

MONGOLIA

Mongolia

Head of state: **Tsakhia Elbegdorj**

Head of government: **Chimedijn Saikhanbileg**

Torture and other ill-treatment in police custody remained widespread. Forced evictions occurred in urban areas.

Discrimination based on gender, sexual orientation and disability went largely unchallenged. Asylum-seekers were deported in violation of the *non-refoulement* principle by being forcibly returned to a country where they risked serious human rights violations.

BACKGROUND

The International Convention against enforced disappearance was ratified in October by Mongolia. However, the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty, which had been ratified in 2012, had not led to changes in national legislation.

TORTURE AND OTHER ILL-TREATMENT

The use of torture and other ill-treatment, particularly to obtain “confessions”, remained a serious human rights concern. Police officers and prison guards suspected of torture and other ill-treatment of people held at police stations and detention centres were not effectively investigated, leading to lack of accountability.

The Special Investigation Unit (SIU) in the State General Prosecutor’s Office was disbanded in January. The SIU was responsible for investigating complaints against prosecutors, judges and police officers who allegedly coerced statements during interrogation. Mongolia therefore lacked an independent mechanism to effectively investigate allegations of torture and other ill-treatment as the police themselves were in charge of reviewing such claims.

In February, three former detainees who had been held in the pre-trial detention centre of Arkhangai province lodged a complaint with the National Human Rights Commission of Mongolia claiming that they had been subjected to beatings and electric shocks to extract “confessions” while held there. One of them claimed that he had been deprived of food for six days to coerce him into pleading guilty. Because the SIU had been disbanded, the police department of Arkhangai province was in charge of investigating their own colleagues. The allegations of torture and other ill-treatment were subsequently dismissed.

HOUSING RIGHTS - FORCED EVICTIONS

Residents of ger (traditional wool felt dwellings) districts in Ulaanbaatar suffered from lack of access to adequate housing and essential services including water and sanitation. Promised adequate alternative housing still had to be provided to some of the residents of the 7th micro-district of Ulaanbaatar who had been forcibly evicted from their homes in 2007 without genuine consultation or other appropriate legal or procedural safeguards or protection.

DISCRIMINATION

Discrimination persisted on the basis of ethnicity, gender, sexual orientation, gender identity and disability. Gender discrimination in particular affected women from marginalized groups such as those living in rural areas and ethnic minority women. Hostility, discrimination and violence especially against lesbian, gay, bisexual, transgender and intersex individuals continued. The legal definition of rape did not include men and boys so male victims of rape had particular difficulty in seeking adequate treatment, justice, redress and compensation.

REFUGEES AND ASYLUM-SEEKERS

In May, two Chinese asylum-seekers from the Inner-Mongolia Autonomous Region were deported back to the People’s Republic of

China. This occurred even though at least one of them was in the process of having his claim for refugee status determined by UNHCR, the UN refugee agency, violating the *non-refoulement* principle by carrying out deportations before the process of status determination was completed, and sending individuals to a country where they were at risk of serious human rights violations.

MONTENEGRO

Montenegro

Head of state: **Filip Vujanović**

Head of government: **Milo Djukanović**

Decisions in war crimes cases continued to be inconsistent with international law. Independent journalists were subject to threats and attacks. Impunity persisted for law enforcement officers suspected of torture and other ill-treatment.

CRIMES UNDER INTERNATIONAL LAW

In June, both the Committee against Torture and the UN Working Group on Enforced Disappearances found that the courts had failed to fully apply domestic law and had misinterpreted international humanitarian law in decisions in cases prosecuted since 2008.

On 31 December 2013, a former Yugoslav Army commander and seven reservists were acquitted of the murder in April 1999 of 18 refugees from Kosovo in the village of Kaluđerski Laz near Rozaje.

In February, the Appellate Court upheld the conviction of four former Yugoslav Army reservists for the torture and other ill-treatment of around 250 Croatian Prisoners of War at Morinj detention camp in 1991-1992. They were sentenced to periods of imprisonment that were less than the statutory minimum and failed to reflect the gravity of their crimes. In March, seven

former prisoners held at Morinj camp were each awarded compensation of between €20,000 and €30,000 for their ill-treatment. A further 200 former prisoners were claiming reparation.

In March, former police officials acquitted of war crimes in 2013 opened a case for compensation against Montenegro for €1 million, on the grounds that they were unlawfully detained and deprived of their liberty.

In August, Montenegro signed a regional declaration on missing persons, and committed to establishing the fate and whereabouts of 61 missing people.

FREEDOM OF EXPRESSION

Following the establishment in 2013 of a Commission to monitor police investigations into attacks and threats against journalists and independent media, investigations were reopened into the 2004 murder of Duško Jovanović, editor of the *Dan* newspaper. Suspects in the 2007 attack on journalist Tufik Softić were arrested in July for attempted murder. Investigations continued into a series of attacks on the daily newspaper *Vijesti*. Arrests were made in the case of *Dan* journalist Lidija Nikčević, who was attacked by masked men outside her office in Nikšić in January.

TORTURE AND OTHER ILL-TREATMENT

In May the European Committee for the Prevention of Torture reported that in 2013 people detained or invited for “informative talks” by the police ran an “appreciable risk” of ill-treatment. They urged that law enforcement officers be regularly informed that ill-treatment is illegal.

In October, three police officers were convicted and sentenced to the minimum of three months’ imprisonment for assisting in the ill-treatment of Aleksandar Pejanović in the Betonjerka detention centre in 2008 by up to 10 masked members of the Special Intervention Police Unit, whose identities were