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Help for American Victims of Crime in *Mongolia*

[Please click on this link to read the Department of State's brochure for victims of crime.](#)

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Being the victim of a crime in a foreign country can be a devastating and traumatic experience. While no one can undo the emotional trauma, physical injury, or financial loss you may have experienced, the U.S. Embassy in Ulaanbaatar is ready to help. We are very concerned about violent crimes committed against U.S. citizens in Mongolia. We will assist you in managing the practical consequences of being a crime victim and provide you with information about accessing the local criminal justice system, as well as other resources for crime victims abroad and the United States. This office can assist you to find appropriate medical care, contact family or friends on your behalf, and explain how funds can be transferred. We can also help you to better understand the criminal justice system in Mongolia, which is very different from the system in the United States.

The information included in this guide relating to the legal requirements in Mongolia is provided for general information purposes only. The information may not be accurate or relevant to a particular case. Questions involving interpretation of Mongolian laws should be addressed to legal counsel licensed to practice law in Mongolia. The investigation and prosecution of the crime is solely the responsibility of local authorities. The Federal Bureau of Investigation (FBI) may assist local authorities in certain cases of kidnapping, hostage-taking and terrorism.

REPORTING CRIMES:

You can file police reports or register crime related complaints with the district police department where the crime happened. You can also dial 102 to get the police. In general, the police speak very little English. No police officers are specially assigned to work with foreigners. However, by law they are obligated to provide a professional interpreter. You are also able to bring in your own interpreter if you prefer. You may file police reports at any time, though the case may not proceed if the statute of limitations for a particular crime has expired. Someone else can file a police report on your behalf; however, the U.S. Embassy cannot do this for you. If you are a crime victim, you will probably receive a copy of the police report, and you have the right to review the file. If you leave Mongolia before filing a police report, you can hire a lawyer here to file it on your behalf, or you can report a crime to the Mongolian Embassy or one of their Consulates in the United States. If you file a report in this manner, the Mongolian Embassy or one of their Consulates will send the crime report to the Ministry of Foreign Affairs with 24 hours. At that time, a police investigator will determine if there is sufficient evidence to arrest the perpetrator.

If you have difficulties filing your police report with an official, please contact the U.S. Embassy or Consulate immediately. You may need a police report to file for crime victim compensation or

insurance reimbursement if they are available. If you do decide to file a report, please send a copy to us, along with your address and phone number in the event we need to communicate with you. While we are not authorized to act as your legal representative, prosecutor or investigator, our office can help you track the progress of your case and advise you of any developments.

INVESTIGATIONS: Many crime investigations never result in the arrest of a suspect. The investigators at the district police department are responsible for investigating crimes. Depending on the case, the General Intelligence Agency, the Investigation Unit of the State Prosecutor General, and/or the Anti-Corruption Agency may also be involved. They generally do not collect forensic evidence except in the case of a suspicious death. Crime victims can get information about the progress of the investigation from the investigator and/or supervising attorney/prosecutor. You can report threats, harassment, or intimidation by the accused or his/her family or friends to any police duty station or to the Criminal Police Department in Ulaanbaatar. If no arrest is made, cases will remain open for varying lengths of time, depending on the severity of the reported crime.

ARRESTS: If someone is arrested, s/he will be detained until the trial if the crime is categorized as serious or if the perpetrator is a potential danger to the public or a flight risk. You will not be automatically notified of an arrest. You will be asked to identify the perpetrator either in-person, in a police lineup, or through a one-way mirror. Interrogations of suspects can proceed for not more than four hours without a one hour break. One whole session of interrogation at the longest may not exceed eight hours. A fact-finder or investigator must carry out interrogations during business hours. It is prohibited by law to ask incriminating or suggestive questions and to carry on interrogations between 22:00 pm – 06:00 a.m.

PRETRIAL PERIOD: Once a person is arrested, the investigator draws up a warrant to be handed over to the prosecutor. Then the prosecutor brings the warrant to the attention of the judge to have it approved. The judge must make a decision within 48 hours after receipt of a warrant either to give authorization to take the person into custody or to release the person in question. The Authority for Court Execution is responsible for the prosecution of cases. In Mongolia, there is a distinction made between misdemeanors and felonies. An equivalent to plea bargaining also exists. There are no victim advocates to represent your interests, as ones lawyer is expected to play that role.

TRIAL: The trial process in Mongolia is generally quite lengthy and can stretch on for years. You may be required to return to Mongolia one or more times to testify at trial. You cannot provide testimony at the Mongolian Embassy in the United States. If the trial is an open trial, courtroom access will be granted to everyone. If it is a closed trial, no media will be allowed, but a U.S. consular representative can still be present. The court will not provide translation for non-Mongolian-speaking witnesses. There is no jury system here. All in attendance are expected to dress appropriately and to stand when the judge enters the courtroom.

SENTENCING: If the suspect is found guilty, sentencing will usually take place immediately and will be served immediately. You do not have any input in the sentencing. You will not be notified if the perpetrator is transferred or released.

APPEALS: The accused can lodge a complaint to appeal within ten days of receiving the court decision. You are not expected to testify during appeals.

ATTORNEYS: You may want to consider hiring a local attorney to secure appropriate legal guidance. Local legal procedures differ from those in the United States. Although the public prosecutor is responsible for prosecuting your case, an attorney you hire can promote your interests with the police and the court. While our office cannot recommend specific attorneys, we can provide you with a list of attorneys who have expressed interest in representing U.S. citizens. This list is available on our [website](#).

VICTIM COMPENSATION IN MONGOLIA: There is no national crime victim assistance office here. The only way to report a crime is directly to the police.

The Mongolian government does not provide monetary compensation to crime victims. The court can order the perpetrator to pay restitution. You can also file a civil suit for damages.

EMBASSY LOCATION: If you live or travel in Mongolia, you are encouraged to enroll in the Smart Traveler Enrollment Program (STEP) through the [State Department's travel registration website](#) so that they can obtain updated information on travel and security within Mongolia. If you do not have Internet access, you may enroll directly with the nearest U.S. Embassy or Consulate. By enrolling, you make it easier for the Embassy or Consulate to contact your family or friends in case of emergency. The U.S. Embassy is located at Sukhbaatar District, Big Ring Road, 11th micro district, Ulaanbaatar, Mongolia. Telephone: 329095- extensions: 4755, 4495, 4501, 4549.

SPECIAL INFORMATION FOR CASES OF SEXUAL ASSAULT AND RAPE: Physical evidence is very important in sexual assault cases, and can deteriorate as time passes. As such, you should not change clothes, avoid bathing if possible, and have a physical exam at the first opportunity. You should take these steps even if you are unsure about whether to report the crime to police. If you decide to pursue a prosecution at a later time, these steps preserve evidence that will assist the prosecutor. A consular officer or after-hours duty officer from the U.S. Embassy may be able to accompany you for the medical exam.

In the Mongolian Criminal code rape is defined as ‘sexual intercourse by physical violence, threat of violence or in other forms, or by taking advantage of helpless state of the victim, as well as by humiliating the victim’. You will be interviewed by the investigator assigned to their case. Sexual assault exams are authorized by the investigator, and are done in most cases. The exams are performed by forensic experts in the government forensic labs. You are allowed to bring someone for support. You must pay for all costs of the exam. If you decide not to have a medical exam, you will not be able to file rape or sexual assault charges.

You should get medical attention to determine if you have been injured in any way and to discuss treatment and prevention options for pregnancy and sexually transmitted diseases. Emergency contraception (the morning-after pill) is cheap and readily available over-the-counter in most pharmacies here. HIV prophylaxis is available, but must be obtained from the National Center for Communicable Disease hospital. The U.S. Embassy can provide you with a list of [medical facilities and doctors in Ulaanbaatar](#).

Under Mongolian law, no differentiation is made between rape by a stranger, acquaintance rape, and spousal rape. There are no special provisions for male rape. There are no laws to protect the identity of sexual assault victims, so a foreign victim should expect some media attention.

There is no government-sponsored rape crisis hotline, but there is at least one NGO that fills this role. The National Center against Violence organization can provide legal assistance and counseling to victims of domestic or sexual violence. More information about this center can be found online at www.safefuture.mn. They have a hotline and have English speaking operators.

SPECIAL INFORMATION FOR CASES OF DOMESTIC VIOLENCE: There is now a specific law against domestic violence in Mongolia. Domestic violence is considered a crime, though in practice perpetrators here are rarely punished. Courts can issue restraining orders based on your complaint, a request made by a police officer, or your advocate or authorized representative. There are secure domestic violence shelters in Mongolia. The number of beds varies, but most take walk-in clients and allow children to stay at the shelters.

The National Center Against Violence is a non-governmental organization that can provide legal assistance and counseling to you. More information about this center can be found [online](#).

SPECIAL INFORMATION FOR CASES OF CHILD ABUSE: In Mongolia the National Center for Children is responsible for the protection of children. But the government delegates most of the responsibility to community social workers, who collaborate with police to combat child abuse. Child abuse can be reported to a social worker, to the police, or to a local government authority. Public teachers and doctors are mandated to report suspected abuse. The social workers are the main local resource with expertise in helping child victims. If a child is removed from the home due to suspected abuse, authorities would first attempt to place him/her with other relatives. If this is not possible, the child will be transferred to a childcare facility or social welfare organization. In general, the child would be expected to testify if the abuser is charged with a crime. The child’s parents, legal representatives, relatives, or a teacher may be present while the child gives testimony. Often, testimony will be given to the police investigator at the time of the alleged abuse and will not need to be repeated by the child in court.

