

Mr Ukhnaaglin Khürelsükh
President of Mongolia
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MONGOLIA

Oslo 28 October 2024

Cc:

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Excellency,

Mongolia is a State Party to the Rome Statute ('the Statute'), which establishes the International Criminal Court ('the Court'), the permanent international judicial institution with the power to exercise its jurisdiction over persons for the most serious crimes of international concern. Pursuant to Article 27 of the Statute, it applies to all persons without any distinction based on official capacity; in particular, official capacity as a Head of State shall in no case exempt a person from criminal responsibility under the Statute.

On 17 March 2023, the Pre-Trial Chamber of the Court issued a warrant of arrest in respect of Mr Vladimir Vladimirovich Putin ('Mr Putin'), as there are grounds to believe that he bears responsibility for specific war crimes allegedly committed in Ukraine.

Under articles 86 and 89 of the Statute, all States Parties shall cooperate fully with the Court in its investigation of crimes within the jurisdiction of the Court; in particular, they should comply with requests for arrest and surrender of persons sought by the Court.

In September 2024, Mr Putin visited Mongolia. He was not arrested and surrendered to the Court. Therefore, Mongolia failed to comply with its obligations under the Statute.

At its 22nd session held in December 2023 the Assembly of States Parties to the Statute adopted, by consensus, the resolution on cooperation whereby it urged States to cooperate fully

in accordance with their obligation to arrest and surrender (ICC-ASP/22/Res.5). At the same session the Assembly of States Parties elected Mr Erdenebalsuren Damdin, a national of Mongolia, Judge of the Court thus emphasising the recognition of Mongolia as a well-respected and trusted State Party to the Statute. It adds to the concern caused by Mongolia's failure in 2024 to comply with the Court's order and arrest Mr Putin while he visited Mongolia.

Pre-Trial Chamber II of the International Criminal Court found on 24 October 2024 that Mongolia had failed to comply with its international obligations under the Rome Statute by not executing the Court's request for the arrest and surrender of Mr Putin while the latter had been on Mongolian territory.

The Pre-Trial Chamber further referred Mongolia's non-compliance, through the Court's president, to the Assembly of States Parties to the Rome Statute of the International Criminal Court.

We recall that the Court was established to end impunity for perpetrators of the most serious crimes of concern to the international community as a whole and thus contribute to the prevention of such crimes (Preamble to the Statute). Failure to arrest suspects for whom the Court has issued warrants of arrest defeats the purpose of the Statute. There is no justification for Mongolia's failure to carry out its international obligations flowing from the Statute.

Yours faithfully,



Berit Lindeman
Secretary General



Terje Einarsen
Chairperson ICJ Norway