



## **Nation-wide study on civil and criminal defamation cases heard by the courts in 2008**

### **English Summary**

Study on defamation cases in 2008 carried out by a media lawyer G.Davaakhuu. The purpose of the study was to evaluate the use of defamation laws of Mongolia.

In 2008, the Mongolian Courts heard 45 civil and defamation cases.

#### **Criminal Defamation**

In 2007, there were no criminal defamation cases brought to the courts. In 2008, the Mongolian courts reviewed five criminal defamation cases. These cases were brought by 6 plaintiffs and all the cases were against media and journalists, particularly against tabloid newspapers. 62.5% of plaintiffs were politicians, authorities and public officials. In three criminal defamation cases, media lost and in two they won. Fortunately, there were no arrest and imprisonment penalty, but in lost cases, maximum award was 5, 508,000 MNT (app. 3, 780US\$) which high amount for a journalist earning app. 200US\$ per month.

#### **Civil Defamation**

In total, 39 civil defamation cases were heard by the Mongolian courts and 21 were against media and journalists. 16 civil defamation cases heard by Ulaanbaatar district courts and 5 –by the provincial courts of Ovorkhangai, Khuvsgul and Khentii. More than half, precisely 65% of claimants were politicians, authorities and public officials and others were businessmen (10%), ordinary citizens (20%) and NGOs (5%)

In 71.4% civil defamation cases, the media and journalists lost and only in 9.5%, they won. The media and plaintiffs reconciled in the remaining portion.

The highest fine demand for civil defamation cases was 200, 000, 000 MNT (app. 140, 000US\$) and award was 1,000,000 MNT and the minimum award was 500,000MNT (app. 340US\$)

Results of studies in 1999-2008 show defamation cases increase in election years, respectively in 2000, 2004 and 2008. But in non-election 2002, the courts heard the highest number of the defamation cases that reached 44.

Years	Civil cases		Criminal cases	
	Total	Against media	Total	Against media
1999	30		3	
2000	39			
2001	31	11	4	
2002	44	37	2	2
2003	28	18	1	1
2004	40	40	1	1
2005	29	25	1	1
2006	36	31	3	3
2007	33	33		
2008	39	25	5	5
Total	349	220	20	13

## Conclusion

Concerning civil defamation cases, 64.1% of the total cases initiated against media which is decrease by 8 compare to 2007, but criminal defamation cases reached five in 2008 while in 2007 were no such ones.

The number of defamation cases initiated by public figures has increased in 2008. It evidences that in Mongolia, politicians, authorities and public officials use the criminal and civil defamation legislation to censor critics or resolve disputes. Awards to media and journalists are high that serious treat to sustainability of financially poor media outlets.

In most countries, the burden of protecting an individual's reputation lies with the individuals themselves. International standards provide that: "It is not necessary to consider libel as a criminal offence since this leads to limitations of the freedom of expression."