

30<sup>th</sup> March 2016

For the attention of:

**Hon. Tsogtzandan Yondon**, Chief judge of the Criminal court of Bayangol, Khan-Uul and Songinokhairkhan Districts.

**Prosecutor Ms Enerel** of the The State General Prosecutor's Office

**Detective Lkhamsuren** of The State General Police Office:

Honourable Representatives,

It has come to our attention that human rights and environmental defender **Mr Beejin Khastumur**, founder of Mongolian non-profit organisation **Delhiin Mongol Nagoon Negdel (DMNN)**, has been arrested and charged by the Mongolian authorities and faces up to 5-years in prison.

DMNN, an organisation that advocates for the protection of the environment and the rights of the nomad people of Mongolia, has exposed many violations of Mongolia's environmental laws by foreign and domestic mining companies. The group has also organised numerous workshops, public gatherings and demonstrations to educate the public on environmental issues.

Mr Khastumur's national and international colleagues strongly believe that he has in fact been unfairly imprisoned as a result of his work to expose the illegal mining operations of foreign and domestic companies in Mongolia. Even before his arrest, Mr Khastumur had suffered consistent intimidation and threats since staging a sit-in protest in the Mongolian capital Ulan Bator on 21-23rd January 2016 to oppose an allegedly illegal permit given to a Canadian-Mongolian mining venture for gold mining operations on the Onon River.

On the 10th March 2016, Mr Khastumur was charged by the Mongolian police under Article 181.3 of the Criminal Code of Mongolia, which corresponds with 'a crime committed using a weapon or by a violent criminal'.

Mr Khastumur's arrest and subsequent imprisonment relate to an incident that occurred on February 6th 2016. After a minor road traffic accident on Peace Avenue in Ulan Bator, the driver of a car that had collided with Mr Khastumur's physically assaulted him. After the altercation, a traffic policeman stopped at the scene, establishing that Mr Khastumur had not been at fault for the crash. After the officer had left once more, the man who attacked Mr Khastumur called the police, claiming that Mr Khastumur had stabbed him with a knife during the argument at the accident scene.

In an attempt to prove that he was not in possession of a knife, Mr. Khastumur repeatedly requested that the police officer who arrived at the accident scene to search his body and vehicle. His requests were ignored.

After being taken to the 1st precinct of Songinokhairkhan District Police Department and assigned a detective, Mr Khastumur once again asked for a full search to be conducted. His request was denied once again. Mr Khastumur made this same request the next morning after reporting back to the police station to give further evidence, but again it was denied.

A forensic examination of both Mr Khastumur and his accuser conducted the next morning found Beejin to be suffering from bruises to his legs and chest, as well as a brain concussion. His accuser had suffered a small scratch above his knee, which he claims Beejin inflicted with a knife that was not searched for or found.

The subsequent decision by authorities to detain Mr Khastumur in absence of any evidence of wrongdoing was motivated by his alleged failure to report for questioning over the incident at the Songinokhairkhan District Police Department. Mr. Khastumur did in fact present himself at the station on several occasions when called, however, DMNN report that the detective assigned to his case was not there at those times and was not reachable by phone.

On March 16th 2016 Mr Khastumur was incarcerated in Gants Khudag temporary detention centre. The other individual involved in the incident, who has previously been imprisoned under Article 181.3, was not charged with any offence.

On 22 March 2016, the Criminal Court of Bayangol, Khan-Uul and Songinokhairkhan Districts rejected the complaint of human rights defender Mr Khastumur against the decision to detain him for interrogation at the Gants Khudag temporary detention center. During the hearing the counsel insisted that the interrogation of Mr. Khastumur could take place while he was at liberty and that there were no grounds to keep him in detention.

Since being taken into custody, Beejin Khastumur has not been interrogated despite Mongolian law stating that he must be questioned at least once before his custody term ends. Mr. Khastumur remains in detention at serious risk to his health due to high blood pressure and chronic kidney disease.

On the same date, four men dressed in black attempted to enter Mr Khastumur's house, claiming to be officers from the Khan Uul district police. They banged on the door and when Mr Khastumur's wife answered they informed her that they wished to conduct a search of the house. No

identifying documents were provided by the men and they left when Mrs Khastumur said that she would call the police.

This is not the first time Mr Khastumur and his family have been harassed. On several occasions people have banged on his door at night, cut his electricity, slashed his car tires and threatened his wife and children. He has also received death threats by phone.

In light of this intimidation and based on the facts and information provided by DMNN and Mr Khastumur's attorney, the signatories to this letter are concerned that the detention of Beejin Khastumur, and the attack and charges against him, may be linked to his legitimate and peaceful activities in the defence of environmental rights and rights of nomad people in Mongolia.

We therefore urge the authorities in Mongolia to:

1. Immediately and unconditionally release Beejin Khastumur and drop all charges against him, as Front Line Defenders believes that he has been targeted solely as a result of his legitimate and peaceful work in the defence of human rights;
2. Carry out an immediate, thorough and impartial investigation into the attack on Beejin Khastumur, with a view to publishing the results and bringing those responsible to justice in accordance with international standards;
3. Provide the necessary medical treatment for injured human rights defender Beejin Khastumur;
4. Guarantee in all circumstances that all human rights defenders in Mongolia are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions.

Signed,

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The signatories to this letter respectfully remind you that the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by consensus by the UN General Assembly on 9 December 1998, recognises the legitimacy of the activities of human rights

defenders, their right to freedom of association and to carry out their activities without fear of reprisals. We would particularly draw your attention to Article 6: *“Everyone has the right, individually and in association with others: (c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters”*, Article 5: *“For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels: (a) To meet or assemble peacefully”* and to Article 12 (2): *“The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.”*