



MONGOLIA LAW

June 9, 2017

Ulaanbaatar city

ABOUT THE PROSECUTOR

/UPDATED/

CHAPTER ONE

COMMON GROUNDS

Article 1. Objective of the law

Print

1.1. The purpose of this law is to establish the legal basis for ensuring the prosecutor's functions, powers, operational principles and guarantees, the system, organization, and independence of the prosecutor's organization.

Article 2. Legislation of the Prosecutor

Print

2.1. The legislation of the Prosecutor's Office consists of the Constitution of Mongolia, this law, and the laws issued in accordance with these laws.

2.2. If the international agreement of Mongolia states otherwise than this law, the provisions of the international agreement shall be followed.

Article 3. Principles of prosecutor's activity

Print

3.1. The prosecutor shall adhere to the following principles in his activities:

- 3.1.1. apply the law one line at a time;
- 3.1.2. to protect human rights, freedoms and public interests;
- 3.1.3. to have unified centralized management;
- 3.1.4. to be independent and independent;
- 3.1.5. to be transparent and open.

Article 4. Applying the law one line at a time

Print

4.1. The prosecutor shall adhere to the Constitution of Mongolia and the laws issued in accordance with it in his activities, and shall ensure that the law is applied uniformly, regardless of the characteristics of localities, branches, and organizations.

4.2. The activities of the prosecutor shall be regulated in detail by the law, the procedures issued in accordance with it, and methodical instructions.

Article 5. Protection of human rights, freedoms and public interests

Print

5.1. The prosecutor shall take measures to protect human rights, freedoms, and public interests, to prevent their violation, and to restore the violated rights while performing his/her duties stipulated by the law.

Article 6. To have unified centralized management

Print

6.1. The prosecutor shall be accountable to the higher level prosecutor. The prosecutor must fulfill the legal decisions and assignments of the higher level prosecutor.

6.2. The high-level prosecutor has the right to process complaints about the activities and decisions of the prosecutor, and to cancel, change, or withdraw illegal and unreasonable decisions.

6.3. Unless otherwise provided by law, certain powers of the top prosecutor may be transferred to other prosecutors by the decision of the State Prosecutor General.

6.4. The prosecutor general of the state, his deputy, assistant prosecutor, province, capital, district, sum or sum, or special prosecutor's office shall be understood as a high-level prosecutor.

Article 7. Being independent and independent

Print

7.1. The prosecutor shall make his decision independently in accordance with the law.

7.2. It is prohibited to interfere or influence the decision-making and operation of the prosecutor, or to pressure him to make an illegal decision.

7.3. Officials, persons and legal entities are prohibited from illegally influencing or interfering with the activities of the prosecutor's organization.

Article 8. Transparency and openness

Print

8.1. Decisions of the prosecutor on issues other than those determined to be confidential by law are public.

8.2. Unless it has a negative impact on the proceedings or is prohibited by law, the prosecutor or, with his consent, the relevant official may provide information to the public, officials, people, and legal entities about the process and decision of the proceedings.

Article 9. Execution of prosecutor's decision

Print

9.1. Persons, legal entities and officials are obliged to comply with the prosecutor's decision made according to the grounds and procedures provided by law.

9.2. If you do not agree with the prosecutor's decision, you can file a complaint with the higher-level prosecutor according to the grounds and procedures provided by law.

9.3. Complaining about the prosecutor's decision to the higher level prosecutor is not a reason to refuse to fulfill it.

Article 10. Mandatory review of the decision of the lower level prosecutor by the higher level prosecutor

Print

10.1. The higher-level prosecutor must review the decision of the lower-level prosecutor in the following cases:

10.1.1. the detective suggested and the lawyer made a request;

10.1.2. submitted complaints and information from people, legal entities and officials;

10.1.3. case registration case closed, investigation case dismissed or suspended;

10.1.4. the prosecutor conducted a review;

10.1.5. the court rejected the conclusion of the prosecutor in connection with the execution of the court sentence;

10.1.6. the public prosecutor refused to prosecute at the court hearing;

10.1.7. changed the classification of court cases;

10.1.8. The defendant was acquitted.

CHAPTER TWO

ACTION OF THE PROSECUTOR

Article 11. Prosecutor's control over violation investigation

Print

11.1. The prosecutor shall supervise the following procedures for registration of violation cases:

11.1.1. whether the process of receiving and recording complaints and information about violations is in accordance with the law;

11.1.2. whether the procedure for registration of violations is carried out in accordance with the grounds and procedures specified in the law;

11.1.3. whether the law is correctly applied in the process of registration of violations;

11.1.4. whether human rights and freedoms are ensured in the process of registration of violations;

11.1.5. whether the measures to restrict rights are carried out in accordance with the grounds and procedures specified in the law;

11.1.6. whether the authorized official applies coercive measures according to the grounds and procedures provided by the law.

Article 12. Powers of the prosecutor to supervise the investigation of violations

Print

12.1. In addition to the provisions of the Law on Investigating Violations, the Prosecutor shall exercise the following powers when supervising the investigation of violations:

12.1.1. register complaints and information about violations, assign numbers to violation cases;

12.1.2. to determine the jurisdiction for investigation and monitoring of violations;

12.1.3. to review violation cases and materials based on complaints and other grounds of the participant;

12.1.4. annul coercive measures taken by authorized officials without reason;

12.1.5. resolve complaints and requests related to violation investigation;

12.1.6. check the implementation of the law in the investigation of violations;

12.1.7. others prescribed by law.

Article 13. Procedures of the Prosecutor's Control in Violation Investigations

Print

13.1. Monitoring of violation case registration shall be carried out in the following ways and forms:

13.1.1. keeping records of inspection work;

13.1.2. to collect and supervise the investigation of the organization and authorized officials to conduct the investigation of violations;

13.1.3. review and review cases and materials conducted in violation investigation;

13.1.4. to conduct an investigation into the investigation of the organization authorized to conduct the investigation of violations.

Article 14. Prosecutor's control over case registration and investigation

Print

14.1. The prosecutor shall supervise the following cases registration and investigation:

14.1.1. whether the procedures for receiving, registering, investigating, and resolving complaints and information about crimes received by the organization conducting case registration and investigation are in accordance with the law;

14.1.2. Whether the registration and investigation of cases is conducted in accordance with the grounds and procedures specified in the Law on Criminal Procedure;

14.1.3. whether the Criminal Law is correctly applied in case registration and investigation;

14.1.4. Whether human rights and freedoms are met in case registration and investigation;

14.1.5. whether there are grounds and requirements for conducting an investigation with the permission of the prosecutor;

14.1.6. whether there are grounds or requirements for preventive measures, summons, arrest, or compulsory submission;

14.1.7. whether there is a legal basis for applying protective measures to protect witnesses and victims.

Article 15. Powers of the prosecutor to supervise the registration and investigation

Print

15.1. In addition to the provisions of the Criminal Procedure Law, the Prosecutor shall exercise the following powers when supervising the inquiry and investigation:

15.1.1. assigning a number to a criminal case;

15.1.2. to determine the jurisdiction to supervise the registration and investigation;

15.1.3. to establish a joint working group of organizations authorized to conduct case registration and investigation;

15.1.4. resolve the suggestions made by the detective during the registration and investigation process;

15.1.5. to change or annul the decision of the detective or prosecutor according to the grounds and procedures provided by law;

15.1.6. in urgent cases, review whether the investigation conducted without the permission of the prosecutor was conducted in accordance with the law and decide whether it is considered valid;

15.1.7. to enter the place of arrest, temporary detention or detention without hindrance at any time, to personally meet the arrested, temporarily detained or detained person, to illegally arrest, temporarily detained or detained, or the person who is detained for a longer period than prescribed by law or court decision immediate release;

15.1.8. submit a proposal to charge the official who did not comply with the prosecutor's decision;

15.1.9. to conduct prosecutor's review;

15.1.10. study the implementation of criminal laws;

15.1.11. to make a conclusion if the prosecutor has made an indictment for a crime involving loss of life due to domestic violence, or has dismissed it;

15.1.12. others prescribed by law.

Article 16. Procurator's control method for case registration and investigation

Print

16.1. Monitoring of case registration and investigation shall be carried out in the following ways and forms:

16.1.1. keeping records of inspection work;

16.1.2. review and review case registration and investigation cases and materials;

16.1.3. conduct inspections and research on law enforcement;

16.1.4. personally participate in case registration and investigation.

Article 17. Prosecutor to participate in court proceedings on behalf of the state

Print

17.1. The prosecutor shall participate in the following court hearings on behalf of the state in cases stipulated by law:

17.1.1. Proceeding with the conflict court;

17.1.2. Criminal cases will be dealt with by the court;

17.1.3. administrative and civil cases to be reviewed by courts.

Article 18. Participating in court hearings for handling violations

Print

18.1. The prosecutor shall participate in the court proceedings for handling violations in accordance with the grounds and procedures provided by law.

18.2. If the prosecutor believes that the interests of the state have been violated, he will participate on behalf of the state in the proceedings of the violation court at the request of the state organization.

18.3. The prosecutor shall make a request to the court regarding the participation of other persons in the court hearing, taking statements from witnesses, analyzing and studying other evidence, and the order of the court hearing.

18.4. When the prosecutor participates in the court hearing, he will make an explanation about the request he made, the decision on punishment, their legal basis, and the enforcement of the decision to use coercive measures.

Article 19. Participation in criminal court proceedings

Print

19.1. The prosecutor participates in the preliminary hearing of the court and makes suggestions and requests according to the Law on Criminal Procedure.

19.2. The prosecutor shall prove to the court whether the defendant is guilty of the crime.

19.3. Based on the evidence, the public prosecutor will prosecute in accordance with the law based on his inner conviction.

19.4. During the court session, if the lawyer or other participants lead, impose, repeat the same thing, ask irrelevant questions, or make a proposal based on evidence not included in the case file, the chairperson of the session will make a proposal to stop.

19.5. In the event that the defendant refuses to testify during the court proceedings, the statement made during the investigation seriously deviates from the testimony given during the inquiry or investigation, or the case is discussed without his participation, the testimony given during the inquiry or investigation stage will be read and heard.

19.6. During the analysis of the evidence, a proposal may be made to carry out a specific investigation that can be compensated by a court hearing.

19.7. Whether the actions or omissions of the defendant prepared, attempted, or completed the commission of a crime, and if the crime was committed by grouping, the guilt, classification, punishment, and coercive measures to be applied, taking into account the participation, roles, and nature of each participant's actions. draw conclusions about.

19.8. If the public prosecutor is unable to attend the court session, the higher level prosecutor shall appoint another prosecutor.

Article 20. Protection of state and public interests

Print

20.1. If the prosecutor believes that the interests of the state have been violated, at the request of the government organization, or at the request of the government organization, or on his own initiative, he will participate in administrative and civil court proceedings as an intermediary or as a third party.

20.2. The prosecutor has the right to carry out specific evidence collection operations and collect relevant documents and professional expert opinions from citizens, organizations and officials within the framework of his legal mandate in the performance of his duties to protect the interests of the state and the public.

20.3. When participating in civil proceedings, the prosecutor shall exercise the rights and obligations stipulated in Articles 25 and 26 of the Law on Civil Proceedings.

20.4. In the event that the prosecutor, on his own initiative, is implementing the protection of the state and public interests, he shall participate without a power of attorney.

Article 21. Power to represent the state in court

Print

21.1. The prosecutor participates in the court session with the following full rights:

21.1.1. to make opinions and conclusions in court discussions and court hearings;

21.1.2. to present the evidence for analysis and to make suggestions about the order of court proceedings;

21.1.3. submit a request to dismiss the judge on the basis of the law;

21.1.4. to ask questions of defendants, witnesses, victims, civil plaintiffs, civil defendants, and experts;

21.1.5. analyze evidence;

- 21.1.6. provide evidence to the court;
- 21.1.7. prosecution or refusal to prosecute;
- 21.1.8. get acquainted with the minutes of the court session and propose corrections to it;
- 21.1.9. complaining in response to the participant's appeal and complaint submitted by the control procedure;
- 21.1.10. to file a complaint or objection to a court decision, or withdraw it;
- 21.1.11. submit to the court a conclusion and a request for reopening the case due to newly discovered circumstances;
- 21.1.12. file lawsuits, explanations, requests and complaints;
- 21.1.13. others prescribed by law.

21.2. Several prosecutors may participate in the court session, and in this case, the senior prosecutor will be appointed by the senior prosecutor.

Article 22. Supervision of sentencing proceedings

Print

22.1. The prosecutor shall supervise the following:

- 22.1.1. whether imprisonment, probation, enforcement of coercive measures other than imprisonment are carried out in accordance with the law;
- 22.1.2. whether the laws related to the execution of the sentence are correctly applied;
- 22.1.3. whether human rights and freedoms have been violated in the process of serving the sentence;
- 22.1.4. Whether the execution of the arrest and detention decision complies with the conditions and procedures prescribed by law.

Article 23. Powers of the prosecutor to supervise the execution of the sentence

Print

23.1. In addition to the provisions of the relevant law, the prosecutor shall exercise the following powers when supervising the execution of the sentence:

- 23.1.1. unhindered access to prisons, detention facilities, temporary detention, arrest, detention facilities, prisons, special training and education institutions at any time;
- 23.1.2. review decisions and other documents made by officials in connection with the implementation of punishment, coercive measures, and preventive measures, cancel illegal decisions, and refer the matter to relevant authorities for investigation;
- 23.1.3. to meet with convicts and detainees individually and in person, and if necessary, ask for explanations from convicts and detainees;
- 23.1.4. to personally review and inspect the implementation of punishment, coercive measures, detention preventive measures, and to eliminate the detected violations;
- 23.1.5. if necessary, to involve appropriate professional organizations in monitoring and inspection;
- 23.1.6. resolve requests and complaints of convicted and detained persons and other persons and restore violated rights;
- 23.1.7. to present opinions related to the execution of the court's punishment decision, the extradition of a Mongolian citizen sentenced to imprisonment, and the implementation of coercive measures, and participate in court hearings;
- 23.1.8. collect necessary documents, definitions, and explanations from organizations and officials in connection with sentencing, coercive measures, and preventive detention measures;
- 23.1.9. Immediately release a person temporarily detained, arrested, or detained in violation of the grounds and procedures specified in the Law on Criminal Procedure;
- 23.1.10. to appoint an expert and issue a conclusion in cases specifically stipulated by the law;
- 23.1.11. to request the court to submit the decision of punishment or acquittal within the time specified by the law;

23.1.12. to monitor whether the proceedings affecting human rights, freedom, inviolability of housing and property, and the right to dispose of the sentence are carried out in accordance with the grounds and procedures specified in the law;

23.1.13. review and resolve proposals, requests, and conclusions related to the execution of court judgments;

23.1.14. to monitor the decision made by the authorized official of the court decision enforcement organization related to the execution of the sentence;

23.1.15. to write a prosecutor's request to eliminate the violation committed during the process of serving the sentence and the causes and conditions that influenced it;

23.1.16. granting permission to transfer convicts to competent authorities for investigation;

23.1.17. to review the materials of prisoners working without guard protection, to issue permits, and to get acquainted with opinions about prisoners working under contract;

23.1.18. review and decide on proposals to extradite a foreign citizen serving a prison sentence in accordance with an international agreement, to extradite a Mongolian citizen serving a prison sentence in a foreign country, and make a conclusion at a court hearing;

23.1.19. granting permission to change the room of the detained person.

Article 24. Methods of monitoring the execution of the sentence

Print

24.1. The prosecutor shall supervise the execution of the sentence in the following ways and forms:

24.1.1. keeping records of inspection work;

24.1.2. review, check and research the implementation of the law;

24.1.3. review and review the personal files and materials of persons sentenced to imprisonment or punishments other than imprisonment;

24.1.4. obtaining information, research, documents, explanations and definitions from organizations and officials;

24.1.5. to obtain professional assistance from relevant organizations and officials in case of necessity and to carry out control activities.

Article 25. Supervision of secret investigations and execution

Print

25.1. The state prosecutor general and the prosecutor specially authorized by him shall supervise the following secret investigations and execution work:

25.1.1. To control whether the secret investigation is conducted in accordance with the grounds and procedures specified in the law in accordance with the Law on Criminal Procedure;

25.1.2. Supervise execution work in accordance with Article 23 of the Law on Execution Works;

25.1.3. to supervise the implementation of the instructions and procedures of secret operations and investigations within the scope of the mandate provided by law.

25.2. The prosecutor has the following full powers to supervise secret investigation and executive work:

25.2.1. to control whether the opening and closing of secret enforcement and investigation cases are carried out in accordance with the grounds and procedures specified in the law;

25.2.2. supervise the registration of the unified number of special technical equipment for the work to be performed;

25.2.3. monitor the unified number registration of executive work and investigative secret operations;

25.2.4. to monitor whether the confidential investigation conducted by the competent authority is conducted in accordance with the grounds and procedures stipulated by the law;

25.2.5. review the proposal to carry out secret investigation or executive work submitted by the competent authority, grant permission, refuse to grant permission, extend the period of the operation, stop it, and monitor the results;

- 25.2.6. get acquainted with the relevant materials of secret operations and investigations;
- 25.2.7. review and confirm the detective's probability;
- 25.2.8. to write a task to the competent authority to conduct secret investigation and enforcement work;
- 25.2.9. review and resolve the detective's proposal to consider valid the secret investigation conducted in urgent cases;
- 25.2.10. to carry out inspections and inspections within the scope of the mandate stipulated by law in the authorities authorized to carry out secret enforcement and investigative procedures;
- 25.2.11. review complaints about violation of human rights and freedom in the course of executive work and secret investigation, or violations of laws by an employee of an authorized organization, and take measures to hold the guilty party accountable.
- 25.3. The following matters shall be included in making the decision specified in Article 25.2.5 of this law:
- 25.3.1. measures to be taken, their basis and purpose, information about the relevant person, telephone number to be monitored, type of postal communication or address of the residence to be inspected, required time, and special equipment to be used;
- 25.3.2. grounds for the impossibility or difficulty of detecting and documenting the actions and activities by other means;
- 25.3.3. whether this event has been organized in connection with the person in the past.
- 25.4. The executive body shall notify the procurator who issued the permit as soon as the planned measures are completed.
- 25.5. The prosecutor's supervision of the executive work specified in this article does not include the information related to other types of executive operations, general number of executive tasks, helpers, assistants, secret executive employees, and cover of other executive organizations, except for the operations specified in Article 23 of the Law on Executive Work.

CHAPTER THREE

MUTUAL LEGAL ASSISTANCE AND TRANSFER OF PERSONS WHO HAVE COMMITTED CRIMES AND PERSONS SENTENCED TO IMPRISONMENT

Article 26. Mutual legal assistance in criminal cases, transfer of a person who has committed a crime or a person sentenced to imprisonment

Print

- 26.1. Unless otherwise specified in the international agreement, the central prosecutor's office shall be the central organization responsible for organizing the following proceedings in criminal cases:
- 26.1.1. mutual legal assistance in criminal cases;
- 26.1.2. to extradite or extradite a person for the purpose of executing a decision;
- 26.1.3. to transfer a person sentenced to prison to serve the sentence in his country of citizenship, to extradite a citizen of Mongolia.
- 26.2. Prosecutors may provide mutual legal assistance in criminal cases based on the principle of carrying out operations specified in Articles 26.1.1, 26.1.2, and 26.1.3 of this law in accordance with international treaties and agreements, and in cases not regulated by international treaties.

Article 27. Powers of the prosecutor to provide mutual legal assistance in criminal cases and supervise the transfer of a person who has committed a crime or a person sentenced to imprisonment

Print

- 27.1. The prosecutor has the following powers to supervise the proceedings specified in Article 26 of this law:

27.1.1. accept the request, forward it to the competent authority, and transfer it to the relevant authority for execution;

27.1.2. review whether the request will be fulfilled, resolve it, and grant permission;

27.1.3. monitor the execution of requests;

27.1.4. to set a deadline for the execution of the request and to extend the deadline.

Article 28. Supervision of mutual legal assistance in criminal cases

Print

28.1. The prosecutor shall receive requests for mutual legal assistance in criminal cases and review the following issues:

28.1.1. whether the request meets the requirements of the law and international agreements of Mongolia;

28.1.2. whether it is reasonable to refuse to satisfy the request;

28.1.3. availability of documents necessary for the proper execution of the request.

28.2. The prosecutor shall oversee the reception of requests for mutual legal assistance in criminal cases submitted by foreign countries and the execution of them by competent authorities.

28.3. The prosecutor shall forward the request for legal assistance in the criminal case to the competent authority of the foreign country and demand its execution.

28.4. The prosecutor shall decide whether to extend the time limit for the execution of requests for mutual legal assistance in criminal cases submitted by foreign countries.

Article 29. Supervising extradition and extradition of a person who has committed a crime

Print

29.1. The prosecutor shall accept the request for the extradition or extradition of the person who committed the crime and review the following issues:

29.1.1. whether the request for extradition or extradition of the person who committed the crime complies with the requirements of the law and international agreements of Mongolia;

29.1.2. whether there is a reason to refuse extradition of a person who has committed a crime;

29.1.3. whether the documents required for the extradition or extradition of the person who committed the crime meet the requirements specified in the law and international agreements of Mongolia.

29.2. The state prosecutor general, on his own initiative or on the basis of the proposal of the relevant organization, shall make a decision to investigate, identify, extradite, or extradite a person who has committed a crime in a foreign country.

29.3. The prosecutor has the following full powers in extradition and extradition of a person who has committed a crime:

29.3.1. to submit a request for the extradition of a Mongolian citizen who has committed a crime to the competent authority of a foreign country;

29.3.2. to instruct the competent authority to carry out specific actions based on the request for the extradition of a foreign citizen who has committed a crime;

29.3.3. to submit to the court the proposal to arrest or detain a foreign citizen or stateless person who has committed a crime;

29.3.4. release the detained person if he is not transferred within the time specified by the law;

29.3.5. Upon receiving the decision on the extradition of the criminal from the competent authority of the foreign country, the competent authority shall negotiate with each other the time, date and place of extradition;

29.3.6. the prosecutor assigns the police organization to carry out the extradition of the person who committed the crime.

29.4. If a person eligible for extradition under this law has committed a crime in the territory of Mongolia, the extradition process shall be postponed until the final resolution of the case, or until the end of the

sentence or release from prison, if the person is serving a prison sentence in the territory of Mongolia, by the decision of the State Prosecutor General.

29.5. The person may be extradited if the investigation of the crime is hindered or the statute of limitations expires.

Article 30. Supervising the process of extradition and extradition of a person sentenced to imprisonment

Print

30.1. The prosecutor shall receive materials on extradition and extradition of a person sentenced to imprisonment from the competent authority and review the following issues:

30.1.1. whether the person sentenced to prison has applied to continue serving his sentence in his country;

30.1.2. whether the documents required for the extradition or extradition of a person sentenced to imprisonment meet the requirements set forth in the law and international agreements of Mongolia;

30.1.3. whether there is a reason to refuse extradition of a person sentenced to imprisonment.

30.2. The State Prosecutor General shall make a decision on extradition and extradition of a person sentenced to imprisonment.

30.3. The organization of the extradition and extradition of a person sentenced to imprisonment shall be assigned and monitored by the competent authorities.

30.4. The State Prosecutor General shall issue a permit for a person sentenced to imprisonment to pass through the territory of Mongolia.

30.5. Participate in the court hearing and make a conclusion about the continuation of the unserved sentence of the person sentenced to imprisonment in Mongolia.

CHAPTER FOUR

LEGAL FORMS OF PROSECUTION SUPERVISION

Article 31. Types of legal forms

Print

31.1. When exercising his powers, the prosecutor issues resolutions, assignments, permits, requirements, statements, conclusions, suggestions, objections, requests, claims, explanations, and complaints.

31.2. Other types of legal forms of prosecutor's supervision may be established by law.

31.3. The legal form of prosecutor's supervision is legal and reasonable.

31.4. The State Prosecutor General shall determine the methodology and procedures for writing the legal form of prosecutor's supervision.

Article 32. Decree of the Prosecutor

Print

32.1. When the prosecutor performs his duties, he shall issue a resolution to resolve issues related to his mandate.

32.2. The high-level prosecutor has the right to change or annul the prosecutor's decision if he considers it to be illegal or unreasonable.

Article 33. Duties of the prosecutor

Print

33.1. When the prosecutor performs his duties, he will be given a written task to perform certain operations and collect documents and information.

33.2. The operation to be performed in the task is clearly indicated.

33.3. The deadline for the completion of the task shall be determined in a way that is feasible, taking into account the scope, space, and conditions of the operation.

33.4. The official who receives the prosecutor's assignment is obliged to fulfill it.

33.5. If you do not agree with the prosecutor's assignment, you can submit a proposal to the higher level prosecutor.

33.6. The higher-level prosecutor shall review and issue a resolution within 3 days after receiving the proposal.

33.7. The resolution contains the content of canceling the assignment as a whole, canceling some clauses, or refusing to accept the offer.

33.8. Prosecutor's orders shall not be attached to criminal cases.

Article 34. Consent of the prosecutor

Print

34.1. In cases stipulated by the law, the prosecutor shall give permission in the process of investigation and settlement of violations, registration of cases, investigation and punishment.

34.2. The prosecutor's consent is in the form of approving the official's decision.

34.3. Prosecutor's consent can be given in writing.

34.4. If the prosecutor refuses to grant permission, he shall explain the reasons and notify in writing.

Article 35. Requirements of the prosecutor

Print

35.1. The prosecutor shall write a demand to remove the violations, the causes and conditions that caused them during the investigation and settlement of violations, registration of cases, investigation, and execution of punishment.

35.2. The requirements shall be written by the higher-level prosecutor.

35.3. Organizations and officials who have accepted the prosecutor's demands are obliged to take measures to eliminate violations of the law and the causes and conditions that caused them, and to respond in writing within 15 days.

35.4. Officials who do not submit the response to the requirement on time shall be held responsible as prescribed by law.

Article 36. Prosecutor's statement

Print

36.1. In order to prevent crimes, the prosecutor will write a notice to eliminate the causes and conditions that contributed to the occurrence of crimes and violations.

36.2. The notification shall be written in the name of the executive officer of the legal entity.

36.3. In the notification, the causes and conditions that led to the occurrence of crimes and violations, the methods of their elimination, the measures that can be taken by the legal entity and officials in the prevention of crimes and violations, and the work to be designed.

36.4. Organizations and officials who receive the prosecutor's notification are obliged to take measures to eliminate the causes and conditions of the violations and crimes and respond in writing within 1 month.

36.5. Officials who do not submit a response to the notification on time will be held liable according to the law.

Article 37. Prosecutor's opinion

Print

37.1. The prosecutor shall issue a written opinion when participating in the court session or when reopening the case due to newly discovered circumstances.

Article 38. Prosecutor's proposal

Print

38.1. The prosecutor shall make a proposal for the court to make a specific decision, or to issue an opinion during the court hearing.

Article 39. Prosecutor's objection

Print

39.1. When performing his functions, the prosecutor shall file an objection to the court's decision in accordance with the grounds and procedures established by law.

39.2. If the prosecutor's objection is considered unfounded, the higher level prosecutor may withdraw it.

Article 40. Prosecutor's request

Print

40.1. Submit a written request to the court to correct errors in the text of the court decision and incorrect calculations.

Article 41. Claims, explanations and complaints of the prosecutor

Print

41.1. Submit claims, explanations and complaints to the court on behalf of the state and public interests.

41.2. Claims, explanations and complaints of the prosecutor shall meet the requirements specified in the Law on Procedures in Civil Courts.

CHAPTER FIVE

SYSTEM, ORGANIZATION AND COMPOSITION OF THE PROSECUTOR'S ORGANIZATION

Article 42. Prosecutor's Office

Print

42.1. The Prosecutor's Office is a participant in the exercise of independent and independent judicial authority with the function of ensuring the implementation of criminal and misdemeanor laws in the territory of Mongolia, monitoring the registration, investigation, and sentencing proceedings, and participating in court proceedings on behalf of the state. organization as well.

Article 43. Prosecutor's organization system

Print

43.1. The Prosecutor's Office consists of the State Prosecutor General's Office, Provincial and Capital Prosecutor's Offices, Sum or Sub-Sum, and District Prosecutor's Offices.

43.2. Taking into account the features of the prosecutor's supervision work, a specialized prosecutor's office may be established.

43.3. Provincial, capital, specialized, sub-district or inter-subdistrict prosecutor's offices shall be established by the General Assembly of Mongolia (hereinafter referred to as the "State Grand Assembly") with the proposal of the State Prosecutor General, taking into account the size of the territory, population density, and work requirements.

43.4. There is a training and research unit for the implementation of criminal and misdemeanor laws, the study of the causes and conditions of crimes, and the qualification of prosecutors under the Office of the Prosecutor General.

43.5. The central archive of criminal cases, regional, capital, and specialized prosecutor's offices shall operate in the Office of the General Prosecutor.

43.6. The organization, structure and staff of the Prosecutor's Office shall be determined by the State Prosecutor General.

43.7. The council will work under the general prosecutor of the state, province, capital, district, and specialized prosecutor's office. The powers and working procedures of the Council shall be determined by the State Prosecutor General.

Article 44. Composition of positions of the prosecutor's organization

Print

44.1. The State Prosecutor General, his deputy, assistant prosecutor, senior prosecutor, and supervising prosecutor work in the State Prosecutor General's Office.

44.2. The chief prosecutor of the province, capital, district, and specialized prosecutor's offices, his deputy, chief prosecutor, and supervisory prosecutor work in the provincial, capital, district, and specialized prosecutor's offices.

44.3. The general prosecutor and supervisory prosecutor of Sum or Sum will work in the Prosecutor's Office of Sum or Sum.

44.4. The prosecutor's office may be organized as a department, department, office, or department. A deputy, assistant prosecutor, or senior prosecutor may lead an organizational structural unit.

Article 45. Prosecutor

Print

45.1. A citizen of Mongolia who has obtained a license to practice law, has worked as a lawyer for at least 3 years, or as a prosecutor's assistant for at least 2 years, has never committed a crime or been convicted of a crime, meets professional requirements, and has reached the age of twenty-five, shall be appointed as a prosecutor. appoint.

45.2. The State Prosecutor General shall approve the procedures for selection, promotion, demotion, and rotation of prosecutors taking into account their professional ethics, qualifications, skills, and practical experience.

45.3. A citizen of Mongolia who has worked as a prosecutor for at least 5 years shall be appointed as a high-level prosecutor.

45.4 Prosecutors who have worked as lawyers for at least 10 years and have reached the age of thirty-five shall be appointed as the State Prosecutor General or his deputy.

Article 46. State prosecutor and his deputy

Print

46.1. The prosecutor's office shall be headed by the State Prosecutor General. The State Prosecutor General shall be appointed by the President of Mongolia for a period of six years in consultation with the State Great Khural.

46.2. Based on the proposal of the State Prosecutor General, the President of Mongolia shall appoint his deputy for a period of six years in consultation with the State Great Khural.

46.3. If the National Assembly does not support the person proposed by the President of Mongolia, the name of another person will be nominated once.

46.4. In the absence of the state prosecutor general, one of the deputy state prosecutors shall exercise his powers by his decision. The Deputy State Prosecutor General shall be responsible for the work of the State Prosecutor General.

46.5. The President of Mongolia shall decide whether to suspend the powers of the state prosecutor general or his deputy in connection with the prosecution of a criminal case and the investigation of the accused.

46.6. The powers of the State Prosecutor General and his deputy shall be terminated prematurely by the decision of the President of Mongolia in the following cases:

46.6.1. appointed to another job or position with his consent, nominated for a position that is selected according to the conditions, procedures, and criteria established by law;

46.6.2. the court decision establishing that a crime has been committed has entered into force;

46.6.3. unable to exercise full rights due to health condition;

46.6.4. Recommendations of the National Security Council were issued.

[/This provision was added by the law of March 27, 2019/](#)

46.7. In the event that the term of office expires in accordance with Article 46.6 of this Law, the President of Mongolia shall appoint the next State Prosecutor General and his deputy in accordance with the procedures specified in Articles 46.1 and 46.2 of this Law.

46.8. The relevant Standing Committee of the State Great Khural will organize the hearing of the candidate proposed in accordance with Articles 46.1 and 46.2 of this Law.

[/This section was added by the law of December 24, 2021./](#)

Article 47. Prosecutor's Oath

Print

47.1. When appointed to the position of prosecutor: "I swear to strictly observe the Constitution and other laws of the State of Mongolia, respect human rights and freedoms, fulfill official duties honestly, and raise the profession, ethical standards, and reputation of the prosecutor. If I If you break your oath, you will be held accountable according to the law." swear.

47.2. The President of Mongolia shall approve the procedure for the swearing-in ceremony of the prosecutor.

Article 48. Powers of the State Prosecutor General

Print

48.1. The state prosecutor shall exercise the following powers:

48.1.1. coordinate and manage the activities of the prosecutor's organization;

48.1.2. Allocate the budget approved by the National Assembly, and set the organizational structure and staffing limits of the prosecutor's office within it;

48.1.3. determining the location and standards of the prosecutor's office;

48.1.4. To submit proposals to the President of Mongolia on the appointment and dismissal of the Deputy State Prosecutor General;

48.1.5. to appoint, release, reward and impose disciplinary sanctions on prosecutors;

48.1.6. approving methodical instructions and procedures for the prosecutor's control;

48.1.7. to approve the procedures for secret investigation in cooperation with the head of the central intelligence organization;

48.1.8. issue an order on the internal affairs of the prosecutor's organization;

48.1.9. to review whether the instructions and procedures for implementing the provisions of the law restricting human rights and freedoms by the authorized organization for the implementation of crime fighting, investigation and resolution, case registration, investigation, and sentencing procedures are in accordance with the law, and supervise their implementation;

48.1.10. to supervise the execution work in accordance with the procedures prescribed by law, grant permission, and give special rights to the prosecutor to supervise the execution work;

48.1.11. write a protest if the law is violated or the law is wrongly applied when making a court decision;

48.1.12. to cooperate directly with similar foreign organizations and international organizations, to conclude memorandums and agreements on the issue of fighting crime;

48.1.13. others prescribed by law.

48.2. In accordance with Article 48.1.9 of this law, instructions and procedures that have not been reviewed and approved by the State Prosecutor shall not be followed.

Article 49. Relations of the State Prosecutor General with the State Great Khural

Print

49.1. The State Prosecutor General shall report to the State Assembly at least once a year on the implementation of criminal and misdemeanor laws.

Article 50. Relations between the State Prosecutor General and the President of Mongolia

Print

50.1. A decision will be made on the issue of forgiveness for the convicted person.

50.2. At the request of the President of Mongolia, the State Prosecutor General may issue an opinion on matters within his jurisdiction.

Article 51. Relations between the State Prosecutor General and the Government

Print

51.1. At the request of the Prime Minister of Mongolia or a member of the Government, he may participate in the Government meeting with advisory rights and submit opinions and conclusions on issues within his mandate.

51.2. If it is deemed necessary, issues within its mandate may be discussed at the Cabinet meeting in consultation with the Prime Minister.

Article 52. State prosecutor to submit a request to the Constitutional Court

Print

52.1. Pursuant to Section 1 of Article Sixty-six of the Constitution of Mongolia, a request will be submitted to the Constitutional Court for review of the dispute regarding the violation of the Constitution of Mongolia.

Article 53. Relations between the State Prosecutor General and the Supreme Court

Print

53.1. The State Prosecutor General may submit a proposal to the Supreme Court for clarification on the issue of the correct application of laws other than the Constitution of Mongolia.

53.2. Participate in court hearings by submitting an objection to the decision of the Supreme Court of the Supreme Court or the decision of the court of review.

Article 54. Rank of Prosecutor

Print

54.1. The prosecutor has the rank of chief advisor of state law enforcement, deputy advisor of state law enforcement, chief advisor of law enforcement, deputy advisor of law enforcement, trusted advisor of law enforcement, senior advisor of law enforcement, advisor of law enforcement, deputy advisor of law enforcement.

54.2. The title of chief advisor of state law enforcement and deputy advisor of state law enforcement shall be granted by the President of Mongolia, and other ranks shall be granted by the State Prosecutor General based on position classification, length of service as a prosecutor, qualifications, and skills.

54.3. The President of Mongolia shall approve the procedure for determining and granting the rank of prosecutor.

Article 55. Employees of the Prosecutor's Office

Print

55.1. The prosecutor's organization shall have an assistant who is responsible for supporting the implementation of its functions.

55.2. The Prosecutor's Office shall have an administrative office and staff responsible for ensuring normal conditions of operation.

55.3. An archivist and an archivist will work in the archive of criminal cases.

55.4. The State Prosecutor General shall approve the requirements, selection, and working procedures for employees of the prosecutor's organization.

CHAPTER SIX

WARRANT FOR PROSECUTOR'S ACTION

Article 56. Guarantee of independence

Print

56.1. It is prohibited to limit, suspend or terminate the powers of the prosecutor on grounds and procedures other than those specified in this law.

56.2. Except as provided by law, it is prohibited to release or dismiss a prosecutor, or assign him to another job or position without his consent.

56.3. The prosecutor shall be exempted from military service.

56.4. It is prohibited to require the prosecutor to obtain explanations and statements from organizations and officials who are conducting case registration and investigation activities regarding the cases they are supervising or have resolved.

56.5. Section 56.4 of this law shall not apply in cases where the prosecutor has initiated a criminal case and is investigating as an accused.

56.6. The prosecutor is not obliged to provide information about the case to anyone other than the participant in the proceedings.

56.7. The person who interfered with the prosecutor, exerted pressure or pressure shall be held legally responsible.

Article 57. Issuing impact statements

Print

57.1. The prosecutor is obliged to notify the higher-level prosecutor about any pressure, pressure, or influence that interferes with the exercise of his powers or attacks his independence.

57.2. The State Prosecutor General shall approve the procedure for making impact statements.

Article 58. Legal guarantee

Print

58.1. If there is a threat to the life and safety of the prosecutor or his family member, and if information is received, the police organization shall take measures to ensure safety in accordance with the relevant laws and regulations.

58.2. The prosecutor has the right to possess and use any special equipment prescribed by law for the purpose of protecting his safety. The procedure for providing and using special equipment shall be approved by the State Prosecutor General.

58.3. Unless the prosecutor is arrested while committing a crime or at the crime scene with evidence of the crime, the State Prosecutor General or his deputy without the consent of the President of Mongolia and other prosecutors without the consent of the State Prosecutor General shall be forcibly detained, detained, arrested, their residences or offices , transportation, means of communication, documents, luggage, other property, sensitive information of a person, physical attack, examination, search is prohibited.

[/This section was amended by the law of December 17, 2021./](#)

58.4. If a prosecutor is arrested while committing a crime, or at the scene of a crime with evidence of his crime, or if sufficient grounds are established to charge him with a criminal case, the State Prosecutor General and his deputy shall report this to the President of Mongolia, and other prosecutors to the State Prosecutor General 24 will be notified within hours.

58.5. The President of Mongolia or the State Prosecutor General shall decide within 10 working days whether to grant permission to prosecute the prosecutor.

58.6. The State Prosecutor General may suspend the power of the prosecutor in connection with the prosecution of criminal cases.

58.7. If it is necessary to forcefully detain, detain, or arrest the prosecutor, to invade his home, office, or body, or to conduct an examination or search, a permit shall be obtained in accordance with the procedures specified in Articles 58.4 and 58.5 of this law.

58.8. Without the permission of the state prosecutor general, other organizations and officials shall not request the prosecutor to provide information on state or official secrets, organizational secrets, or

sensitive personal information that has become apparent in connection with the performance of official duties or has been entrusted to him.

[*/This section was amended by the law of December 17, 2021./*](#)

58.9. The state shall be responsible for damages caused by mistakes made by the prosecutor in the course of exercising his powers.

Article 59. Economic guarantee

Print

59.1. The expenses of the prosecutor's organization will be financed from the state budget, and the state will provide economic guarantees for its activities.

59.2. The state prosecutor general shall plan the operational and investment budget proposal of the prosecutor's organization and submit it to the central state administrative body in charge of financial and budgetary matters.

59.3. The prosecutor's salary consists of official salary, special conditions of official work, length of time in public service, rank, and academic grade increase. The State Great Khural shall determine the salary network and the amount of increments for the position of prosecutor.

59.4. The prosecutor who is stable and working productively in the prosecutor's organization will be supported to get a discount loan from the government for building or buying a house, for himself or his child's education, and if necessary, provide a loan guarantee.

59.5. The State Prosecutor General shall be provided with the following guarantees:

59.5.1. to be provided with communication equipment;

59.5.2. to receive a salary determined by the State Great Khural in accordance with the rank of a high-ranking official, and to enjoy other necessary provisions;

59.5.3. to enjoy diplomatic immunity and privileges during the period of stay or travel abroad.

59.6. In the event that a prosecutor goes to a domestic vacation or sanatorium, or to his or her spouse's birthplace, the prosecutor's travel expenses shall be paid in accordance with the law.

59.7. State and local self-governing organizations shall provide all-round support for the provision of workplaces, necessary equipment, transportation and technical means, and housing for employees.

Article 60. Social security

Print

60.1. The state shall be responsible for any damage caused by the death of a prosecutor while performing his duties.

60.2. If a prosecutor dies while performing his duties, a one-time non-refundable allowance equal to his 10-year salary will be given to his family.

60.3. The maximum retirement age of prosecutors is 60 years, and 50-year-old women, 55-year-old men, or prosecutors who have worked as prosecutors for 25 years, regardless of age, can decide on an old-age pension if they wish.

60.4. The basic vacation period and additional vacations of prosecutors shall be determined by the Labor Law and this law. For every 5 years of working as a prosecutor, 3 days of additional vacation will be enjoyed.

60.5. If the prosecutor is assigned to work in another locality, the prosecutor's office shall bear the expenses related to the relocation.

60.6. In the event that a prosecutor is physically injured or otherwise harmed in the performance of his official duties, as well as temporarily loses his ability to work or becomes disabled, the prosecutor shall receive pensions, allowances, and the difference in salary for his position. will be given for the entire

period. In the event that the prosecutor is treated in a hospital, the full amount of his salary will be paid in excess of the expenses covered by the health insurance, in case of illness or disability.

60.7. For pensions, allowances, differences in wages, artificial organs, hearing aids, and other rehabilitation treatments specified in Article 60.6 of this law, grants will be provided by the state, and the guilty party will be reimbursed in cases specified by law.

60.8. Guarantees, rewards, incentives, assistance and allowances other than those specified in this law shall be regulated by the Civil Service Law and other laws.

Article 61. Political guarantees

Print

61.1. The prosecutor shall respect his position while enjoying freedom of expression, association, speech, publication, religion or non-religion.

Article 62. Restrictions on civil rights of prosecutors

Print

62.1. Except for teaching and research work, the prosecutor is prohibited from concurrently performing work and positions that do not belong to his rights and duties as determined by law.

62.2. It is prohibited to conduct political activities in the prosecutor's office. The prosecutor shall be suspended from being a member of a political party during his term of office.

CHAPTER SEVEN

PROFESSIONAL AND DISCIPLINARY RESPONSIBILITIES OF PROSECUTORS

Article 63. Personnel training of prosecutor's organization

Print

63.1. When exercising his powers, the prosecutor shall improve his knowledge and qualifications and attend training every year.

63.2. The prosecutor's organization and professional self-governing organization of lawyers will implement the work of improving the prosecutor's qualification and retraining.

Article 64. Prosecutor's Professional Council

Print

64.1. There is a non-staff professional council that has the right to examine and make conclusions on issues related to the professional activities of the prosecutor.

64.2. The professional rules of the prosecutor and the working procedure of the professional council shall be approved by the President of Mongolia.

64.3. The composition of the Prosecutor's Professional Council shall be appointed by the State Prosecutor General.

Article 65. Prosecutor's Ethics Council

Print

65.1. The prosecutor has a part-time ethics council that has the authority to investigate and issue conclusions related to violations of the code of ethics.

65.2. The President of Mongolia shall approve the code of conduct of the prosecutor and the working procedure of the ethics council.

65.3. The composition of the Prosecutor's Ethics Council shall be appointed by the State Prosecutor General.

Article 66. Working procedures of the prosecutor's professional and ethical council

Print

66.1. The prosecutor shall submit a complaint to the council about violations of professional and ethical rules.

66.2. The professional and ethical council may have a part-time office.

66.3. Based on the conclusion of the professional and ethical council, the State Prosecutor General shall decide whether to impose disciplinary sanctions.

Article 67. Disciplinary sanctions

Print

67.1. If the prosecutor violates the law, the internal regulations of the organization, the professional and ethical rules of the prosecutor, or fails to fulfill his official duties stipulated by the law, the following disciplinary sanctions will be imposed, taking into account the nature of the violation:

67.1.1. to remind;

67.1.2. to reduce the salary of the position by up to 20 percent for a period of up to six months;

67.1.3. reduction in rank;

67.1.4. reduction of position;

67.1.5 dismissal from work.

67.2. On grounds other than professional mistakes and ethical violations, the general prosecutor of the province, capital, district, sum or sub-sum, specialized prosecutor's office may impose disciplinary sanctions on subordinate prosecutors as specified in Sections 67.1.1 and 67.1.2 of this law.

67.3. The prosecutor's disciplinary rules shall be approved by the President of Mongolia.

67.4. If the prosecutor considers the decision to impose a disciplinary penalty to be unjustified, the complaint shall be submitted to the State Prosecutor General within 1 month from the date of learning of the decision, or to the court if the State Prosecutor General has imposed it.

67.5. If the prosecutor's employee violates the code of ethics and internal labor regulations, disciplinary punishment will be imposed according to the Labor Law and the internal regulations of the organization.

Article 68. Dismissal and dismissal of the prosecutor

Print

68.1. In addition to the provisions of the Law on Public Service, the state prosecutor may dismiss the prosecutor from office on the following grounds:

68.1.1. was appointed to another job or position with his consent, was nominated for an elected position;

68.1.2. unable to perform duties due to physical health condition;

68.1.3. has reached the age of determining old-age pension specified in this law and other laws;

68.1.4. there was a conclusion of the professional council that he was not qualified for the job in terms of professional and business skills.

68.2. The prosecutor shall be dismissed from his position on the basis of the law on public service and this law.

CHAPTER EIGHT

OTHER

Article 69. Symbols, flags, seals, badges, printed sheets, uniforms and badges of prosecutor's organizations.

Print

69.1. The prosecutor's organization has a symbol, flag, prosecutor's uniform and badge.

69.2. The President of Mongolia shall approve the design of the symbols, flags, uniforms and badges of prosecutors, as well as the procedures for their use.

69.3. The Prosecutor's Office shall have a stamp, sign, and printed form issued in accordance with the established procedure.

Article 70. Entry into force of the law

Print

70.1. This law shall be enforced from July 1, 2017.

VICE CHAIRMAN OF THE NATIONAL CONGRESS OF MONGOLIA T. NYEMDORJ