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Dambii Dorligjav
Minister of Justice
Ministry of Justice
Government building V
Khudaldaanii street 6/1,
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Ulaanbaatar 15160
Mongolia

23 September 2015

Dear Minister

OPEN LETTER ON THE DEATH PENALTY

I am writing to express Amnesty International's concern about the recent death sentence imposed in Mongolia. On 9 September 2015, the criminal court of the first instance in Ulaanbaatar that covers Sukhbaatar, Chingeltei and Bayanzurkh districts imposed a death sentence in a murder trial. Amnesty International calls on the Government of Mongolia to immediately implement Mongolia's 2012 ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), aiming at the abolition of the death penalty into domestic legislation and turn Mongolia's international commitment to abolition of the death penalty into practice as a matter of urgency.

While Amnesty International opposes the use of the death penalty unconditionally, in all cases, the organization is alarmed at reports that in this recent case the defendant was 17 years old when the crime was committed. The Criminal Code of Mongolia, as well as international human rights law including the ICCPR and the Convention on the Rights of the Child (CRC) to which Mongolia is a State Party, categorically prohibit the use of the death penalty on persons who were below 18 years of age at the time of the offense.¹

This is not the first death sentence handed down since Mongolia's ratification of the Second Optional Protocol to the ICCPR. Another death sentence was imposed on March 20 2015 in relation to a triple murder by the criminal court of the first instance in Hubs gul aiming though the sentence was later commuted to 25 years' imprisonment on appeal. The continued imposition of the death penalty runs counter to the official moratorium that has been in place in the country since 2010. No executions have been recorded since 2009. The recent rulings that resulted in the imposition of the death penalty are a compelling reminder of the urgency of the adoption of the Criminal Code abolishing this ultimate cruel, inhuman and degrading punishment once and for all.

Amnesty International is also concerned about the increased media reporting in which government authorities refer to public support as justification to return to the use of the death penalty. Public support for the death penalty is frequently based on the erroneous idea that it is an effective deterrent against crime. Governments should focus their attention on tackling the root causes of crime effectively, without resorting to abusing human rights through the death penalty.

¹ Article 53.4 of the Criminal Code of Mongolia, article 6(5) of the International Covenant on Civil and Political Rights (ICCPR) and article 37(a) of the United Nations Convention on the Rights of the Child (UNCRC).

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We hereby call on the authorities of Mongolia to take vital steps towards full abolition of the death penalty and in particular to:

- Adopt legislation, including a new Criminal Code, in line with international human rights law and standards on abolishing the death penalty.
- Amend the Law on State Secrets and the Law on the List of State Secrets to end the secrecy surrounding the death penalty and make publicly available all information on the death penalty.
- Promote a meaningful debate on the death penalty as a human rights issue.

Sincerely,

Roseann P. Rife
East Asia Research Director