



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

REFERENCE: CAT/Follow-up

23 October 2018

Excellency,

In my capacity as Rapporteur for Follow-up to Concluding Observations of the Committee against Torture, I have the honor to refer to the follow-up to the examination of the second periodic report of Mongolia, in accordance with the Guidelines for follow-up to concluding observations (CAT/C/55/3).

At the end of the 58th session, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/MNG/CO/2, para. 41) requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 12 (a) (d) and 16 (a) (d) of the concluding observations.

On behalf of the Committee, allow me to express appreciation for your letter of 27 May 2018 providing your Government's response on the above-mentioned paragraphs (CAT/C/MNG/CO/2/Add.1) and to make the following comments:

Fundamental legal safeguards (para. 12 (a) and (d))

While welcoming the initial positive steps taken by the State party, and taking into account the procedural guarantees established in the Offence Procedure Code and the Criminal Procedure Code that entered into force on 1 July 2017, the Committee notes with concern that family visits to persons deprived of their liberty continue to be contingent upon the consent of the "competent person who made the decision to detain or with the written consent of his/her senior management officer" (see art. 9.2 of the Law on Enforcing Decisions on Arrest and Detention of Suspects and Accused). Furthermore, the Committee regrets the lack of information regarding measures and procedures put in place to ensure the effective application of fundamental legal safeguards for the prevention of torture (3/B2).

.../...

H. E. Mr. Lundeg Purevsuren
Ambassador Extraordinary and Plenipotentiary
Permanent Mission of Mongolia
to the United Nations Office at Geneva
Email: mongolie@bluewin.ch



Impunity for acts of torture (para. 16 (a) and (d))

Notwithstanding the explanations provided by the State party in its follow-up replies, the Committee regrets that it has not yet established an independent body or mechanism to investigate complaints of torture and ill-treatment by persons deprived of their liberty. With regard to the outcome of the three complaints of torture which were being investigated by the Investigation Office of the General Police Department at the time of the adoption of the concluding observations, the Committee notes that in all cases it was decided not to initiate criminal proceedings (2/C).

Implementation plans (para. 41)

The Committee appreciates the additional information provided by the State party on the implementation of other recommendations included in paragraphs 12 and 16 of the concluding observations (B).

The Government of Mongolia is encouraged to provide additional information, if any, which may further contribute to the Committee's analysis of the progress made regarding the specific issues of concern. This additional information may be provided in any subsequent report by the State party pursuant to the Committee's request in its concluding observations on the second periodic report of Mongolia.

The Committee looks forward to a continued constructive dialogue with the authorities of Mongolia on the implementation of the Convention.

Accept, Excellency, the assurances of my highest consideration.

Abdelwahab Hani
Rapporteur for Follow-up to Concluding Observations
Committee against Torture