

Country File
MONGOLIA



Last updated: **July 2009**

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| Region | Asia and Pacific |
| Legal system | Civil Law |
| UNCAT Ratification/ Accession (a)/ Succession (d) | 24 January 2002 (a) |
| Relevant Laws | <ul style="list-style-type: none"> • Constitution of 13 January 1992 • Criminal Code of 1 September 2002 • Criminal Procedure Code of 1 September 2002 |
| Relevant Articles | <ul style="list-style-type: none"> • Prohibition of Torture: <ul style="list-style-type: none"> - Article 16 of the Constitution - Article 10 of the Criminal Procedure Law • Definition of Torture: • Penalties: Articles 96, 98, 100 and 251 of the Criminal Code • Others: <ol style="list-style-type: none"> 1. Defences: Article 19 of the Constitution |
| Languages Available | <ul style="list-style-type: none"> • English |
| Other Relevant Information | |

Relevant Articles – MONGOLIA

ENGLISH (Translation)

Constitution of 13 January 1992

Article 16

The citizens of Mongolia shall be guaranteed the privilege to enjoy the following rights and freedoms:

- 1) ...
- 13) Right to personal liberty and safety. No person shall be searched, arrested, detained, persecuted or deprived of liberty save in accordance with procedures and grounds determined by law. No person shall be subjected to torture, inhuman, cruel or degrading treatment. Where a person is arrested he/she, his/her family and counsel shall be notified within a period of time established by law of the reasons for and grounds of the arrest. Privacy of citizens, their families, correspondence and residence shall be protected by law.
- 14) ...

Article 19

1. ...
2. Human rights and freedoms as defined by the Constitution and other laws in case of a state of emergency or war shall be subject to limitation only by a law. Such a law shall not affect the right to life, the freedom of thought, conscience and religion, as well as the right not to be subjected to torture, inhuman and cruel treatment.
3. ...

Criminal Code of 1 September 2002

Article 96 Intentional infliction of a severe bodily injury

96.1. Intentional infliction of a severe injury that is, of a life-threatening injury or one which has entailed the loss of sight, hearing or any organ, or the loss by an organ of its functions, a mental illness or another detriment to health which has entailed or which has been expressed in irreversible disfiguration of the face or interruption of pregnancy, or which has caused a permanent loss of the working ability shall be punishable by imprisonment for a period of more than 5 to 7 years.

96.2. The same crime committed:

- 96.2.1. with hooliganist motives;
96. 2.2. by order;
96. 2.3. by a recidivist;

96.2.4. repeatedly;
96.2.5. in a group, by a group at an advanced agreement or by a criminal organization;
96. 2.6. in an especially brutal way;
96. 2.7. in a commonly dangerous way;
96. 2.8. by humiliating or torturing the victim;
96. 2.9. against a person knowingly unable to defend oneself;
96. 2.10. against two or more persons;
96. 2.11. in connection with the performance by the victim of his/her official or public duties-
shall be punishable by imprisonment for a term of more than 7 to 10 years.

Article 98 Intentional infliction of a less severe bodily injury

98.1. Intentional infliction of a less severe bodily injury which has caused a long-term detriment of health or a loss of the working ability for not less than one third shall be punishable by 251 to 450 hours of forced labor or imprisonment for a term of up to 3 years.
98.2. The same crime committed repeatedly, in a group, by torturing the victim or by a recidivist shall be punishable by incarceration for a period of more than 3 to 6 months, or imprisonment for a term of more than 3 to 5 years.

Article 100 Torture

100.1. Systematic battery or other actions having the nature of torture if they have not entailed the consequences specified in Articles 96 and 98 of this Code shall be punishable by incarceration for a period of more than 3 to 6 months or by imprisonment for a term of up to 2 years.

Article 251 Forcing of testimony

252.1. Forcing of testimony by an inquirer or investigator by threat, violence, torture, humiliation, deception or other illegal methods shall be punishable by imprisonment for a term of up to 5 years with or without deprivation of the right to hold specified positions or engage in specified business for a term of up to 3 years.
251.2. The same crime if it has entailed a less serious or severe bodily injury or has caused damage in a large amount shall be punishable by imprisonment for a term of more than 5 to 10 years with or without deprivation of the right to hold specified positions or engage in specified business for a term of up to 5 years.

Criminal Procedure Code of 1 September 2002

Article 10 Ensuring the Right for Inviolability of Person

10.1. ...

10.4. It shall be prohibited to torture, to treat inhuman or cruel way any body and to insult his/her reputation.

10.5. ...