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## Mongolia

MON/01 - Zorig Sanjasuuren

***Decision adopted unanimously by the IPU Governing Council  
at its 198<sup>th</sup> session (Lusaka, 23 March 2016)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Zorig Sanjasuuren, a member of the State Great Hural of Mongolia, and acting Minister of Infrastructure Development – regarded as the father of the democracy movement in Mongolia in the 1990s – who was assassinated on 2 October 1998, and to the decision adopted at its 197<sup>th</sup> session (Geneva, October 2015),

*Referring* to the full mission report to Mongolia (CL/198/12(b)-R.1) led by Ms. Margaret Kiener-Nellen, current Vice-President of the IPU Committee on the Human Rights of Parliamentarians, from 16 to 19 September 2015, and the updated information recently shared by the complainants and by third parties,

*Considering* that the mission report fully confirms the preliminary findings of the delegation and that its main conclusions are the following:

- Despite uninterrupted investigations for almost 18 years, no one has been held accountable and the investigation has remained shrouded in secrecy. The murder is still widely believed to have been a political assassination that was covered up;
- The excessive secrecy surrounding the investigation and the lack of progress has strongly eroded the trust and confidence in the investigative process and in the existence of a real political will to establish the truth. The renewed commitments to shed light on Mr. Zorig's assassination are widely seen today as empty political promises;
- It cannot be excluded that political interference is one of many combined factors that are likely to account for the lack of results in the investigation and include:
  - the initial investigative deficiencies (particularly the contamination of the crime scene);
  - issues related to the training and competence of the investigators, as well as forensic technologies available;
  - the endless replacement of investigators;
  - the ongoing involvement of the central intelligence agency and excessive secrecy created by the classified status of the case;
  - the political dimension of the case and its subsequent political instrumentalization by political parties;
  - the time elapsed and its consequences;
  - the lack of accountability of the relevant authorities, despite the absence of results in the investigation;
- Increasing transparency in and regular communication on the investigation, with the IPU and with Mr. Zorig's relatives, but also sharing public information with the Mongolian people on the results and challenges of the investigation, are essential to restore confidence in

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the investigative efforts undertaken. Only then will the Mongolian authorities be able to convince all relevant stakeholders and the Mongolian people that they are handling the case in an impartial, independent and effective manner;

- Serious concerns have been raised in relation to the involvement of the central intelligence agency in the criminal investigation. This involvement is the main reason for the “wall of secrecy” surrounding the case and its top secret classification under the State Secret Law. The wide scope and lasting role of the central intelligence agency in the criminal investigation is highly unusual. It raises concerns related to the independence and impartiality of the investigation, but also to respect for standards of due process and human rights. These concerns stem in particular from serious allegations made about the dubious investigation and questioning methods used by the Mongolian intelligence services, which have reportedly included the mistreatment of suspects and the use of coerced confessions on several occasions in the past;
- The investigative working group would benefit from specialized assistance and training on investigation methodology related to contract killings. The expertise and impartiality of foreign experts would make an invaluable contribution to the existing investigative work and also help strengthen public confidence. The investigative team would also benefit from investing more time in examining witness statements, public records and open source materials, instead of exclusively focusing on forensic analysis which, in the view of the delegation, is unlikely to prove conclusive and will, in any case, not help establish the motives of the assassination or the identity of the instigators,

*Further considering* that the mission report calls on the Mongolian authorities to do their utmost to ensure that justice is done and seen to be done in the resolution of the assassination of Mr. Zorig, and to give urgent consideration to the following recommendations:

- Urgently declassify the case and increase transparency in the investigation;
- Limit the role of the central intelligence agency to a minimum and ensure strict compliance with standards of due process, as well as accountability and redress for abuses committed in the course of the investigation; place the investigation under the full and effective control of the General Prosecutor’s office; seek specialized assistance on the investigation of contract killings and include experienced foreign criminal experts in the investigation (as part of the existing working group or of a new independent investigative mechanism); focus on the examination of witness statements, public records and open source materials, rather than exclusively investing in forensic analysis;
- Grant access to the investigative files to the relatives of Mr. Zorig who are party to the legal procedure and inform them regularly of new developments in the investigation;
- Use existing institutional checks and balances to ensure that all authorities concerned of the legislative, executive and judicial branches of power deliver appropriate results and are held accountable if and when failing to fulfil their constitutional and legal duties;
- Keep the IPU regularly apprised of: (i) recent investigative activities, including their outcome and outstanding challenges; (ii) the assessment and recommendations made by the special oversight subcommittee of the State Great Hural; (iii) and progress made in implementing the recommendations arising out of the mission report,

*Considering* that the mission report also invites IPU members of countries that have officially been approached by Mongolia to assist with the recent request for forensic assistance to encourage the relevant national authorities to respond positively to the request, in the hope that forensic analysis may advance the investigation,

*Considering* the recent developments in the investigation on which no official information has yet been provided:

- Two or three male suspects were reportedly arrested around August 2015 in connection with the murder of Mr. Zorig and confessed to the murder, possibly in relation to the “Erdenet scenario”. That scenario is one of the possible motives for the assassination, which has never been discounted. It was mentioned that Mr. Zorig had been informed of

the embezzlement of funds from Erdenet (a major Mongolian mining company) and was ready to disclose the information or to take appropriate action to hold the culprits accountable, if and when appointed Prime Minister;

- Ms. Banzragch Bulgan, the widow of Mr. Zorig, was arrested on 13 November 2015 and has since been detained at the Tuv Aimag (central province) prison by the central intelligence agency. Reliable sources have indicated that her prolonged detention has not been reviewed and authorized by a judge and that no charges have been formally brought against her. Visits to Ms. Bulgan in detention are allegedly restricted and she has only been able to see her family once and her lawyer on two instances. She was kept under surveillance during these visits and prevented from meeting freely with them. Her lawyer has also not been granted access to the evidence against her, on the grounds that the case is classified, and has been unable to prepare a proper defence. The sources stated that Ms. Bulgan is being held in solitary confinement and deprived of medical care, in a cell where artificial lighting is kept on 24 hours a day. According to them, she has been interrogated by intelligence officers and put under intense psychological pressure. Her situation has been raised with all the relevant Mongolian authorities, including the Head of State, the Chairman of the Parliamentary Human Rights Committee and other parliamentarians, and the National Human Rights Commission, but no response has been provided and Ms. Bulgan's conditions of detention remain unchanged. The sources allege that the presumption of innocence has not been respected and that Ms. Bulgan is being held in illegal detention and subjected to torture, in violation of the Constitution and laws of Mongolia and of international human rights standards. This is the second time that she has been placed in illegal detention since the start of the investigation,

*Considering* the fast-approaching parliamentary elections scheduled for June 2016 – which are the current priority for all political actors in Mongolia – and the fears expressed by the complainants and a number of third parties that the unresolved case of Mr. Zorig's assassination is once again being used as a political platform in the electoral campaign, despite the mission report recommendations and the likelihood that it will be detrimental to the investigation,

1. *Regrets* the lack of response from the Mongolian authorities; and *wishes to receive urgently* the requested information, as promised during the mission by the Chairman of the Parliamentary Oversight Subcommittee and the Deputy Prosecutor General; *further reiterates its wish* to be kept regularly apprised of all developments related to the case;
2. *Thanks* the mission delegation for the work undertaken and *endorses* its overall conclusions and recommendations;
3. *Expresses the hope* that the increased transparency and diligence of the Mongolian authorities, paired with strict respect for due process and the rights of defence, as well as with effective parliamentary oversight, will eventually restore confidence in the investigation and help shed light on the truth, as well as contribute to further strengthening democracy and the rule of law in Mongolia;
4. *Urges once more* all relevant Mongolian authorities – including the Prosecutor General and the Deputy Prosecutor General, but also the President, the Prime Minister and the Speaker of the State Great Hural, as members of the National Security Council – to do their utmost to ensure that justice is done and seen to be done in the resolution of the assassination of Mr. Zorig; *invites* them to give urgent consideration to implementing the recommendations of the mission report; and *wishes to be kept informed* of steps taken to that end;
5. *Is appalled* that the case appears once more to be being used for purely political gain in the electoral campaign; and *calls on* the authorities and all political parties to end this practice, which is detrimental to the search for the truth in the assassination of Mr. Zorig;
6. *Is shocked and deeply disturbed* at the serious allegations of illegal detention and torture of Mr. Zorig's widow and at the lack of information provided by the authorities in this respect; *calls for* her immediate release, in strict compliance with the applicable legal framework; *considers* that, should there be any new evidence pointing to her involvement as a suspect, standards of due process need to be fully respected at all times, including

the right to be presumed innocent until proven guilty by a final court decision; *cannot fail to recall* the concerns it has already expressed on several occasions in the past in relation to the mistreatment of suspected persons in the investigation and the use of coerced confessions, including when Ms. Bulgan was first arrested under similar circumstances at the very beginning of the investigation;

7. *Is surprised* to find out from third parties that other suspects have allegedly been detained since August 2015, whereas no information has been shared by the authorities in this respect during or after the Committee's mission; *wishes* to receive urgent confirmation and further details on these arrests;
8. *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;
9. *Requests* the Committee to continue examining this case and to report back to it in due course.