

PUBLIC

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05 December 2003

UA 357/03 Denial of medical care/fear of torture or ill-treatment/legal concern

MONGOLIA Enkhbat Damiran (m)

Enkhbat Damiran, a prisoner at Abdarant Prison, 140km from the capital Ulaanbaatar, is being denied access to vital hospital treatment for a damaged liver and pancreas. He may be in a life-threatening condition. He is also not permitted to see his lawyer.

Enkhbat Damiran, a Mongolian national, was resident in France from around 1998 until 2003. On 15 May 2003, Mongolian intelligence officers allegedly detained him illegally, drugged him, kicked his abdomen, pulled out his hair, and beat him with electric batons, before forcibly returning him to Mongolia on suspicion of involvement with the murder of a politician. Enkhbat Damiran was held incommunicado at the General Intelligence Agency (GIA) headquarters in Ulaanbaatar for several days. Officers there allegedly shone bright lights in his eyes and forced him to listen to the cocking and firing of a handgun in an unsuccessful attempt to coerce him into confessing to the murder. Torture during detention or questioning is widespread in Mongolia and Amnesty International fears that Enkhbat Damiran may be subject to further torture or ill-treatment by police or intelligence officers to force him to confess to the politician's murder.

Enkhbat Damiran was ordered to serve the rest of a previous 12-year sentence for assault handed down before he left for France. He was paroled in 1998 due to his long-term ill-health. However, the authorities alleged that the hospital reports which led to his release were forged, and he was returned to prison in May 2003. The authorities acknowledge that Enkhbat Damiran is now seriously ill. A doctor has seen Enkhbat and recommended hospital treatment, but the Mongolian authorities have not transferred him to a hospital. He is reportedly in Abdarant Prison hospital, but the hospital is poorly equipped and he is not receiving the medical care that he needs.

BACKGROUND INFORMATION

The Mongolian General Intelligence Agency claims that Enkhbat Damiran is a suspect in the murder of Zorig Sanjasuuren, a prominent opposition politician. Unknown assassins stabbed Zorig Sanjasuuren to death in his home in 1998, and no one has been convicted of the crime. Enkhbat Damiran had no known links to Zorig Sanjasuuren and the Mongolian authorities have not produced any evidence to link Enkhbat Damiran to the crime.

Enkhbat Damiran claims that police officers also pushed him to confess to Zorig Sanjasuuren's murder. He says the police tried to bribe him to admit to the crime and to claim that Mendsaihan Enkhsaikhan, the leader of the opposition Democratic Party, ordered the murder.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or Mongolian or your own language:

- expressing concern for the health of Enkhbat Damiran, who is reportedly being denied access to vital medical treatment for liver and pancreas problems;
- urging the authorities to give Enkhbat Damiran immediate access to adequate hospital treatment;
- calling on the authorities to guarantee that he is treated humanely in detention, and is not subjected to torture or ill-treatment;
- calling on the authorities to allow him to see the lawyer of his choice;

- calling for an immediate inquiry into the allegations that Enkhbat Damiran was mentally and physically tortured by security forces, with anyone found to be responsible for ordering or using torture brought to justice;
- calling for an immediate inquiry into allegations that Enkhbat Damiran was kidnapped in France and forcibly returned to Mongolia, in violation of international law, and into the reasons behind the resumption of his prison sentence after he was paroled for ill-health in 1998.

APPEALS TO:

Mr Natsagiin Bagabandi
President of Mongolia
Government House
Ulaanbaatar-12
Mongolia

Telegram: President Bagabandi, Ulaanbaatar, Mongolia

Fax: + 976 11 311121

Email: webmaster@presi.pmis.gov.mn

Salutation: Your Excellency

Mr Nambar Enkhbayar
Prime Minister of Mongolia
Government House
Ulaanbaatar-12
Mongolia

Telegram: Prime Minister Enkhbayar, Ulaanbaatar, Mongolia

Fax: + 976 11 328329

Salutation: Your Excellency

COPIES TO:

Mr Nyamdorj Ts.
Minister of Justice and Internal Affairs
Huldaldaani Gudamj-61A
Ulaanbaatar-46
Mongolia

Fax: + 976 11 325225

and to diplomatic representatives of Mongolia accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 16 January 2003.