

## MONGOLIA

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



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# Mongolia

*Decision adopted by the Committee on the Human Rights of Parliamentarians at its 164<sup>th</sup> session (virtual session, 8 to 20 March 2021)*



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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.

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

### Case MNG-01

**Mongolia:** Parliament affiliated to the IPU

**Victim:** Member of the majority

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

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

**Recent IPU decision:** November 2019

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

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

#### Recent follow up:

- Communication from the authorities: Letter from the Vice-Chairman of the State Great Hural (February 2021)
- Communication from the complainants: March 2021
- Communication addressed to the authorities: Letter addressed to the Vice-Chairman of the State Great Hural (January 2021)
- Communication addressed to the complainants: March 2021

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.

On 22 July 2020, the Ulaanbaatar Court of First Instance concluded that Ms. Chimgee and Mr. Sodnomdarjaa, two of the three persons who had been convicted of Mr. Zorig's murder, had been tortured during the investigation into this crime. It 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 for their involvement in the torture. However, on 30 October 2020, the appeals court dismissed the verdict of the Ulaanbaatar Court of First Instance and ordered a retrial of the case, arguing that the first-instance court had made a wrongful interpretation of the Criminal Code and violated two articles of the Code on Criminal Procedure. In their letter of 23 February 2021, the parliamentary authorities stated that Mr. Khurts and the other defendants in the torture case had been released on bail due to the annulment of the case by the appeals court.

According to the complainants, on 10 March 2021, the Mongolian Government allegedly issued a decree to declassify the video showing that in 2015 Ms. Chimgee was allegedly drugged, undressed by investigators and had her fingerprints taken. The Justice Minister reportedly said that, despite the evidence disclosed in 2019, the torture case was still pending with unjustifiable delays.

## B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Thanks* the Mongolian parliamentary authorities for the information provided in their letter of 23 February 2021; *deplores*, nevertheless, the lack of response regarding the Committee's mission report of June 2019;
2. *Deplores* the continued detention of Ms. Chimgee and Mr. Sodnomdarjaa while the six defendants in the torture case have been released on bail; *fails to understand* that the release of the two convicts is still contingent upon the completion of this case, despite the compelling evidence justifying their immediate release, including the video watched by the delegation during its mission in 2019, their testimonies, the recent allegations concerning Ms. Chimgee and the ruling of the first-instance court in 2020 concluding that they had been tortured;
3. *Stresses*, therefore, that any further delays in releasing Ms. Chimgee and Mr. Sodnomdarjaa are unacceptable; and *urges*, once more, the authorities to release them promptly and to seriously consider abandoning the legal proceedings against them; *is deeply concerned* by the delays in the torture case and the ruling adopted by the appeals court, and *wishes* to receive additional information on the provisions of the Code on Criminal Procedure that had been allegedly wrongfully interpreted by the court of first instance; *renews its call* for the relevant authorities to provide copies of the verdicts of the first-instance court and the appeals court in the torture case;
4. *Deeply regrets* that the authorities did not take any measures to implement the findings and recommendations of the 2019 mission report, including the setting up of a parliamentary committee on the Zorig case; *strongly reiterates* that parliamentary oversight remains crucial towards helping to ensure that justice finally prevails in this case; *renews its call* on the State Great Hural to set up the *Ad Hoc* Committee on the Zorig case again, with a strong and clear mandate to continue monitoring the ongoing investigation into the mastermind(s) and the judicial proceedings relating to the torture of the two convicts;
5. *Stresses*, once more, in this regard that justice can only be achieved when the identity of those responsible for murdering Mr. Zorig, including the mastermind(s), is established; *further underlines* that only full transparency can turn the tide of mistrust and secrecy that has come to define this murder case; *urges* the authorities, therefore, to make more robust efforts to conduct 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; *reiterates its wish* to be kept regularly apprised of all developments related to the case;

6. *Requests* the Secretary General to convey this decision to the relevant authorities, the complainants and any third party likely to be in a position to supply relevant information;
7. *Decides* to continue examining this case.



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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.