

THE JULY 1ST EVENT AND BEYOND – HUMAN RIGHTS SITUATION IN MONGOLIA

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Prerequisites for July 1st Mass “Human Rights Disorder”

A ccording to the Mongolian Constitution of 1992, a parliamentary election is to be held in every four years and so it took place in June 2008, which eventually entailed mass disorder between people¹ and law enforcement bodies whose action guided by the directions ordered by ruling party. Although even today the authorities are more likely to portray the event in close correlation with “timely circumstances” and trying to avoid themselves from responsibilities, international communities, especially the human rights watchdogs around the world already know the fact that this was a failure to remain order by force and clear human rights violation, which can not be excused in any way. Throughout the history stages the term human rights somehow deprived of its significance and original meaning as compared to nowadays and again, a respect for human rights now has become and considered one of core fundamental principles of state activity enshrined in the Constitutions of countries call themselves democratic. Moreover, the issue itself knows no limits so every state, whether they big or small, poor or rich has to pay more or same attention to it as the United Nations plays important role in harmonizing and promoting of human rights at global level. And to do so, the Human Rights Council at Geneva established Universal Periodic Review (UPR), a mechanism to review human rights situation of all states.

¹ Question itself is not “such thing” as some politicians admit but rather is deemed a demonstration by citizens of independent sovereign who wanted to defend their right to vote by means consistent with the Constitution

Human rights protection, on a very sense, is a type of question empowered by political will or willingness by politicians than legal requirement as long as legislation itself is an off-spring of political consensus. Nevertheless, the aforesaid mechanism is a creation of political demand by many states regardless of their capacity in any specific field. As heading back to our sub-topic, during the time of riot the Government of Mongolia headed by the Prime Minister from ruling party did not do anything to restore peace, but observed the situation carefully as the devastation went further. Approximately 4 hours later of its commencement, the police started capturing people regardless of whether they have taken part in the disorder or not as the purposeless state of emergency was declared by the decree of President of Mongolia of that time. The word purposeless is employed because the intention of that decree was too ambiguous as police, intentionally or not, understood it kind of legal discretion to do anything even to shoot somebody.² Once more to prove that human rights protection is really a legal issue then how to explain the fact that ones who gave order to use firearm are still not revealed? So in that regard, not only the author but many people who can "size up" already happened situation through real eyes would arguably conclude that July 1st event was caused by fiasco by authorities.

The Aftermath

As pointed out previously, the authorities had arrested over 700 people and kept them in a detention center with capacity up to 300, where reporters as well as advocates are not allowed. Once one of the high ranking officials of police department claimed that there is no incidence of torture in Mongolian prisons and detention facilities, but most of those people had suffered from cruelty and maltreatment and seriously injured as a result of beating and whipping. Even though the authorities tried to deny any information on this brutality, which was considered factual human rights violation according to many of human rights lawyers, the fact was already transparent and popular as the media giants such Reuters, BBC and CNN broadcasted it to the world.³ The Presidential decree also included a clause stated that during the state of emergency period

² Five people were killed that night at the hands of police

³ The author deems that it is needless to conduct comparison between "them" and the Mongolian National Broadcaster's "Tstagyn Hu'rd", which was only news program in delivering information during state of emergency

only Mongolian National Broadcaster (MNB), being administrated by the Council appointed by the State Ikh Khural (Parliament), is entitled to broadcast news on the situations and circumstances⁴. It is assumable that the Presidential decree itself was produced with intentions against the right to information from many sources as is already crystallized in the Universal Declaration of Human Rights and in international as well as regional human rights instruments. And by delivering purely one-sided information the Mongolian National Broadcaster have made its contribution for actions contrary to internationally recognized human rights norms. Parents and immediate relatives of five people who were killed at that night of mass disorder have been emotionally tortured ever since as they organizing sit-in before the Government House and the Ministry of Justice and Home Affairs and voicing justice to be served in finding and executing of people who shot their beloved ones on order. Above all, the worst things had happened as the courts issued numerous not differentiated but generalized decisions on defendants, which constituted wide range of disapproval among people.

Human Rights Obligations of Mongolia

Being a member of United Nations since 1961, Mongolia is obliged to implement every international legal instrument which is a party to. As of 2009, Mongolia is a party to almost all of basic human rights conventions, including the International Covenant on Civil and Political Rights and its Optional Protocol. Therefore it must respect specific rights such as right to life, right to personal liberty and safety, freedom of assembly and freedom of thought. Unfortunately, neither of these rights was fulfilled then and now as foreign, as well as national experts examined so. Although Mongolia in accordance with paragraph 3 of the Article 4 of the said Convention has sent explanatory letter to Secretary-General of the United Nations of the circumstances of July 1st, it has mentioned only few of typical phrases about it in the Fifth Periodic Report of Mongolia on the International Covenant on Civil and Political Rights, which was negligently delayed nearly for six years to be submitted to United Nations human rights bodies along with the First and Second Combined Periodic Report on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In 2010, Mongolia's National Report on Human Rights Situation is to be

⁴ Despite there are approximately 15 of free broadcasters exist in Mongolia

reviewed at 9th Session of Human Rights Council. And it is so obvious that due consideration will be paid by countries on interested issues such as July 1st event and beyond. Then, what would be the reasonable response by the Government of Mongolia that also would be acceptable by representatives?

Measures should be carried Out to That End?

It has been one and half year since it first happened and yet there are many questions that seek appropriate or in other words apt answers. Few of eminent actions have to be done accordingly in the near future. First, in the interest of all fairness ones who are responsible for giving orders to use shotguns must be found and sentenced through related legislations. Secondly, national reporting mechanisms on the fulfillment of human rights obligations ought to be maintained on a regular basis. Thirdly, in particular, to prepare special package of explanatory information on July 1st incident for UPR process while considering the trends and point of views by NGOs and civil society. And last but not very least, to adapt Mongolia's human rights protection practices with ever-emerging changes in international human rights legal environment.