



Inter-Parliamentary Union

For democracy. For everyone.

Mongolia

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 162nd session (virtual session, 31 October 2020)



© Jargaltulga Erdenebat

MNG-08 – Jargaltulga Erdenebat

Alleged human rights violations

- ✓ Lack of due process at the investigation stage
- ✓ Lack of fair trial proceedings
- ✓ Failure to respect parliamentary immunity

A. Summary of the case

Mr. Jargaltulga Erdenebat, a member of the State Great Hural since 2012, was arrested from his home on 13 June 2020 and detained ahead of the parliamentary elections in Mongolia, which took place on 24 June 2020. Mr. Erdenebat was allegedly detained on the grounds that he failed to pay his bail, which amounted to 10 billion Mongolian Tugriks.

The complainants allege that Mr. Erdenebat's arrest and detention violated his parliamentary immunity, as the Prosecutor General did not request parliament to lift his immunity or suspend his mandate. The complainants also allege that Mr. Erdenebat's arrest and detention should have been authorized by the General Electoral Commission, given that he was a candidate in the parliamentary elections. Mr. Erdenebat was nevertheless able to run in the elections from his prison cell and won a seat in the State Great Hural.

Case MNG-08

Mongolia: Parliament affiliated to the IPU

Victim: Male majority member of parliament

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

Submission of complaint(s): June 2020

Recent IPU decision(s): - - -

Recent IPU Mission(s): - - -

Recent Committee hearing(s): - - -

Recent follow-up:

- Communication from the authorities: Letter from the Vice-Chairman of the State Great Hural (September 2020)
- Communication from the complainant: October 2020
- Communication addressed to the authorities: Letter addressed to the Vice-Chairman of the State Great Hural (September 2020)
- Communication addressed to the complainant: October 2020

After a six-month investigation, Mr. Erdenebat's trial was held on 3 July 2020 and he was convicted three days later to a six-year prison term for misappropriation of funds and abuse of power. The complainants allege that the charges against Mr. Erdenebat are politically motivated.

On 18 September 2020, the parliamentary authorities confirmed that General Electoral Commission did not approve Mr. Erdenebat's arrest and detention.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Notes* that the complaint was submitted in due form by qualified complainants 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 complaint concerns an incumbent member of the State Great Hural at the time of the initial allegations;
3. *Notes* that the complaint concerns allegations of lack of due process during the investigation stage, lack of fair trial proceedings and failure to respect parliamentary immunity, allegations that fall within the Committee's mandate;
4. *Considers*, therefore, that the complaint is admissible with regard to the provisions of Section IV of the Procedure for the examination and treatment of complaints.