

## MONGOLIA

- MNG-01 - Zorg Sanjasuuren
- MNG-08 - Jargaltulga Erdenebat



Inter-Parliamentary Union  
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# Mongolia

*Decision adopted unanimously by the IPU Governing Council at its 206<sup>th</sup> session (Extraordinary virtual session, 3 November 2020)*



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## MNG-01 – 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 mastermind(s) 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.

#### Case MNG-01

**Mongolia:** Parliament affiliated to the IPU

**Victim:** Member of the majority

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

**Submission of complaints:** October 2000, March 2001, September 2015

**Recent IPU decision(s):** October 2019

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

**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 Vice-Chairman of the State Great Hural (September 2020); letter from the Chairman of the *Ad Hoc* Committee (October 2019)
- Communications from the complainant: August 2020
- Communications addressed to the authorities: Letter addressed to the Vice-Chairman of the State Great Hural (September 2020)
- Communication addressed to the complainant: September 2020

Since the submission of the complaint 20 years ago, the Committee has undertaken three fact-finding missions to Mongolia at crucial phases in 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 being 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 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.

On 22 July 2020, the Ulaanbaatar Court of First Instance concluded that Ms. Chimgee and Mr. Sodnomdarjaa had been tortured during the investigation into the murder of Mr. Zorig and convicted the former Chief of the General Intelligence Agency, Mr. Bat Khurts, as well as other intelligence officers to prison terms ranging from one to three years' imprisonment. The release of Ms. Chimgee and Mr. Sodnomdarjaa was contingent upon the confirmation of their torture and the conviction of those responsible. However, the complainants explained that the defendants appealed the court's decision. The appeal proceedings could last until the end of 2020. Only then could Ms. Chimgee and Mr. Sodnomdarjaa be released if the court of appeal decides to uphold the decision of the first-instance court and orders a retrial. In their letter of 18 September 2020, the parliamentary authorities confirmed that Ms. Chimgee and Mr. Sodnomdarjaa had not been released as court proceedings were still ongoing.

Following the parliamentary elections that took place in Mongolia in June 2020, the *Ad Hoc* Committee on the Zorig case was dissolved.

In its letter of 18 September 2020, the State Great Hural stated that, upon receiving the recent Committee's mission report in October 2019, it translated it into Mongolian and delivered it to the relevant authorities. The State Great Hural added that the relevant authorities had yet to inform it of any actions they had taken.

## B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Thanks* the Mongolian parliamentary authorities for the information provided in their letter of 18 September 2020; *regrets*, nevertheless, the lack of response regarding the Committee's mission report of June 2019; *further reiterates its wish* to be kept regularly apprised of all developments related to the case;
2. *Urges once more* the authorities to take appropriate measures to implement the findings and recommendations of the mission report, including the immediate release of Ms. Chimgee and Mr. Sodnomdarjaa; *further urges* the authorities to seriously consider abandoning the legal proceedings against them, while ensuring that the persons responsible for their wrongful conviction are held to account; *renews its call* for the authorities to provide copies of all the court verdicts in this case;
3. *Firmly reiterates* that any further delays in establishing the identity of those responsible for murdering Mr. Zorig, including the mastermind(s), are unacceptable; *urges* the authorities to make more robust efforts to an effective investigation into establishing the identity of those accountable for this crime and to make information regularly available to the public at large on progress; *considers* in this regard that only full transparency can turn the tide of mistrust and secrecy that has come to define this murder case;
4. *Stresses* that parliamentary oversight remains crucial towards helping ensure that justice finally prevails in this case; *calls on* the State Great Hural to set up again the *Ad Hoc* Committee on the Zorig case to continue monitoring the ongoing investigation into the mastermind(s) and the judicial proceedings relating to the torture of the two convicts;

5. *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;
6. *Requests* the Committee to continue examining this case and to report back to it in due course.



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



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## 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.