



Inter-Parliamentary Union

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Mongolia

MON/01 - Zorig Sanjasuuren

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 152nd session (Geneva, 23 January to 3 February 2017)

The Committee,

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 by the IPU Governing Council at its 198th session (Lusaka, March 2016),

Referring to information recently shared by the complainants and by third parties,

Referring also to the report of the visit conducted to Mongolia (CL/198/12(b)-R.1) from 16 to 19 September 2015,

Recalling the following long-standing concerns in this case:

- Uninterrupted investigations have officially been ongoing for almost 19 years; they have remained shrouded in secrecy and have yielded little results; 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 have long been seen as empty political promises;
- The murder is still widely believed to have been a political assassination that was covered up; 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:
 - Initial investigative deficiencies (particularly 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 top secret classification of the case, which is the main reason for the lasting role of the central intelligence agency, the unusually wide scope of its involvement and the “wall of secrecy” surrounding the case – including in relation to alleged 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 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;

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Further recalling that, following the visit conducted to Mongolia, the IPU Governing Council has called on the Mongolian authorities to do their utmost to ensure that justice is done and seen to be done in the resolution of Mr. Zorig's assassination, and to give urgent consideration to the following recommendations:

- Urgently declassify the case and increase transparency in the investigation, including by engaging in regular communication with the IPU and Mr. Zorig's relatives, but also by sharing public information with the Mongolian people on the results and challenges of the investigation, in order to restore confidence in the investigative efforts and demonstrate that the case has been handled in an impartial, independent and effective manner;
- 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 in 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 Mr. Zorig's relatives 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, since its 198th session (Lusaka, March 2016), none of these recommendations have been implemented, according to the information shared by the complainant and several reliable sources, and that neither the State Great Hural nor any other relevant authorities of Mongolia have responded to its urgent appeals and requests for official information on the following developments in concerns that took place after the conduct the Committee's visit:

- Two or three male suspects were reportedly arrested around August 2015 in connection with Mr. Zorig's murder and have allegedly confessed to the murder, possibly in relation to the "Erdenet scenario", according to unconfirmed media reports; that scenario was one of the possible motives for the assassination, which had 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, Mr. Zorig's widow, was arrested on 13 November 2015 – shortly after the Committee's visit to Mongolia; she was detained at the Tuv Aimag (central province) prison by the central intelligence agency in conditions allegedly amounting to torture under international human rights standards; reliable sources stated that Ms. Bulgan was being held in solitary confinement and deprived of medical care, in a cell where artificial lighting was kept on 24 hours a day; according to them, she had been interrogated by intelligence officers and put under intense psychological pressure; the sources indicated that her prolonged detention had not been reviewed and authorized by a judge and that no charges had been formally brought against her by March 2016; visits to Ms. Bulgan in detention were allegedly restricted; her lawyer had not been granted access to the evidence against her, on the grounds that the case was classified; this was the second time that she had been placed in illegal detention since the start of the investigation,

Considering the following new information recently received from the complainant and reliable sources:

- The illegal detention, torture and violation of Ms. Bulgan's rights to a fair judicial process were confirmed after a parliamentary delegation headed by Mr. Bold, the then head of the parliamentary human rights commission of Mongolia, visited Ms. Bulgan in detention on

13 April 2016; the delegation found that the prison was under the full control of the intelligence services and called on the President of Mongolia, the Speaker and the Prime Minister to take action to put an end to this situation;

- Around 22 April 2016, Ms Bulgan was transferred to another prison, where her conditions of detention reportedly improved; a hearing was subsequently scheduled on 13 May 2016 to extend Ms. Bulgan's detention; she was apparently released at some point between May 2016 and January 2017, but no further information could be obtained on her release and her current situation;
- Three suspects were convicted on 27 December 2016 for Mr. Zorig's murder; they were convicted to 23 to 25 years' imprisonment in high security prisons; the verdict was handed down after a trial held behind closed doors; no copy of the verdict or details of the proceedings was made available to the public; it is not known when the three were arrested, how they answered the charges or whether they were represented in court;
- Mr. Zorig's family issued a public statement questioning the legitimacy of the court decision and of the closed trial; for the family, justice has not been done and the case should continue; the family deplored that the requests made for the declassification of the case and for a public trial were rejected by the Mongolian authorities; the complainants and other reliable sources shared the above opinion and have raised many questions, which remain unanswered to date; media reports published in Mongolia and abroad after the verdict further reflected the general lack of confidence in the impartiality and independence of the investigation and court proceedings,

Recalling that Mongolia is a party to the International Covenant on Civil and Political Rights and to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, it is therefore bound to ensure that: (i) no suspects or witnesses shall be subjected to torture or to cruel, inhuman or degrading treatment; (ii) that perpetrators of such acts should be held accountable and that confessions obtained through such means should not be considered admissible evidence in court proceedings; and (iii) that any person accused of a criminal charge shall be entitled to a fair and public trial by a competent, independent and impartial tribunal established by law; the press and the public may be excluded from all or part of a trial only for moral reasons or reasons of public order or national security in a democratic society, or when the interest of the private lives of the parties so requires; such restrictive measure should be proportionate and only allowed to the extent strictly necessary in special circumstances where publicity would prejudice the interests of justice; any judgement rendered in a criminal case should in any case be made public,

Taking into account that the parliamentary elections that took place in June 2016 have resulted in the defeat of the Democratic Party and brought the Mongolian People's Party (MPP) back to power and that presidential elections are scheduled for June 2017,

1. *Regrets* the lack of response from the Mongolian authorities and *expresses the wish* to resume a constructive dialogue with the State Great Hural before the 136th IPU Assembly and to be kept regularly apprised of all developments related to the case;
2. *Takes note* that three suspects were convicted for Mr. Zorig's murder on 27 December 2016; *notes* that Ms. Bulgan is not among them and appears to have been released; *calls upon* the authorities to urgently share an English translation of the reasoned verdict of the court and detailed information on the current situation of Ms. Bulgan and the measures taken by the authorities in response to the alleged torture she suffered in detention;
3. *Is appalled and deeply disturbed* that the trial was held behind closed doors despite prior calls for increased transparency; *finds* that this gives considerable weight to the allegations, concerns and unanswered questions voiced by the complainant, several reliable sources and media reports that appear to undermine the legitimacy of the recent verdict and the integrity of the judicial process;
4. *Expresses the hope* that an appeal trial will take place promptly and that, at that time, public hearings will be conducted in strict compliance with international human rights standards; *expects* that the appeal trial will remedy the deficiencies of the first instance

proceedings and provide appropriate redress to Mr. Zorig's family; *wishes* to receive confirmation that an appeal has been lodged and to be kept informed well in advance of the schedule of the appeal trial;

5. *Urges* all relevant 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; *renews its previous appeal* to the State Great Hural to resume proactive monitoring and oversight of the case and to ensure that light is finally shed on the assassination of one of its members; *wishes to be kept informed* of steps taken to that end;
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 the case.