly in Belgrade (October 2019), the parliamentary authorities were unable to provide updated information about the status of the investigation into Mr. Batkhoo's cause of death.

## **B. Decision**

The Committee on the Human Rights of Parliamentarians:

1. *Notes* that the communication regarding the situation of Mr. Batkhoo Gavaa, a former member of the State Great Hural, was submitted in due form by complainants qualified under section I.1(a) and (c) of the Procedure for the examination and treatment of complaints (Annex I of the revised Rules and Practices of the Committee on the Human Rights of Parliamentarians);
2. *Notes* that the communication concerns allegations of murder and lack of due process during the investigation stage when Mr. Batkhoo was no longer a member of parliament;
3. *Recalls* that, at its 160<sup>th</sup> session (Belgrade, October 2019), the Committee examined the complaint and decided, in view of the lack of information about the status of the investigation into Mr. Batkhoo's death and the lack of clarity regarding his cause of death, not to rule on the question of admissibility pending receipt of the observations of the Mongolian authorities on the matter; and *noted* that it would only be competent if there was information that clearly pointed to a link between Mr. Batkhoo's death and the exercise of his parliamentary mandate, which ended in 2016; *regrets* in that regard the lack of information provided by the parliamentary authorities regarding the status of the investigation into Mr. Batkhoo's cause of death;
4. *Considers* that, on the basis of the foregoing, and while acknowledging that the investigation into Mr. Batkhoo's death might not have been conducted in the most diligent manner, the complainants have failed to demonstrate that his death is directly related to the exercise of his parliamentary mandate;
5. *Considers*, therefore, that the communication is not admissible under the provisions of section IV of the Procedure; and *decides* not to examine the case; *calls* nevertheless on the authorities to ensure that Mr. Batkhoo's death is being investigated thoroughly, without political interference or pressure, and to keep his family informed of the progress of the investigation;
6. *Requests* the Secretary General to convey this decision to the authorities and the complainants.