

MONGOLIAN STATE LAW OF COURTS

(Unofficial Translation, 19/9/94)

CHAPTER 1**GENERAL PROVISIONS****Article 1. Purpose of Law.**

The purpose of this law is to fairly establish the basic principles of judicial structure, organization, and activities, and also to ensure the independence of the judiciary.

Article 2. The Legislation On Courts.

The legislation on courts consists of the Mongolian Constitution, this law, and other legal acts which are enacted in accordance with the Constitution and this law.

Article 3. Exercise of Judicial Power.

1. As it was defined in the Constitution of Mongolia, judicial power shall be vested exclusively in courts.
2. The judiciary shall guarantee human rights, liberty, and justice.
3. No organization or official shall have authority to decide cases and disputes which are in the purview of the judiciary.

Article 4. The Judicial System.

1. The judicial system shall be composed of the Supreme Court, Aimag, Capital, Soum and Inter-Soum Courts.
2. Specialized Courts may be established to hear special cases of criminal, civil or administrative nature.

Article 5. Establishing Courts.

1. The State Great Hural shall establish, modify, and dissolve courts on the basis of proposals made by the General Council after consulting with the Aimag and Capital City Governors with respect to Aimag, Capital City, Soum, Inter-Soum, and District Court, and after consulting with the State Supreme Court with respect to Specialized Courts.
2. In establishing a court, consideration shall be given to the size of the area, the population density, the number of businesses, and the level of crimes and the number of cases to be heard.
3. In Mongolia it is prohibited to establish courts which do not correspond or follow the principle that every person, business, and organization is equal before the judiciary and or which do not observe common rules of exercising judicial power as established by law.

Article 6. Appointment of Judges.

1. Any citizen of Mongolia who meets the requirements defined in Article 57 of the Constitution of Mongolia and who does not have a criminal record may be appointed as a judge.
2. The President of the Mongolia shall appoint a judge of the Aimag, Capital, Soum, Inter-Soum, District, and Specialized upon the proposal of the General Council.
3. The judges of the Supreme Court shall be appointed by the President after the General Council informs the State Great Hural.

4. The Chief Justices of the Aimag, Capital, Soum, and Inter-Soum Courts, District and Specialized Courts shall be appointed by the President for a terms of 6 years upon the proposal of the General Council of Courts.

5. After nomination by the Supreme Court, the President shall appoint a Chief Justice of the Supreme Court for a 6 year term.

6. The Chief Justices of Court of all instances may be reappointed.

Article 7. The Powers of Judges.

1. Judges of courts of all instances shall exercise the following powers:

1) to preside over or participate in court meetings upon being nominated by the Chief Justice.

2) fix and inform about judicial meetings and decide who shall participate.

3) coordinate and guide the preparation for judicial meetings.

4) call individuals and officials in connection with cases, ensure the provision of required evidence materials by individuals, businesses, organizations and officers.

5) review in accordance with the provisions of law on appeal the decisions of lower courts and supervise lower courts.

6) keep the information supplied by citizens and organization confidential.

7) other powers as provided by law.

2. A judge shall not do any other work or hold positions which are not related to their functions as defined by law. But a judge may teach law or perform research.

Article 8. Composition of Courts.

1. Cases and disputes of the first instance shall be considered by three judges or by a single judge if provided otherwise by law.

2. In appeals cases, three judges shall consider and decide cases and disputes.

3. The Supreme Court shall consider and decide cases and disputes when a majority of its justices are present.

Article 9. Judge's Oath and the Judicial Symbol.

1. A judge shall be sworn in within 30 days of appointment with the following oath:

I swear as judge to decide cases and disputes only in accordance with the Constitution of Mongolia and other laws and to strictly observe the moral standards of judges and fairness. I shall bear responsibility as defined by law if I breach my oath.

2. The Court shall have a symbol.

3. The President shall adopt the rules of procedure for swearing in judges as well as the symbol and descriptions of the symbol.

Article 10. Decisions of the Courts.

1. Courts of the first instance have the power to render sentences in criminal cases and decisions in civil disputes, appeals courts may review decisions on appeal, supervisory courts may render supervisory decisions, courts may render decisions relating to implementing court procedure and decisions, and judges may render court orders.

2. While reviewing and deciding cases and disputes, courts shall render decisions by majority vote.

3. Courts shall render decisions on behalf of the Mongolia and decisions shall be made on an official form with the national emblem and the composition of the court shall sign and seal the form.

Article 11. Implementation of Court Decisions.

1. Any individual, official, business or organization which resides within the territory of the Mongolia shall dutifully implement decisions of courts.
2. In case of not implementing the court's decision, then the court's decision shall be implemented under compulsion in accordance with the procedures defined by law.
3. The procedure for implementing the court's decisions shall be provided by law.

Article 12. Court Seal, Symbol, and Official Printed Form.

1. The court shall have a seal with "soyumbo" [national emblem] and symbol which are made according to the established designs.
2. Courts shall use official printed forms.

Article 13. Courtrooms.

1. Court proceedings shall take place in the courtroom which meets the necessary requirements.
2. In the courtroom there shall be placed the national flag and the court symbol.

CHAPTER 2

PRINCIPLES OF IMPLEMENTING THE JUDICIAL POWER.

Article 14. Judges Shall Be Subject Only to Law.

1. In exercising judicial power, judges shall be independent and subject only to the Constitution and other laws which conform to the Constitution.
2. The independence of judges shall be guaranteed by the Constitution, this law, and other laws.

Article 15. Adversarial Principles.

1. Court trials shall be conducted on the basis of adversarial principles.
2. In the court proceedings of criminal cases, the prosecutor, the accused, their defense lawyer, and in civil disputes the parties, their representatives, and their defense lawyers, and other participants who have the right to participate by law, shall participate. All participants shall participate in court by way of proving the facts cases and disputes and proving the guilt of the accused or defendant.

Article 16. Participation of Representatives of Citizens in Collegial Consideration of Cases and Disputes.

1. In passing a collective decision on cases and disputes, the court of first instance shall allow up to 3 representatives of citizens to participate in the proceedings.
2. Representatives of citizens shall exercise the following powers:
 - 1) to give a conclusion about the facts of cases and disputes and about the guilt of the accused or the defendant.
 - 2) to appeal about the decision of the court with respect to the facts of cases and disputes and the guilt of the accused or defendant.

3) other powers defined by law.

3. The conclusion of the representatives of citizens shall be made in writing and read out at the court proceedings.

4. The procedure of the participation of representatives of citizens in collective considerations of cases and disputes shall be defined by law.

Article 17. Election of Representatives of Citizens.

1. The Hural of Representatives of citizens shall elect representatives on the recommendation of its presidium for a term of four years.

2. The General Council shall decide the number of representatives of citizens.

3. Representatives of Citizens shall participate in collective consideration of cases and disputes within the territorial jurisdiction of the given court of first instance.

Article 18. Presumption of Innocence.

Every person shall be presumed innocent until proven guilty by a court according to due process of law.

Article 19. Equality Before the Law.

Every person in Mongolia shall be equal before the law and the court irrespective of nationality, language, race, age, sex, social origin and status, property, occupation or post, religion, opinion or education, or other condition, and businesses and organizations irrespective of ownership type or competence.

Article 20. Defense and Right of Defense.

1. The accused and other persons whose rights are protected by the court shall have the right to defend themselves and to freely choose a defense lawyer, to review the materials of their case, and to participate in court proceedings personally. Unless the law determines otherwise, the accused shall have the right to participate in court proceedings personally.

2. The court shall interpret the right defined in paragraph 1 of this Article and shall ensure the exercise of this right.

3. In case the accused cannot afford attorney's fees, the state shall provide assistance.

Article 21. Language of Court Proceedings.

1. The court proceedings shall be conducted in Mongolian.

2. A person who does not know Mongolian has the right to research all the material of the case with the help of an interpreter and to speak during the court proceedings in their native language and to use the services of an interpreter.

Article 22. Court Proceedings Shall Be Open.

1. Court proceedings shall be public.

2. In cases specially provided by law, court proceedings shall be closed.

Article 23. Implementation of Law by the Courts.

1. In rendering decisions on cases and disputes, the court shall implement the Constitution and other laws which conform to the Constitution.

2. The Court has no right to implement laws which are not consistent with the Constitution or which were not in force or were not made public officially at the time when the case and dispute had arisen.

3. If a court finds that the laws which are to be implemented in deciding a specific case and dispute are not consistent with the Constitution, then court shall suspend the court proceedings on that case and dispute and shall submit its opinion about it to the Supreme Court. The State Supreme Court shall consider this opinion and if it finds that it has grounds, it shall submit it to the Constitutional Court (TSETS).

4. If the interpretation of the Supreme Court is not consistent with the law, then the law shall be followed.

CHAPTER 3

COURTS OF MONGOLIA.

Article 24. The Supreme Court and its Jurisdiction.

1. The Supreme Court is the highest judicial institution of Mongolia.

2. The Supreme Court of Mongolia consists of a Chief Justice and 16 justices.

3. The Supreme Court shall exercise the following powers:

1) supervise the decisions of the Supreme Court, Aimag and Capital City Courts concerning those cases and disputes on the grounds of the opinion of three justices of the Supreme Court with respect to which the court has served as an appeal court.

2) review cases and disputes which were decided by the Supreme Court, the Aimag and Capital City Courts as courts of first instance on the grounds of the complaint of parties to the court proceeding.

3) consider cases and disputes in the first instance within its jurisdiction.

4) elaborate a unified strategy for exercising judicial power, to provide professional leadership to all courts, but not concerning any consideration of cases and disputes before these courts.

5) consider issues concerning protecting human rights and liberty by sending them to the Constitutional Court (TSETS) and the General Prosecutor.

6) issue official interpretations on implementing laws except for the Constitution. The interpretation of the Supreme court shall be mandatory for all individuals, officials, businesses, and organizations which implement that particular law.

7) nominate a justice as their candidate for appointment as the Chief Justice of the Supreme Court.

8) submit a candidature for appointment to the Constitutional Court (TSETS).

9) elect members of the General Council from the nominated candidates.

10) consider all the decisions of courts concerning capital punishment.

11) exercise all other powers provided by law.

Article 25. Power of the Chief Justice of the State Supreme Court.

1. The Chief Justice of the Supreme Court shall exercise the following powers in addition to the power of justices:

1) preside over the proceedings of the Supreme Court, to represent the Supreme Court in domestic and foreign relations.

2) appoint the judicial composition from judges of the Supreme Court for considering of cases and disputes in the first instance and for appeals.

3) set the calendar and to preside at meetings of the Supreme Court.

4) coordinate the activities of the judges and officers of the Supreme Court.

- 5) submit candidates of judge to the General Council.
- 6) exercise other powers provided by law.
2. The Chief Justice of the Supreme Court shall have an official staff.
3. The Chief Justice of the Supreme Court shall issue orders on issues within his jurisdiction.

Article 26. Powers of Aimag and Capital City Courts.

1. The Aimag and Capital City Courts are courts of appeal.
2. Aimag and Capital City Courts shall consist of a Chief Justice and other judges.
3. Aimag and Capital City Courts shall exercise the following powers:
 - 1) to hear and decide appeals of cases and disputes which were decided by Soum, Inter-Soum, and District Courts on the grounds of the complaint of the participants of to the court proceeding.
 - 2) to consider cases and disputes in the first instance within its jurisdiction according to law.
 - 3) to provide professional leadership to the Soum, Inter-Soum, and District Courts, but not concerning the consideration of cases and disputes of these courts.
 - 4) to exercise other powers provided by law.

Article 27. The Powers of the Chief Justice of Aimag and Capital City Courts.

1. The Chief Justice of the Aimag and Capital City Courts shall exercise the following powers in addition to the judicial powers:
 - 1) to appoint the judicial composition for considering and deciding cases and disputes in the first instance when the Aimag and Capital City Courts serve as courts of first instance or appeals courts.
 - 2) to preside over Aimag and Capital City Courts, to represent these courts, and to coordinate the activities of their judges and staff.
 - 3) other powers as provided by law.

Article 28. Soum, Inter-Soum, and District Courts and their Powers.

1. Soum, Inter-Soum, and District Courts are the courts of first instance.
2. Soum, Inter-Soum, and District Courts shall consist of a Chief Justice and judges.
3. Soum, Inter-Soum, and District Courts shall exercise the following powers:
 - 1) to consider all cases and disputes in the first instance, except those cases which are within the jurisdiction of the Supreme Court, Aimag, Capital City, and Specialized Courts.
 - 2) to exercise other powers as provided by law.

Article 29. Powers of the Chief Justice of the Soum, Inter-Soum, and District Courts.

1. The Chief Justice of the Soum, Inter-Soum, and District Courts shall exercise the following powers in addition to the powers of judges:
 - 1) to appoint the members of court for considering cases and disputes.
 - 2) to preside over the court, to represent the court, and to coordinate the activities of the judges and staff.

3) to exercise other powers as provided by law.

Article 30. Specialized Courts.

1. Specialized Courts are courts established according to types. These courts may be courts of first instance or courts of appeal.
2. Specialized Courts consist of a chief judge and other judges.
3. Specialized Courts shall exercise the following powers:
 - 1) to consider cases and disputes within its jurisdiction.
 - 2) to exercise other powers as provided by law.
4. The activities and decisions of the Specialized Courts shall not be outside the supervision of the Supreme Court.

Article 31. The Power of the Chief Judge and the Judges of the Specialized Courts.

The Chief Judge and judges of the Specialized Courts shall exercise the power exercised by other judges of courts at the same level and exercise other powers as provided by law.

CHAPTER 4

GENERAL COUNCIL

Article 32. The General Council and its Functions.

1. The General Council is a collectively led, part-time institution which aims to ensure the independence of judges and the courts according to the Constitution.
2. The General Council shall not be involved in trial proceedings of courts or judges. Its functions shall be confined to the provisions of conditions which are required for the independence of courts such as selecting judges from jurists and protecting their interests.
3. The General Council shall use a seal with the "soyumbo", a sign made according to authorized form, and official stationary with a letterhead.

Article 33. Members of the General Council.

1. The General Council shall be composed of 12 members.
2. The members of the General Council shall be the Chief Justice of the State Supreme Court, the State General Prosecutor, the Government member in charge of justice, and the Secretary of the General Council. Two members shall be nominated by the State Great Hural and the President separately, and 2 members from courts of each instance whose candidacies are submitted according to relevant rules endorsed by the State Supreme Court.
3. The General Council shall elect its Chairman from among its members by a majority of votes for a term of three years. He or she may be re-elected.

Article 34. Creation of the General Council and the Term and Full Powers of its Members.

1. The candidacy of the member of the General Council who is to be appointed by the State Great Hural shall be submitted by the Speaker of the State Great Hural and should be endorsed by a majority of members present at the meeting of the State Great Hural.
2. The candidacies of the members of the General Council who are to be elected from the State Supreme Court shall be submitted by the Chief Justice of the State Supreme Court, of those to be elected from the Aimag, Capital City, Soum, Inter-Soum, or District Courts shall be submitted by a meeting of judges of the respective courts and should be endorsed by a majority of members of the State Supreme Court present at the meeting.

3. The President shall appoint and relieve the Secretary of the General Council whose candidacy shall be submitted by the Chairman of the General Council from jurists having experience in the judiciary.
4. The Secretary of the General Council shall be a full-time officer and shall head the Administrative Office of the judiciary.
5. The General Council may exercise its powers if 2/3 of its members are present.
6. Members of the General Council shall serve for a term of 6 years. This provision does not apply to those members of the General Council who were appointed to their posts.
7. A member of the General Council shall be relieved or removed by the body which has appointed or elected him at the initiative of the General Council or at the personal request of a member, or if it was proved that he or she has committed a crime and the decision of the court comes into force, or if he or she did not properly fulfill their duties, or if he or she was not able to fulfill their duties due to serious reasons.
8. If a member of the General Council is relieved or removed before his or her term expires, the vacancy shall be filled according to the procedure elaborated in paragraphs 1, 2, and 3 of this Article.

Article 35. Full Powers of the General Council.

The General Council shall exercise the following full powers:

- 1) submit to the State Great Hural proposals on establishing, modifying, dismantling, or fixing the site of all courts except the State Supreme Court;
- 2) submit to the State Great Hural proposals on the number of personnel and on remuneration for judges of courts of all instances;
- 3) submit a draft budget of courts to the State Great Hural in accordance with proper rules and distribute the budget when it is adopted;
- 4) propose candidacies of judges to the President to appoint, relieve, or remove judges;
- 5) select judges;
- 6) establish a judicial disciplinary committee;
- 7) transfer judges;
- 8) fix rules and criterias for selecting candidates and for assessing the level of moral integrity and professional ability;
- 9) promote judges and officers of courts and judicial institutions and protect their interests;
- 10) elaborate rules on using formal dress, special security by police guards, executors of court decisions. This shall be done after having consulted with the respective institutions;
- 11) the other powers defined in laws and regulations.

Article 36. Full Powers of the Chairman of the General Council.

1. The Chairman of the General Council shall have the following full powers in addition to the full powers exercised by a member of the General Council:
 - 1) preside over the General Council and represent it in domestic and external relations;
 - 2) determine the holding of meetings of the General Council and preside at its meetings;
 - 3) Other powers defined by law and regulations.
2. In the absence of the Chairman of the General Council, a member of the General Council nominated by him will serve on his behalf. But the Secretary of the General Council shall not substitute the Chairman.

Article 37. Full Powers of a Member of the General Council.

Members of the General Council shall have the following full powers:

- 1) initiate consideration of specific issues at meetings of the General Council;
- 2) participate in meetings of the General Council with the right to vote;
- 3) ensure the implementation of the decisions of the General Council;
- 4) examine the work of the Administrative Office, divisions and their staff;
- 5) exercise the other powers defined in laws and regulations.

Article 38. Meeting of the General Council.

1. The General Council shall consider the issues within its competence if not less than 2/3 of members of the General Council are present. Resolutions shall be adopted by a simple majority of members participating in the meeting.
2. The resolutions of the General Assembly shall be signed by the Chairman and the Secretary and a seal shall be affixed.
3. The General Council shall adopt its rules of procedure.

Article 39. Judicial Disciplinary Committee.

1. The General Committee shall establish the Judicial Disciplinary Committee consisting of 9 members for a term of 6 years.
2. The Judicial Disciplinary Committee shall consist of judges of high professional standards who have experience in work and life. Members of the General Council shall not be on the Judicial Disciplinary Committee.
3. The Judicial Disciplinary Committee shall take disciplinary actions with respect to those judges who have committed offenses in accordance with the provisions and procedures determined in this law.
4. The Chairman of the Judicial Disciplinary Committee shall be elected from amongst its members by a simple majority of votes.
5. The charter of the Judicial Disciplinary Committee shall be adopted by the General Council.

Article 40. Submission of Candidacy to the Post of Judge.

1. The Chief Judges of courts of all instances, governing bodies of non-government organizations of judges, jurists, as well as hural members of citizen representatives are entitled to submit candidatures to be elected as a judge.
2. A citizen of Mongolia who has the qualifications defined in the Constitution and in this law may submit his candidature to be elected as a judge.

Article 41. Registration of Candidatures to be Elected as a Judge.

The Administrative Office of the Court of the region where it is situated shall register candidatures after examining whether he or she has fulfilled the requirements defined by law.

Article 42. Selection of Candidates for Judges.

1. The General Council shall consider each candidate separately taking into account professional qualifications, ability, integrity, health, and other features of the candidate and shall submit those candidatures to the President for appointment those who received a majority of votes by secret ballot.
2. The decision of the General Council on selecting judges shall be the final decision.

Article 43. Responsibility of Judges.

A judge shall bear responsibility for their illegal actions and violations of moral standards as defined in this law and other laws.

Article 44. Reasons for Taking Disciplinary Actions.

The disciplinary actions shall be taken with respect to judges for the following breaches of judicial oath:

- 1) for committing an offense while reviewing and making a judgment on a case or litigation, if it is not a criminal offense;
 - 2) if a judge has breached moral standards of the judiciary;
 - 3) if a judge has violated the internal regulations of the judicial organization.
2. Disciplinary actions with respect to judges shall be taken only if the faults were established by the examination made in accordance with the established procedure.

Article 45. Disciplinary Actions.

1. One of the following disciplinary actions shall be taken with respect to judges bearing in mind their misbehavior:
 - 1) reprimand;
 - 2) reprimand in front of judges; or
 - 3) removal from judiciary.
2. The disciplinary actions should not be taken if more than 6 months have elapsed since the detection of disciplinary breach and more than one year has elapsed since committing an offense.
3. Although a criminal case against a judge was declared invalid, disciplinary action may be taken within one month since the resolution was adopted to declare a criminal case invalid if there is a reason to take disciplinary action.

Article 46. Reasons for Taking Disciplinary Actions.

The disciplinary actions shall be taken for the following reasons:

- 1) if the breach of law and of moral standards of the judiciary was revealed while a given case was reviewed as well as while a given case or litigation was being examined;
- 2) if complaints or information made by citizens to the effect that a judge has breached the law and moral standards of the judiciary were considered as well-founded;

Article 47. The Right to Take Disciplinary Action.

1. The following court membership, organizations, and officials shall have the right to take disciplinary actions:
 - 1) the plenary meeting of the State Supreme Court, the membership of court required for reviewing, the Chief Justice, the General Council with respect to all judges of Mongolia;
 - 2) The membership of Aimag and Capital City Courts required for reviewing, the Chief Justice of the Aimag and Capital City Courts with respect to judges of Aimag and Capital City Courts as well as Soum or Inter-Soum and District Courts.
 - 3) The Chief Justice of Soum, Inter-Soum, District Courts with respect to respective judges.
2. The court membership and the General Council shall adopt resolutions and the Chief Justice shall issue decrees about taking disciplinary actions.

3. The court membership and officers shall submit its resolution and decree together with related documents to the Disciplinary Committee of the Judiciary within 5 days.

Article 48. The Duration of Terms For Examining Disciplinary Actions.

1. The Judicial Disciplinary Committee shall examine the discipline cases, resolutions, and decrees within one month since filing and shall review them by not less than 3 members of the Committee and decide by a majority of votes. The compositions of the Committee for reviewing the given discipline case shall be decided by the Chairman of the Judicial Disciplinary Committee.

2. If the judge did not make other requests he shall be allowed to be present at a meeting of the Judicial Disciplinary Committee.

Article 49. Decisions of the Judicial Disciplinary Committee.

1. The Judicial Disciplinary Committee having considered the cases on discipline shall adopt any decision in the forms:

- 1) disciplinary actions;
- 2) dismiss discipline case;
- 3) forward documents to charge a judge with a felony to the competent organization or officer.

2. The Committee shall forward its resolution to the organizations or officer which initiated the case as well as to the accused charged within a week since the adoption of the decision.

3. If a judge does not agree with the decision of the Judicial Disciplinary Committee, he may lodge a complaint to the General Council within a week since its receipt.

4. The General Council shall review the complain and adopt a decision within one month since its receipt. The General Council shall review a disciplinary case and decide either to retain, review or dismiss and adopt a resolution to examine or dismiss the case.

5. If the General Council or the President does not agree with the decision of the Judicial Disciplinary Committee on removal of the judge and considers that there is reason to impose other disciplinary actions, the General Council shall adopt appropriate disciplinary actions laid down in paragraphs 1 and 2 of provision 1 of Article 45.

Article 50. Dismissal of Disciplinary Action.

If a judge does not have repeated disciplinary actions within one year since the disciplinary action was adopted against him it will be considered that he does not have any disciplinary action.

Article 51. Reasons for Relieving a Judge From His Post.

1. The President shall relieve a judge from his post on the recommendation of the General Council for the following reasons:

- 1) if a judge has requested relief;
- 2) if a judge was elected or appointed to another state job or post with his agreement;
- 3) if a judge is not able to fulfill his functions due to health reasons;
- 4) if a judge has reached the retirement age as defined in the law;
- 5) if the General Council adopted a decision that a given judge cannot serve as a judge by the professional qualifications and work competence;
- 6) if the term to replace the judge has expired.

Article 52. Removal of Judges.

1. The President shall remove judges on the recommendation of the General Council for the following reasons:

- 1) if the General Council shall adopt the decision of the Committee on Discipline on removal of the judge;
- 2) if the judge who has repeated disciplinary action within one year;
- 3) if it is proven that the judge has committed a felony and the resolution of the trial court becomes valid;

2. The General Council shall inform the President of its recommendation on removal of the judge and the recommendation of the State Supreme Court on the removal of the judge shall be brought to the notice of the State Great Hural.

3. The President shall decide within one month after he receives the recommendation of the General Council to relieve or remove the judge.

Article 53. Administrative Office and Division of Courts.

1. The Administrative Office of courts is an administrative body of the State Supreme Court and of the General Council. It is responsible to ensure regular every-day activities of the courts and their organization and judges.

2. The Administrative Office of the courts is a legal entity. It shall have the "soyumbo" as its official seal and stationary made according to established forms.

3. The administrative division of the courts shall be created in the Aimag and Capital city on the basis of the decision of the General Council. The duty of the divisions shall be to ensure the work of Aimag, Capital, Soum, Inter-Soum, District, and Specialized Courts.

4. The composition of the Administrative Office, division of court, and the rules of the work shall be defined by the General Council.

Article 54. The Powers of the Chairman of the Administrative Office of the Courts.

1. The Chairman of the Administrative Office of Courts shall have the following powers:

- 1) to ensure the preparations for holding of meetings of the General council and to organized the implementation of its decisions;
- 2) to appoint or relive staff-officers of the Administrative Office of the Courts;
- 3) the division head of the Administrative Office of the Courts shall be appointed or relieved on the recommendations of the Chief Judge of the Aimag and Capital City Courts and after informing the General Council of Courts.
- 4) other powers.

2. A member of the General Council of courts shall not serve as a Chairman of the Administrative Office of the Courts.

CHAPTER 5

THE ORGANIZATIONS OF THE COURTS AND STAFF OFFICERS

Article 55. Research Center of Courts.

There will be a research center of courts attached to the Supreme Court. It shall advise on legal issues in the implementation of laws by courts, interpretation of laws, assess statistics and experience of courts and make proposals.

Article 56. Secretary of Court Meetings.

1. There will be a secretary in courts of all instances.

2. The secretary of court meetings shall fulfill functions which are laid down in the laws and given by judges such as to ensure the preparation of court meetings and to write the minutes, ect.

Article 57. Court Escort.

1. There will be escorts in courts whose duty is to ensure order at court meetings, to ensure security of judges and other participants, to enforce the attendance of persons in courts, and to ensure the realization of other rights defined by law.
2. The power and rules of activity of the escort shall be established by law.
3. The escort has the right to have official uniform and to use special tools for self-protection.

Article 58. Court Executor.

1. The court execution service will be in the court secretariat and other department.
2. The court executors have the right to wear an insignia and official uniform and the right to use special tools for self-protection.
3. The court executors may exercise the duties of the secretary at judicial meetings.
4. The power and rules of activity of court executors shall be established by law.

Article 59. Appointment and Suspension of the Personnel of the Court and Court Organization.

The Chairman of the court secretariat or department will appoint and suspend the personnel of the court and organization upon consulting with the Chief Justice of the appropriate court.

Article 60. The Budget of Courts and their Conditions of Work.

1. It is the duty of the Government to finance the court and to provide them with economic resources.
2. By nominating of the General Council the State Great Hural shall adopt the budget of the court as provided in the state budget. The budget of the court should be provided in accordance with the required judicial independence.
3. Administrative organs of the government shall support the courts and provide appropriate offices, buildings, office equipment, transportation, and to establish normal working conditions.

Article 61. No Outside Interference with Court Proceedings.

Nobody--including the President, Chairman of the State Great Hural, Prime Minister, members of the State Great Hural and Government, officials of government and public parties, and business organizations and citizens--may participate in interfering with a judge's exercising of judicial duties.

Article 62. Judge's Political Rights.

1. A judge has the right, in order to protect his interests, to improve his profession, and to guaranteed the independence of the judiciary, to participate in special public organizations.
2. When a judge exercises his right to express his opinion to speak, to publish, or to believe or not believe in God, he shall respect his official position.
3. A judge may not conduct activities connected with political parties, movements, unions, or groups in the court or in judicial organizations. During his term of office he shall suspend political activities.

Article 63. Protection of the Court.

1. A judge may not be detained, put into custody or arrested, nor may their offices or home be searched or their possessions seized without the permission of the President, except when the judge is caught while committing a crime.
2. When a judge is caught while committing a crime or with evidence of a crime at the scene, or when there are sufficient grounds to conclude that a judge is responsible for a crime, the General Council shall be informed within 48 hours.
3. The General Council shall consider the evidence of a judge's criminal culpability and then shall submit their findings to the President.
4. The President shall decide on the submission of the General Council concerning a judge's criminal culpability within 10 days.
5. In determining the criminal culpability of a judge the President shall have the power of a judge.
6. The provisions of paragraphs 2, 3, and 4 of this article shall be adhered to when it is necessary to detain, put into custody, or arrest a judge or search their office or home.

Article 64. Salaries, Immunity, and other Guarantees of the Independence of Judges.

1. A judge may not be removed or released from office without their permission nor transferred to other work except in accordance with the provisions of law.
2. The State Great Hural shall establish the salaries of judges. A justice of the Supreme Court shall take a salary which is appropriately in the range for high officials. The salary of other judges shall be established appropriately in comparison with the salary of the justice of the Supreme Court.
3. A judge is not subject to mobilization for civil emergencies.
4. If a judge is mobilized into the army the President shall temporarily suspend the judge's judicial power.
5. If a judge becomes disabled when they are working, the government shall give the difference between the salary and the pension or other benefits.
6. In the case of the death of a judge due to the actions of other persons, the judge's family shall be paid as compensation three years salary.
7. As provided in paragraph 5 and 6 of this article, the benefits, pension, and the difference between the salary and compensation shall be given from the state budget, and if provided by law the guilty person shall compensate for the damage.
8. The state shall be liable for damages from the judges omissions in their judicial functions.
9. The Chief Justice of the Supreme Court and a judge of the Supreme Court shall have diplomatic rights and immunity while visiting another country.

Article 65. Liability of Person Who Does Not Respect the Court.

Measures to deal with lack of respect for the court shall as provided by law.