

MONGOLIA

- **MNG-01:** Zorig Sangasuuren
- **MNG-08:** Erdenebat Jargaltulga



Inter-Parliamentary Union
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Mongolia

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 167th session (virtual session, 30 January to 11 February 2022)



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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 force them 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 government 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: March 2021

Recent IPU Missions: August 2001, September 2015, September 2017, June 2019

Recent Committee hearing: Hearing with the Mongolian delegation to the 141st 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: May 2021
- Communication to the authorities: Letter to the Vice-Chairman of the State Great Hural (June and December 2021)
- Communication to the complainants: May 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 remained in detention at that time.

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 on 23 November 2020 due to the annulment of the case by the appeals court. However, on 31 March 2021, the Supreme Court of Mongolia convicted Mr. Khurts of torture in relation to the Zorig case and sentenced him to one and a half years in prison. Similarly, the former deputy prosecutor, Mr. Erdenebat, was reportedly sentenced to one year in prison by the Supreme Court for his responsibility for the acts of torture.

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 Minister of Justice reportedly tweeted that the "Government Cabinet meeting of 31 March 2021 decreed that all recordings (without specifying which ones) related to the Zorig case will be declassified".

On 14 May 2021, the Supreme Court of Mongolia ordered the release on bail of Ms. Chimgee and Mr. Sodnomdarjaa and returned the case of Mr. Zorig for further investigation.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Notes with satisfaction* that Ms. Chimgee and Mr. Sodnomdarjaa have been released on bail and that accountability for their torture has finally been established in court;
2. *Recalls*, in this regard, its previous conclusions that Ms. Chimgee and Mr. Sodnomdarjaa had been arrested, detained and sentenced based on fabricated evidence and forced confessions; that their trial had been marred by serious flaws and held behind closed doors; that their right to a fair trial had neither been observed nor protected by the executive, judicial and legislative authorities of Mongolia; *wishes* to receive official confirmation from the relevant authorities that legal proceedings against Ms. Chimgee and Mr. Sodnomdarjaa will soon be abandoned and that their release will become final; and also *calls on* the Mongolian authorities to ensure that they are compensated for the wrongdoings they suffered;
3. *Underlines*, in light of the Supreme Court's decision returning the case of Mr. Zorig for further investigation, 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 re-establish an *ad hoc* committee on the Zorig case, with a strong and clear mandate to continue monitoring the ongoing investigation into the mastermind(s); and *sincerely hopes* that the parliamentary authorities will likewise renew its engagement with the IPU Committee on the Human Rights of Parliamentarians on this case;
4. *Firmly reiterates* the importance of transparency as an important step in the pursuit of justice in this case, which can only be achieved when the identity of those responsible for murdering Mr. Zorig, including the mastermind(s), is established; *renews its call*, therefore, for the authorities to ensure a robust and effective investigation into establishing the identity of those accountable for this crime and secure unhindered access to all relevant documents, given that the torture case has come to an end; and *reiterates its wish* to be kept regularly apprised of all

significant developments, including with regard to the implementation of the decision reportedly taken by the Government in March 2021 to make public relevant material in the case;

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



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MNG-08 – Erdenebat Jargaltulga

Alleged human rights violations

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

A. Summary of the case

Mr. Erdenebat Jargaltulga (“Mr. Erdenebat”), a member of the State Great Hural since 2012, was arrested at 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 had failed to pay an unprecedented bail sum, 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 had not requested 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 I)

Submission of complaint: June 2020

Recent IPU decision: October 2020

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 (no information on the case) (February 2021)
- Communication from the complainants: June 2021
- Communication to the authorities: Letter to the Vice-Chairman of the State Great Hural (June and December 2021)
- Communication to the complainants: July 2021

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. In its ruling of 6 July 2020, the court argued that the authorities did not require the authorization of the General Election Commission to detain Mr. Erdenebat, considering that the Law on Parliamentary Elections, which prohibits the investigation, arrest and detention of a candidate without the permission of the General Election Commission, had entered into force on 23 December 2019, therefore after the Prosecutor had started a criminal investigation against Mr. Erdenebat on 19 September 2019.

In a letter dated 18 September 2020, the parliamentary authorities stated that any criminal investigation, arrest and detention of a parliamentary candidate was prohibited in the absence of the General Election Commission's consent, adding that this provision of the law had not been observed during the procedure that had led to Mr. Erdenebat's arrest and subsequent detention. The parliamentary authorities also added that, according to the Law on the State Great Hural, parliament must discuss at its relevant standing committee all requests received from the Prosecutor's Office about the lifting of the parliamentary immunity of one of its members. The authorities also indicated that, at the time of his arrest, Mr. Erdenebat's parliamentary term had not yet expired and confirmed that he had been elected from his prison cell during the parliamentary elections of June 2020.

The complainants allege that the charges against Mr. Erdenebat are politically motivated and that his conviction had been orchestrated to remove him from the political arena.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Recalls* that the complaint concerning the situation of Mr. Erdenebat, a member of the State Great Hural, was declared admissible by the Committee on the Human Rights of Parliamentarians under its Procedure on 31 October 2020;
2. *Thanks* the Mongolian parliamentary authorities for the information provided about this case in their letter of 18 September 2020; *regrets* the lack of response from the parliamentary authorities to its letters and requests for information sent since late 2020, all the more so as they had initially expressed concern in this case about lack of respect for the electoral law and Mr. Erdenebat's parliamentary immunity; and *reiterates* in this regard its request to the State Great Hural for information on whether or not it had discussed the lifting of Mr. Erdenebat's immunity;
3. *Is deeply concerned* at the continued detention of Mr. Erdenebat after the conclusion of an expeditious trial in which his right to fair trial proceedings appear to have been violated and where impartiality and due process guarantees seem to have been disregarded; and *points out* that the circumstances in which Mr. Erdenebat was detained and the lack of response from the Mongolian authorities could give weight to the complainants' allegations that Mr. Erdenebat's prosecution and conviction are motivated by reasons other than legal;
4. *Wishes*, therefore, also to receive a response from the State Great Hural on the steps taken to protect Mr. Erdenebat's parliamentary mandate and its views on the allegations of the complainants relating to the political dimension of this case;
5. *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;
6. *Decides* to continue examining this case.