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President Khaltmaagiin Battulga
Government House
Ulaanbaatar 12
Ulaanbaatar, Mongolia

10 December 2017

Dear President,

OPEN LETTER REGARDING THE PROPOSAL TO REINTRODUCE THE DEATH PENALTY

On the occasion of the Human Rights Day, Amnesty International is writing to express our concerns about your recent proposal to reinstate the death penalty which violates Mongolia's international law obligations under the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

On 1 July 2017, Amnesty International welcomed the abolition of the death penalty in Mongolia as an historic milestone in the country's journey towards full enjoyment and protection of human rights. This milestone was heralded in the international community as recognition by Mongolia of the death penalty as the ultimate cruel, inhuman and degrading punishment. Amnesty International has welcomed Mongolia's leadership role in promoting an end to its use in the Asia-Pacific region and internationally.

Amnesty International is a global movement of more than 7 million people who take injustice personally. We are campaigning for a world where human rights are enjoyed by all, including by campaigning for the abolition of the death penalty for over 40 years. We oppose the death penalty in all cases and under any circumstances, regardless of the nature of the crime, the characteristics of the offender, or the method used by the state to carry out the execution.

We are deeply concerned about your proposal to reintroduce the death penalty for offenders who committed crimes against children, including murder and rape. By opposing the death penalty unconditionally, we do not seek to downplay the seriousness of the offences. Perpetrators of crimes must be brought to justice in proceedings that meet international standards for a fair trial, but there is no evidence that the death penalty acts as a unique deterrent to crime. Not only it is an ineffective way to address crime, but it also perpetuates the cycle of violence.

Furthermore, Mongolia became a state party to the Second Optional Protocol, in 2012. The Protocol prohibits in its Article 1 the implementation of death sentences and requires the state parties to it to abolish the death penalty. From this same Article stems the obligation not to re-introduce the death penalty, act that "would be contrary to the very object and purpose of the second optional protocol." The obligations arising from this Protocol on Mongolia are not subject to derogation, at any time. The Protocol itself does not permit denunciation by its states parties.

Any move to reintroduce the death penalty would put Mongolia in direct contravention of its obligations under international law. At a time when the global trend is unequivocally for the abolition of this punishment, with 142 countries

that have abolished it in law or practice, Mongolia should not take a backwards step on its obligations. We urge you to reconsider this ill-conceived proposal and reaffirm your commitment to the protection and promotion of human rights and the abolition of the death penalty.

Yours sincerely,

Salil Shetty
Secretary General