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CRIMINAL PROCEDURE LAW OF MONGOLIA

PART I
GENERAL PROVISIONS

CHAPTER ONE
LEGISLATION ON CRIMINAL PROCEDURE

ARTICLE 1. OBJECTIVE OF THE LAW

1.1. The purpose of this Law shall be to govern relations arising out of executing criminal proceedings.

ARTICLE 2. LEGISLATION ON CRIMINAL PROCEEDINGS

2.1. Criminal proceedings on the territory of Mongolia shall be executed under the guidance of the Constitution[1] and in accordance with this Law.
2.2. Rules established by this Law shall be observed by inquiry officers, investigators, procurators, participants in the court and criminal proceedings, and other participants.

ARTICLE 3. LIMITS OF OPERATION OF THE LAW ON CRIMINAL PROCEDURE

3.1. Regardless of the place where a crime is committed, criminal proceedings on the territory of Mongolia shall be, in all circumstances, executed in conformity with the Law.
3.2. In the execution of criminal proceedings, the Law on criminal procedure, which is in force at the respective time, shall be applied.
3.3. This Law shall be equally applied in criminal proceedings regarding crimes committed on land owned by a diplomatic representative office that is to be considered a part of the territory of Mongolia or on board of ships or air planes carrying flag of Mongolia.

ARTICLE 4. APPLICATION OF LAW ON CRIMINAL PROCEDURE WITH RESPECT TO FOREIGN CITIZENS AND PERSONS WITHOUT CITIZENSHIP

4.1. In executing criminal proceedings in relation to crimes committed by foreign citizens or persons without citizenship on the territory of Mongolia, the rules set by this Law shall be adhered to.
4.2. With respect to foreign citizens possessing the right of diplomatic immunity and inviolability, criminal proceedings provided by the present Code shall be executed only upon their request or with their consent.
4.3. Consent for executing criminal proceedings with respect to persons enjoying diplomatic immunity and inviolability shall be sought through central state administration organ in charge of external affairs of Mongolia.

ARTICLE 5. DEFINITION OF TERMS

[1] The Constitution of Mongolia is printed in #1, 1991 issue of "The State Information" bulletin.

5.1. Terms contained in the Law shall have the following meaning:

5.1.1. "Executor of procedural actions" – Inquiry officers, investigators, procurators and judges;

5.1.2. "Head of an inquiry agency"- Heads of agencies, departments, divisions and sections that execute inquiry and their deputies;

5.1.3. "Inquiry officer" – Officials authorized to execute inquiries;

5.1.4. "Head of an investigation agency" - Heads of departments, divisions, and sections that carry out investigation and their deputies;

5.1.5. "Investigator" – Officials authorized to execute investigation;

5.1.6. "Parties" – Persons participating in litigation of court sessions with equal rights and carrying out prosecuting or defending duties;

5.1.7. "Prosecuting party"- Procurator;

5.1.8. "Defending party"- Defendant, his/her legal representative, defense counsel, civil defendant and his/her representative;

5.1.9. "Participant"- Suspect, accused, defendant, convict, his/her legal representative, defense counsel, victim, his/her representative, civil defendant and civil plaintiff;

5.1.10. "Other participants" – Witnesses, experts, specialists, third party witnesses, translators, interpreters, secretary of court hearing;

5.1.11. "Members of family" - a wife or husband of the suspect, accused, defendant or living together parents, grandparents or born, step or adopted children or their relatives;

5.1.12. "Children" – born, step or adopted children, grandchildren, or great grandchildren;

5.1.13. "Legal representatives" – legally identified parents, foster parents, guardians and curators of the suspected, accused, defendant or the victim;

5.1.14. "Close relatives" – separately living parents, grandparents, born, step or adopted children, grandchildren, great grandchildren or their brother, sister, uncle, aunt and their children;

5.1.15. "Court" - The Supreme Court, Courts of aimag or the Capital City, soum, inter-soum and district Courts;

5.1.16. "Court of first instance" - a courts of soum, inter-soum or districts that consider and resolve criminal cases by way of first instance;

5.1.17. "Court of the appellate instance" – courts of aimag and the Capital City that consider and resolve criminal cases by way of appeal instance;

5.1.18. "Court of the supervisory instance" - The Supreme Court;

5.1.19. "Judge" - Chief Judges and judges of courts of all instances;

5.1.20. "Procurator" - Procurator General of the State, and procurators who are subordinate to him;

5.1.21. "Acquitting decree" - a decision rendered by a court concerning a defendant not guilty;

5.1.22. "Sentencing decree" - a decision rendered by a court concerning a defendant guilty and imposing penalty;

5.1.23. "Ruling" - a decision of a court by way of appeal after reviewing and resolving a case;

5.1.24. "Decree" - a decision of the Supreme Court after reviewing decisions by courts of first and appellate instances, any decision made by an investigator, an inquiry officer and procurator regarding inquiry or investigative actions except an indictment; any court decision in connection to resolving criminal cases except acquitting or sentencing decrees;

5.1.25. "Judge order" - any decision, other than acquitting or sentencing decrees, rendered by a judge in criminal cases;

5.1.26. "Conclusion of procurator" -opinion of a procurator expressed at court session;

5.1.27. "Night time" – period between 10 PM of the day to 6 AM of the next day.

CHAPTER TWO
TASKS AND PRINCIPLES OF CRIMINAL PROCEEDING

ARTICLE 6. TASKS OF CRIMINAL PROCEEDINGS

6.1. The tasks of criminal proceedings of Mongolia are the speedy and complete clearance of crimes, identification of offenders, fair imposition of respective convictions to each individuals who committed the crimes, and ensuring the fact that any innocent person shall be presumed not guilty.

ARTICLE 7. IMPERMISSIBILITY OF CONSIDERING TO BE SUSPECT, PROSECUTING AS DEFENDANT OR SENTENCING EXCEPT ON GROUNDS AND IN ACCORDANCE WITH PROCEDURE ESTABLISHED BY LAW

7.1. No one may be considered as suspect, prosecuted as defendant or sentenced except on the grounds and in accordance with the procedure established by law.

ARTICLE 8. LAWFULNESS OF CRIMINAL PROCEEDING

8.1. In executing criminal proceedings inquiry officers, investigators, procurators and courts shall firmly observe provisions of the Constitution, this Law and other legislation.

8.2. If a person implementing criminal proceeding violates the provision of Article 8.1. of this law, his/her decision shall be presumed invalid according to grounds and rules set by law and a responsibility shall be imposed.

8.3. Courts shall not apply laws, which do not comply with the Constitution.

8.4. If a Court considers that a law that it applies does not comply with the Constitution, it shall suspend proceedings on the case and submit an opinion to the Supreme Court on the issue and if the Supreme Court, after discussing it, considers the opinion grounded it shall submit its request to the Constitutional Court.

ARTICLE 9. ONLY COURT SHALL EXECUTE JUDICIAL AUTHORITY

9.1. Only courts shall execute judicial authority in Mongolia.

ARTICLE 10. ENSURING THE RIGHT FOR INVIOLABILITY OF PERSON

10.1. No one may be suspected in a crime and subjected to arrest without grounds provided by this Law.
10.2. It shall be prohibited to keep any body in medical institutions for tests without a procurator's or judge's sanction or to confine under guard without a judge's sanction.
10.3. Procurators shall have the duty to immediately release persons illegally arrested or confined under guard, or serving imprisonment sentences or kept in medical institutions, or serving excessive terms on top of those provided by law or a court decision.
10.4. It shall be prohibited to torture, to treat inhuman or cruel way any body and to insult his/her reputation.
10.5. During arrest of a suspect he/she shall be informed on the reason and grounds for the arrest, and reminded his/her right to have an defense counsel, to defend him/herself, to lodge a complaint to court and not to give testimony against him/herself.

ARTICLE 11. INVIOLABILITY OF DWELLING

11.1. Citizens' dwelling shall be inviolable.
11.2. Nobody shall have the right to enter a citizen's dwelling outside of the grounds and rules set by this Law.
11.3. A search in dwellings shall be executed with sanction of a procurator and according to the grounds and rules set by this Law.

ARTICLE 12. INVIOLABILITY OF PRIVACY AND CONFIDENTIALITY OF CORRESPONDENCE

12.1. The inviolability of private, family and correspondence secrets shall be protected by law and this right may be restricted only by a procurator's sanction and according to grounds and rules provided by law.

ARTICLE 13. PRESUMPTION OF INNOCENCE

13.1. No one maybe deemed guilty of committing a crime until a judgement of a court is issued.
13.2. If there is a doubt in guilt of a suspect, accused or defendant, or interpretation or application of the Criminal Law[2] and this Law even though all evidence relevant to the case were considered, these shall be settled in favor of the suspect, accused or defendant.

ARTICLE 14. EQUALITY BEFORE THE LAW AND THE COURTS

14.1. All citizens in Mongolia are equal before the law and the courts without discrimination of their nationality, origin, language, race, age, sex, social origin and status, property, profession, occupation, religion, thoughts, opinion and education.

[2] Criminal Law of Mongolia is printed in #5 issue of "The State Information" bulletin.

ARTICLE 15. INDEPENDENCE OF JUDGES AND THEIR SUBORDINATION ONLY TO LAW

15.1. In reviewing and resolving criminal cases judges shall be independent and subordinate only to law.
15.2. It shall be prohibited to any official, citizen or any body to interfere and influence in execution by judges their duty to administer justice.

ARTICLE 16. THOROUGH, COMPLETE AND OBJECTIVE DETERMINATION OF CIRCUMSTANCES OF CASE.

16.1. Inquiry officer, investigator, procurator and court shall be obliged to take all measures provided by law for a thorough, complete, and objective proof of the circumstances of the case to determine circumstances tending both to convict and to acquit the accused or defendant as well as those tending to aggravate and to mitigate his/her guilt.
16.2. Inquiry officer, investigator, procurator and court shall not have the right to demand the suspect, accused or defendant to prove their innocence themselves.
16.3. It shall be prohibited for inquiry officer, investigator, procurator and court to demand from the suspect, accused or defendant to make testimony against themselves or to use pressure or force in order to retrieve testimony.
16.4. It shall be also prohibited to demand from a member of the family, parents or children of the suspect, accused or defendant to testify against them.
16.5. If the person described in Article 16.4. of this law requests to give a testimony, the testimony shall be heard after he/she is explained on his/her right to refuse from giving testimony and the provision of Article 254 of this Law is reminded.

ARTICLE 17. EXECUTING JUDICIAL PROCEEDINGS BASED ON EQUALITY OF PARTIES AND ADVERSARIAL PRINCIPLES

17.1. The judicial examination shall be based on adversarial litigation between prosecuting and defending parties with equal rights.
17.2. Procurators shall have the duty to prove the charges presented to defendants.
17.3. Defense counsels shall use all the tools provided by law in order to defend the defendant and render legal assistance.
17.4. The parties shall be equal in participating in the analysis of the evidence, submitting requests, and expressing their opinions regarding any aspects relevant to the case.

ARTICLE 18. ENSURING THE RIGHT OF SUSPECT, ACCUSED, DEFENDANT AND VICTIM TO BE DEFENDED

18.1. Suspect, accused, defendant and victim shall have the right to defend and to be defended themselves and to receive other legal assistance.
18.2. In circumstances provided by Article 40 of this Law, inquiry officer,

investigator, procurator and court shall have the mandatory duty to provide suspect, accused, defendant and victim with possibility to be defended.

ARTICLE 19. LANGUAGE IN WHICH PROCEEDINGS SHALL BE EXECUTED

19.1. Judicial proceedings shall be executed in Mongolian language and shall be documented in script of official carry out of the State business.
19.2. If persons participating in criminal proceeding do not have command of Mongolian language then through his/her mother tongue or languages and scripts known to him/her or if mute or deaf then with the help of gestures and special signs and translator, interpreter shall be provided with the right to give testimony, to submit complaint, to make speech in court and to get introduced with all materials of the case.

ARTICLE 20. RIGHT TO COMPLAIN ON PROCEEDINGS OR DECISION

20.1. Complaints on actions and decisions of inquiry officer, investigator, procurator and court may be lodged according to rules set by this Law.

CHAPTER THREE
GROUNDS FOR EXECUTING CRIMINAL PROCEEDING

ARTICLE 21. EXECUTING MANDATORY CRIMINAL PROCEEDING.

21.1. Inquiry officer, investigator, and procurator shall be obliged, within the limits of their competence, in every instance in which indicia of a crime are disclosed, take all relevant measures provided by law for ascertaining the occurrence of the crime and identifying the persons who committed it.
21.2. Inquiry officer, investigator, and procurator shall implement their procedural competence independently from any organization or official and according to grounds and rules provided by this Law.

ARTICLE 22. EXPOSING CAUSES AND CONDITIONS FACILITATING COMMISSION OF A CRIME

22.1. In the execute of an inquiry, investigation, and judicial examination of a criminal case inquiry officer, investigator, procurator, and court shall be obliged to expose the causes and conditions facilitating the commission of the crime, and to take measures to eliminate them.

ARTICLE 23. CITIZEN'S RIGHT TO PARTICIPATE IN CRIMINAL PROCEEDINGS

23.1. In instances where a victim was not able to express his/her wish due to fact that the victim has died or was a minor or due to health reasons, an adult member of his/her family, or a close relative shall have the right to participate in the proceedings according to rules set by this Law.
23.2. A person described by Article 23.1. of this Law shall have the right to

withdraw from his/her complaint at any stage of the proceeding.

ARTICLE 24. CIRCUMSTANCES EXCLUDING CRIMINAL PROCEEDINGS

24.1. A criminal case may not be initiated, and if initiated, procurator and court shall terminate according to provisions of this Law:
24.1.1. in the absence of the elements of a crime;
24.1.2. upon the expiration of the periods of limitation;
24.1.3. the person involved in the crime has died (except in instances when proceedings are necessary in order to rehabilitate the deceased or to reopen a case with respect to other persons on the basis of newly discovered circumstances);
24.1.4. there is a valid decree previously issued to terminate the case.

24.2. The court shall issue a decree on acquittal if circumstances provided for by Article 24.1.1. of this Law are discovered during the judicial examination of a criminal case.

24.3. If termination of a case based on the grounds stated in Articles 24.1.1. and 24.1.2. of this Law is objected by the accused and his/her defense counsel, or on the grounds stated in 24.1.3 of this Law - by the defense counsel of the accused or member of his/her family, relative, their complaint shall be lodged to court and the court shall execute judicial examination in the usual manner and shall review and resolve whether the person involved in the case is guilty or not.

24.4. The victim shall be informed if the criminal case is terminated according to provisions of 24.1. of this Law and the victim shall have the right lodge complaint on the decision according to rules set by this Law.

ARTICLE 25. TERMINATION WHEN VICTIM RECONCILES WITH ACCUSED OR DEFENDANT

25.1. If victims of minor crimes provided for by the Criminal Law of Mongolia reconciles with the accused or defendant, the case shall be terminated.

25.2. In instances when the victims of cases provided by Artcile 25.1. of this Law are not able to defend their rights and legal interests, because of dependence on the accused, or for any other reasons the case shall not be terminated and the case shall be transferred to court and the court shall review and resolve the case in the usual manner.

PART II
PARTICIPANT IN THE CRIMINAL PROCEEDING

CHAPTER FOUR
THE STATE INSTITUTIONS AND OFFICIALS TO ADMINISTER CRIMINAL PROCEEDING

ARTICLE 26. INSTITUTIONS TO ADMINISTER INQUIRY

26.1. Following institutions and officials shall administer inquiry with respect

to minor and less grave crimes mentioned below:

26.1.1. Border Intelligence Service: crimes described by Articles 89(Illegal crossing of border of Mongolia), 90 (Violation of the State border regime), 175 (Illegal passage of items through border of Mongolia);

26.1.2. Police Agency: all crimes irrespective of their jurisdiction except the crimes described by Article 26.1.1 of this Law;

26.2. With respect to crimes committed during on route travel of a ship or an air plane outside of the border of Mongolia and carrying flag of the country, - the captain of the ship or head of air crew of the air plane or with respect to crimes committed on land owned by a diplomatic representative office of Mongolia in a foreign country, - the officer in charge of consular issues shall carry out immediate inquiry actions described by Article 172 of this Law.

ARTICLE 27. INSTITUTIONS TO ADMINISTER INVESTIGATION

27.1. Investigator of General Intelligence Agency shall execute investigations with respect to following crimes described by Criminal Law:

- Articles 79 (Treason), 80 (Espionage), 81 (Assault to life and body of prominent political and social figure), 82 (Conspiring to hold the State power illegally), 83 (Instigating armed riot), 84 (Sabotage), 85 (Treacherous obstruction), 86 (Disintegration of national unity), 87 (Disclosure of the State secret), 88 (Relinquishment of the State confidential information, document or physical item), 89 (Illegal crossing of border of Mongolia), 133 (Violation of legislation on undercover operation), 175 (Illegal passage of items through border of Mongolia), 224.2 (Violation of international flight procedures), 297 (Instigating armed conflict), 300 (Creation, obtaining and distributing weapons of mass destruction), 301 (Assault to figures enjoying international protection), 302 (Genocide), 303,1; 303.2 (Usage of mercenaries);
- Crimes described by Articles 263 of the Criminal Law (Abuse of power or position by an official of the State), 264 (Exceeding by an official of the State his/her power) with respect to which an undercover operation is carried out by an officer of the General Intelligence Department.

27.2. Investigation Service of the Procurator's Office shall carry out investigation with respect to crimes committed by police officers, inquiry officers, investigators, procurators and judges.

27.3. Investigator of Investigation Departments shall carry out investigation with respect to all, except those described by Article 27.1. of this Law, grave and extremely grave crimes and crimes described by Criminal Law, - Articles 92 (Killing of infant by his/her mother), 93 (Killing of others in state of strong shock and despair), 94 (Killing of others through negligence), 101 (Illegal purchase of human blood, tissue or organs), 102 (Preparation and transplanting human blood, tissue or organs in conditions inadequate to requirements), 106.2 (Not rendering assistance to a patient), 124.2, 124.3 (Involving others in prostitution and organizing prostitution), 145.2 (Theft of others' property), 148.2 (Deception of others' property), 149.2 (Threatening to obtain others'

property), 150.2 (Abuse and relinquishment of others' property), 154.2 (Negligence towards protecting others' property), 156.1, 156.2 (Violation of Banking legislation), 157 (Participating in banking operations through abuse or exceeding one's official position), 158 (Violation of Securities legislation), 159 (Violation of Auditing legislation), 161.1 (Running prohibited production, services or trade), 163.1, 163.2 (Use and laundry of property or money illegally obtained), 164 (Illegally obtaining and disclosing secrets of financial or business activities), 165.2 (Deliberately turning insolvent or bankrupt), 169.2 (Deception of or confusing consumers), 171.2 (Selling written off or bad quality products), 172.2 (Selling of food products inadequate to health requirements), 175.2 (Illegal passage of items through border of Mongolia), 176.1 (Production and sale of fake currency or securities), 185.1, 185.2 (Illegally obtaining, manufacturing, storing, carrying, selling, or producing of firearms, military equipment, explosive substances), 188.1 (Illegal passage of narcotics, drugs or poisonous substances, firearms, military equipment, explosive substances through border of Mongolia), 196.1 (Organizing a place to consume narcotics or other mentally affecting substances), 197.2 (Illegal treatment), 198.2 (Illegal running of pharmacy business), 205 (Pollution of environment), 217.2 (Violation of safety or technical exploitation procedures of rail road, water or air transportation), 225.1 (Kidnapping of airplane), 226 (Alteration, damage or destruction of computer information or software), 229 (Creation, usage and distribution of software with a virus), 243 (Gambling), 263 (Abuse of power or position by an official of the State), 264 (Exceeding by an official of the State his/her power), 265 (Abuse of power or position by an official of NGO or business entity), 266 (Exceeding by an official of NGO or business entity his/her power), 268.1 (Receiving bribes), 272.2 (Negligent attitude of an official towards his/her official duties), 273.2 (Expenditure of [public] budget for undesignated purposes), 294.1 (Abuse, exceeding or non-implementation of one's power), 295.1 (Negligence towards one's duties).

ARTICLE 28. INQUIRY OFFICER AND INVESTIGATOR

28.1. Investigation shall be executed by an inquiry officer for minor and less grave cases specified by Criminal Law and for grave and extremely cases by an investigator and inquiry officers or investigators initially started the investigation shall be obliged to finish it.

28.2. Inquiry officers and investigators shall have following rights and duties:

28.2.1. to initiate a criminal case;

28.2.2. to submit his/her opinion to refuse to initiate a criminal case or to suspend a criminal case to a procurator;

28.2.3. to execute an examination of crime scene, make drawings, sound and video recording;

28.2.4. to consider as suspect or prosecute as accused, identify as civil plaintiff or civil defendant, appoint experts and involve third party witnesses;

28.2.5. to take the measures of constraints provided by Article 62.1.1-62.1.4 of this Law;

28.2.6. to submit to a procurator proposals to arrest, take measures of confinement under guard or to change such measures;

28.2.7. to take measures of coercion provided by Article 72 of this Law;

28.2.8. to collect physical evidence and other facts of proof, to interrogate persons specified Article 28.2.4. of this Law or other persons who may provide information significant to a case, to set up confrontational interrogation, to organize identification, expert examination, to resolve complaints and request submitted by participants in criminal proceedings;

28.2.9. to consolidate and separate;

28.2.10. to carry out examination, search, experiment and to seal or to protect property;

28.2.11. to take all necessary measures to ascertain a crime and identify an offender that committed it, making thorough, complete, and objective analysis of the circumstances of the case through collecting evidences tending both to convict and to acquit by observing provisions of this Law scrupulously;

28.2.12. except in instances where the law provides for obtaining the sanction of a procurator, to resolve all issues related to inquiry and investigation independently and to bear final responsibility for ascertaining a crime and identifying the offender that committed it;

28.2.13. within the scope of his/her competence granted by this Law, to implement assignments of a procurator on mandatory basis, and if there is an objection to them, to present explanation to a procurator of higher instance;

28.2.14. to assign authorized agencies to implement appropriate undercover operations in order to ascertain and to identify the offender that committed it.

28.2.15. if it is necessary to execute certain procedural actions in other local areas, or to search for an offender who has committed a crime, or when there is a need to carry out certain undercover operation, an investigator shall issue a written instruction and agencies of inquiry and investigation that received the instruction shall implement the actions on mandatory basis, within the time limits specified and deliver the response together with collected evidences.

28.3. All business entities, organizations and officials shall be bound to execute decrees of an inquiry officer or an investigator issued within their competence provided by this Law, during investigation of a certain case.

ARTICLE 29. POWERS OF HEADS OF INQUIRY AND INVESTIGATIVE AGENCIES

29.1. Heads of Inquiry and Investigative Agencies shall have following rights during investigation of a criminal case:

29.1.1. with respect to ascertaining a crime and identifying the offender who committed it, to take emergency coordinating measures by way of providing organizational and professional guidance for

executing inquiry and investigation actions;

29.1.2. to entrust investigation to one or several inquiry officers or investigators;

29.1.3. to transfer a case from one inquiry officer or investigator to another;

29.1.4. if necessary to personally review materials of a case or to take part in particular procedural actions or to give an inquiry officer or investigator written instructions and to ensure their implementation;

29.1.5. to personally execute inquiry and investigation actions while enjoying the powers of an inquiry officer and an investigator.

ARTICLE 30. PROCURATOR

30.1. Procurators shall monitor the application of provisions of law during inquiry and investigative actions and take part in court hearing as public prosecutor.

30.2. In taking part in procedural actions procurators shall implement full powers allocated by Articles 193 and 195 of this Law and other legislation.

ARTICLE 31. COURT

31.1. Courts established only according to the Constitution shall implement administration of justice with regard to criminal cases.

ARTICLE 32. COURT COMPOSITION

32.1. At the Courts of soum, inter-soum and district, by way of the first instance, a judge alone shall review and resolve cases with respect to which an inquiry is carried out and a bench of 3 judges shall review and resolve cases where an investigation is carried out.

32.2. If a judge considers that resolution of a case shall be handled by a bench of judges due to complicated nature of the case, he/she may submit a petition on the issue and a bench may be appointed by order of Chief Judge of the respective court.

32.3. At the aimag and Capital City courts, by way of appellate instance, a bench of 3 judges shall review and resolve a case.

32.4. At the Supreme Court of the country when law specifically allocates jurisdiction to the Court shall resolve cases by way of the first instance, by way of supervisory instance shall review a case based on complaints of the parties in respect to the case with judgments of an appellate instance and first instance court in bench of 5 judges.

32.5. In circumstances specifically provided by law, the Supreme Court shall review and resolve a case in presence of overwhelming majority of all judges.

32.6. Criminal court hearings at the first, appellate and supervisory instance shall be chaired by the Chief Judges or by a judge appointed by them.

ARTICLE 33. FULL POWER OF COURT

33.1. Court shall implement following full powers:

33.1.1. determining the guilt of defendants and to impose penalties;

33.1.2. to terminate case and acquit if the guilt of the defendant is not established;

33.1.3. to take measures of restraint through arrest or confinement under guard with respect to suspect, accused or defendant;

33.1.4. to apply other measures of criminal liability.

ARTICLE 34. RIGHTS AND DUTIES OF CITIZENS' REPRESENTATIVES

34.1. Citizens representatives shall have the right to ask a question from participants during court litigation and based on examination of evidences to submit, in writing, his/her opinion regarding the guilt of defendant and sentences that should be imposed on the defendant.

34.2. Court shall involve 3 Citizens' Representatives for reviewing and resolving grave or extreme grave crimes by way of the first instance, 2 Citizens' Representatives for reviewing and resolving a case according to provision of Article 32.2. of this Law and 1 Citizens' Representative in all other cases.

34.3. In circumstances when Citizens' Representatives opinions vary, they may submit their opinions separately.

CHAPTER FIVE
PARTICIPANTS IN PROCEEDINGS TO PROTECT THEIR OWN INTERESTS OR INTERESTS OF REPRESENTING PERSONS

ARTICLE 35. SUSPECT

35.1. Inquiry officer or investigator shall initiate a criminal case according to grounds and rules provided by this Law and shall deem following persons as suspects, and shall be issue a decree specifying the grounds:

35.1.1. when such person is caught committing the crime or immediately after committing it.

35.1.2. when the victim or an eyewitness has directly indicated the person who has committed the crime;

35.1.3. when obvious traces of the crime are discovered on the suspect or on his body, clothing, property or in his dwelling;

35.1.4. when such person is giving oneself up;

35.1.5. when there are other facts allowing grounds to suspect a person in committing a crime.

35.2. The suspect shall have the following rights:

35.2.1. to know for what crime he is being suspected;

35.2.2. to be presented with decree on initiation of a case against him/her, on his/her arrest, and on taking measures of restraints against him/her;

35.2.3. to present evidence and submit petition requiring

examination of evidence;

35.2.4. to give a testimony or refuse to give a testimony;

35.2.5. to give a testimony in his/her own language or make use of a translator, interpreter;

35.2.6. to submit challenges with regard to inquiry officer, investigator, procurator, translator, interpreter and expert;

35.2.7. to make self-defense; to have an defense counsel as provided for in Article 39 of this Law;

35.2.8. to have individual meeting with his/her defense counsel;

35.2.9. to participate in criminal proceedings with the permission of inquiry officer or investigator;

35.2.10. to lodge complaint regarding the actions and decisions of the inquiry officer, investigator or procurator;

35.2.11. to require to be compensated for damages occurred due to activities of an inquiry officer, investigator, or procurator in violation of law.

35.3. Suspect shall not bear the duty to give testimony against him/herself or to prove his/her involvement in a crime or other circumstances of a crime.

35.4. An inquiry officer or investigator shall inform the suspect immediately and an adult member of family or defense counsel within 48 hours on what crime he/she is suspected.

ARTICLE 36. THE ACCUSED

36.1. An accused is a person with respect to whom a decree to prosecute has been rendered by an inquiry officer or an investigator in accordance with the procedure established by this Law.

36.2. An accused who is brought to trial shall be called a defendant, a defendant with respect to whom a judgement of conviction has been rendered shall be called a convict.

36.3. The accused shall have the following right:

36.3.1. to know for what offence he is accused of;

36.3.2. to be presented with decree to prosecute as the accused and with decree on measures of restraint have been taken;

36.3.3. to make self-defense; to have an defense counsel as provided for in Article 39 of this Law;

36.3.4. to have individual meeting with his/her defense counsel;

36.3.5. to give verbal or written explanation concerning the accusation presented to him;

36.3.6. to give testimony or refuse to give a testimony;

36.3.7. to present evidence, submit petition requiring an examination of evidence;

36.3.8. to get presented with materials of the case involving him/her;

36.3.9. to take part in the court session;

36.3.10. to submit challenges with regard to inquiry officer, investigator, procurator, translator, interpreter, expert, judge, a citizens' representative, or secretary of a judicial session;

36.3.11. to lodge complaints regarding actions of an inquiry officer,

investigator, procurator, and court proceedings;

36.3.12. to get familiar with decrees on appointment of experts and with their conclusions;

36.3.13. to give testimony in his/her mother tongue or known language, to make use of a translator, interpreter;

36.3.14. with the permission of an inquiry officer or investigator to be present in investigative actions at his/her own or the defense counsel's request, and to get familiar minutes of the actions and to request changes in the minutes;

36.3.15. to present a final speech at court session;

36.3.16. to appeal the judgement;

36.3.17. to acquaint him/herself with the protests and appeals on court judgement lodged by other persons and to give explanation regarding them;

36.3.18. to require to be compensated for damages occurred due to activities of an inquiry officer, procurator, investigator or judge in violation of law.

36.4. A defendant shall not be obliged to testify against himself, as well as to prove his/her innocence or any other circumstances of the case known to him.

36.5. The defendant shall have following duties:

36.5.1. to appear when summoned by an inquiry officer, investigator, procurator, and court;

36.5.2. to not hinder examination on his body or his/her transfer to a medical institution on the basis of decree drawn up by an inquiry officer, investigator, or procurator, as well as executeion of other decisions made by competent organizations and officials made during the criminal proceedings;

36.5.3. to obey the order of the court session.

ARTICLE 37. LEGAL REPRESENTATIVE OF A MINOR SUSPECT AND ACCUSED

37.1. In the proceedings of cases related to minor suspect, accused and defendant, their legal representative shall take part in.

37.2. A legal representative of minor suspect, accused and defendant shall participate in the proceedings according to rules provided by Articles 364-377 of this Law.

ARTICLE 38. DEFENSE COUNSEL

38.1. A defense counsel is a person who protects rights and legal interests of suspect, accused, defendant and victim according to rules set by law and renders legal assistance.

38.2. If it is not possible for a professional defense counsel to get involved, a suspect, accused, or defendant him/herself shall choose a person who do not have reasons to negatively affect the proceeding as defense counsel.

38.3. Defense counsel has the right to take part in criminal proceedings starting from the moment when some one is deemed as suspect in a crime.

38.4. One defense counsel may not defend several suspects, accused, or defendants who have mutually contradicting interests regarding a case.

ARTICLE 39. SELECTION AND REPLACEMENT OF DEFENSE COUNSEL

39.1. A suspect, accused, defendant and victim shall have the right to select their defense counsel themselves.
39.2. With the consent or request of a suspect, accused, defendant or victim, his/her legal representative, member of family, or relative may select a defense counsel for him/her.
39.3. One person may have several defense counsel.
39.4. When suspect, accused, defendant or victim has not selected a defense counsel, upon their request, the inquiry officer, investigator, procurator, and court shall provide an opportunity for a defense counsel to participate in the criminal proceedings, but it is prohibited to urge to him name of a particular lawyer.
39.5. In the event when participation of defense counsel selected by the suspect or accused is impossible, or challenge to the counsel, the suspect, accused, or defendant shall have the right to select another defense counsel.

ARTICLE 40. OBLIGATORY INVOLVEMENT OF DEFENSE COUNSEL

40.1. The participation of defense counsel in a **judicial examination** shall be obligatory in cases of following suspect, accused or defendant:
40.1.1. mute, deaf, blind, and other persons who by reason of their physical or mental defects are not able to exercise their right to defense themselves;
40.1.2. minors;
40.1.3. persons who do not have command of Mongolian language;
40.1.4. to whom death penalty may be applied;
40.1.5. if one of suspects, accused or defendants who have contradicting interests on a case has a defense counsel, then other suspects, accused or defendants.
40.2. If in instances provided for in Article 40.1. of this Law, defense counsel is not engaged by the suspect, accused, and defendant him/herself, or by his legal representative, member of family, relative or by other persons upon his/her commission, the inquiry officer, investigator, procurator or court shall be obliged to secure the participation of defense counsel in the case.

ARTICLE 41. DUTIES AND RIGHTS OF DEFENSE COUNSEL

41.1. Defense counsel shall be obliged to protect rights and legal interests of suspect, accused, or defendant and provide legal assistance to them.
41.2. The defense counsel shall not have the right to withdraw from the defense without a valid reason from the moment of consent or assignment and shall not have a right to collect evidence by illegal means.

41.3. Defense counsel shall have the following right:

41.3.1. to meet with the suspect, accused, or defendant along from the moment he/she is permitted to participate in a case, be present at their interrogation and to put questions;

41.3.2. to submit petition to collect objects, documents, information and other evidences required for providing legal assistance as stated in Article 92 of this Law or to present them and to have them inspected and included in the file of the case;

41.3.3. to be present at the interrogation of victims, witnesses and experts, to put questions to them;

41.3.4. to be present during the execute of any other investigative actions performed upon petition of the suspect, accused, or defendant, and put questions to other participants such as witnesses, expert etc of the executing of the actions at any moment;

41.3.5. to get acquainted with the record of procedural actions and to submit written proposal to make corrections;

41.3.6. with the consent of individual persons or organizations to require from them explanations and references,

41.3.7. to submit challenges to inquiry officer, investigator, procurator, translator, interpreter, judge, citizens' representative and secretary of a judicial session;

41.3.8. upon completion of the inquiry or investigation to become acquainted with all the materials of the case and at his own expenses make copies some of the materials which do not contain secrets of state, organizations, and individuals;

41.3.9. participate in judicial examination in the court;

41.3.10. to lodge a complaint on actions and decisions of inquiry officer, investigator, procurator, and court.

41.3.11. to be present at his/her will in resolving by court the issue of arrest or confinement under guard of the suspect or accused being defended and to submit comments to the court;

41.3.12. to participate at his/her will in the appellate or supervisory instance court hearing.

ARTICLE 42. VICTIM

42.1. A person to whom moral, physical, or property harm is caused by a crime shall be deemed as a victim.

42.2. A citizen shall be declared a victim by decree of a an inquiry officer , an investigator, or a court, or by a ruling of judge.

42.3. The victim or his representative shall have the following rights:

42.3.1. to have a defense counsel;

42.3.2. to present evidence;

42.3.3. to submit petition concerning necessity of analysis of evidence;

42.3.4. to participate in Judicial session of a court,

42.3.5. put questions to defendant, witness, and expert;

42.3.6. to appeal from the actions and decisions of an inquiry officer, investigator, procurator and court,

42.3.7. to speak in own mother tongue or give testimony in

known language and make use of a translator, interpreter;

42.3.8. to become familiar with all the materials of the case upon completion of the case;

42.3.9. to require to be compensated losses incurred due to crime;

42.3.10. to make copy of court decree on acquittal or sentencing and compile a complaint through an appeal and review procedure;

42.3.11. to become familiar with the materials related to complaint and protest submitted by other parties with respect to decision of court, and to give explanation;

42.3.12. to submit challenges to inquiry officer, investigator, procurator, translator, interpreter, judge, citizens' representative and secretary of a judicial session;

42.4. If the victim has died because of a crime, or has lost his/her legal abilities, his/her family members or close relatives shall have the rights provided by the present Article.

42.5. Victim shall have following duties:

42.5.1. to appear as summoned by inquiry officer, investigator, procurator, and court;

42.5.2. to give truthful testimony with respect to a case;

42.5.3. to keep in confidential documents related to a case which become known to him/her;

42.5.4. to obey order of judicial session and criminal proceedings.

42.6. If victim refuses or avoids intentionally to give testimony or gives false testimony he/she shall be liable as provided by Criminal Law.

ARTICLE 43. CIVIL PLAINTIFF

43.1. A citizen, a legal entity that has suffered property or non-property damages from a crime and has brought a claim for its compensation or restoration shall be deemed a civil plaintiff.

43.2. One shall be declared a civil plaintiff by decree of an inquiry officer, investigator, or court, or by a ruling of a judge.

43.3. A civil plaintiff or his representative shall have the following rights:

43.3.1. To present evidence significant to a case;

43.3.2. to request the agency of inquiry, the investigator, and the court to take measures to secure the suit brought by him;

43.3.3. to participate in the judicial session;

43.3.4. to support or withdraw the civil suit;

43.3.5. to become familiar with the materials or the case from the moment the investigation is completed;

43.3.6. to submit challenges to inquiry officer, investigator, procurator, translator, interpreter, judge, citizens' representative and secretary of a judicial session;

43.3.7. to submit complaint with respect to actions and decisions of inquiry officer, investigator, procurator and court;

43.3.8. to appeal from the Judgement of the court in so far as it concerns the civil suit.

43.4. Civil plaintiff shall be obliged to submit documents and evidence in

his/her possession relevant to his/her civil suit upon request of inquiry officer, investigator, procurator, and court.

ARTICLE 44. CIVIL DEFENDANT

44.1. Parents, guardians, curators, and other persons as well as economic entities, and organizations which by law bear material responsibility for a loss caused by the criminal actions of the accused, may be prosecuted as civil defendants.
44.2. One may be prosecuted as civil defendant by reasoned decree of an inquiry officer, investigator, or court, or by a ruling of a judge.
44.3. A civil defendant or his representative shall have following rights:
44.3.1. to object to the suit;
44.3.2. to give explanation towards the suit;
44.3.3. to present evidence or submit petition;
44.3.4. to become familiar with the materials of the case relevant to civil suit from the moment the investigation is completed;
44.3.5. to submit challenges to inquiry officer, investigator, procurator, translator, interpreter, judge, citizens' representative and secretary of a judicial session;
44.3.6. to appeal from the actions of the inquiry officer, investigator, procurator, and court;
44.3.7. to appeal from the judgement of the court in so far as it concerns the civil suit.

CHAPTER SIX
OTHER PARTICIPANTS OF THE CRIMINAL PROCEEDINGS

ARTICLE 45. WITNESS

45.1. A person who knows significant circumstances of a crime and not involved in the crime shall be deemed to be a witness.
45.2. A witness shall be summoned and interrogated according to rules set for by Article 143 of this Law.
45.3. Following individuals shall not be interrogated as witness:
45.3.1. the judge who previously reviewed and resolved the case;
45.3.2. the defense counsel who became familiar with circumstances of the case during implementation of his/her duty to defend;
45.3.3. individuals who became unable to correctly understand and report the circumstances related to the case.
45.4. Witness shall be obliged to arrive as summoned by inquiry officer, investigator, procurator, and court and give true and correct testimony regarding the case.
45.5. If a witness did not arrive without respectful reasons he/she shall be coerced by police agency to arrive according to a decision of the inquiry officer, investigator, procurator, and court.
45.6. If a witness deliberately gave false testimony or avoided from giving

testimony he/she shall be imposed responsibilities provided by Criminal Law.

45.7. Witness shall have the right to refuse to give testimony against family members, parents, children, relatives.

ARTICLE 46. EXPERT

46.1. Experts from appropriate organizations, persons possessing special knowledge and without any personal interests in the case may be appointed as experts by decree of inquiry officer, investigator, procurator, and court or by order of judge for purposes of carrying out examination and delivering conclusions.

46.2. Expert shall be obliged to arrive as summoned by inquiry officer, investigator, procurator, and court and deliver conclusions on questions put forward to him/her.

46.3. When the questions put forward are outside of his/her special area of knowledge or if the materials presented for purposes of making the conclusion are not sufficient enough, the expert shall inform, in writing, the organization or official that assigned to carry out the examination on impossibility of delivering the conclusion.

46.4. Expert shall have following rights:

46.4.1. to get familiar with the part of the materials of the case relevant to the examination;

46.4.2. to request additional materials necessary to deliver a conclusion;

46.4.3. to be present at interrogations with the permission of inquiry officer, investigator, procurator, and court and at investigation, other judicial proceedings, to ask from individuals being interrogated questions relevant to the examination.

46.4.4. If an expert has not arrived on summoned time without respectful reasons, police shall bring him/her through compelling upon the decision of inquiry officer, investigator, procurator, or court.

46.4.5. If an expert refused or avoided from giving testimony without respectful reasons or deliberately delivered false conclusion he/she shall be imposed responsibilities provided by Criminal Law.

ARTICLE 47. TRANSLATOR, INTERPRETER

47.1. In occasions described by Article 19.2 of this Law, inquiry officer, investigator, procurator or court shall issue a decision to appoint a person capable of translating and interpreting as a translator or interpreter and shall present the decision to him/her.

47.2. A translator, interpreter shall be obliged to appear when summoned and execute completely and exactly the translation or interpretation duty entrusted to him/her.

47.3. In the event that a translator, interpreter knowledgeably makes an incorrect translation, interpretation he/she shall bear responsibility provided by Criminal Law.

47.4. The rules of this Article shall extend to an interpreter who understands the signs of the mute and deaf individuals.

Article 48. Third Party Witness

48.1. Third party witness is a citizen who is involved in certain procedural actions based on decisions of inquiry officer, investigator, procurator, and court for purposes of certifying the process and results of the actions.
48.2. Third party witness shall be an individual who does not have personal interests in the case.
48.3. Third party witness shall have the right to lodge a complaint regarding the procedural action he/she was involved in and to get familiar with the minutes of the procedural action and to submit a proposal to make corrections in them.
48.4. Third party witness shall be obliged to arrive as summoned by inquiry officer, investigator, procurator, and court and to observe the rules of procedural action and maintain its confidentiality.

CHAPTER SEVEN
CIRCUMSTANCES PRECLUDING POSSIBILITY OF PARTICIPATING IN CRIMINAL PROCEEDINGS, CHALLENGES

ARTICLE 49. CIRCUMSTANCES BARRING JUDGE FROM PARTICIPATING IN CONSIDERATION OF CRIMINAL CASE

49.1. A judge may not participate in the consideration of a case on following grounds:
49.1.1. if he is a victim, witness, civil plaintiff or civil defendant, or legal representative of them;
49.1.2. if he is a member of family, relative of the victim, civil plaintiff, civil defendant or their representatives, or a relative of the defendant, his/her legal representative, or a relative of the state prosecutor, defense counsel, investigator, or inquiry officer;
49.1.3. if he has taken part in that case as inquiry officer, investigator, procurator, defense counsel, translator, interpreter, expert, third party witness, or secretary of a judicial session;
49.1.4. if there are any other circumstances giving grounds to believe that the Judge is personally interested in the case, directly or indirectly;
49.2. It is prohibited to consider a case by a bench composed of Judges who are family members or have relationships of relatives.
49.3. Family member or relative of Judge who is included into a composition of a bench that has considered a case in first instance, may not be included into a composition of the bench which will consider the case in appellate or supervisory instances.

ARTICLE 50. GROUNDS PROHIBITING REPEATED PARTICIPATION OF JUDGE IN CONSIDERATION OF CASE

50.1. A judge who has taken part in reviewing and resolving of a criminal case in a court of first instance may not participate in the consideration

of the case in a court of second instance or by way of judicial supervision, or participate in a new consideration of the case in a court of the first instance in the event that a judgement or ruling to terminate the case, decreed with his participation, is annulled.

50.2. A judge who has taken part in the consideration of a criminal case in a court of second instance may not participate in the consideration of the case in a court of first instance or by way of judicial supervision, or in a new consideration of the case in a court of second instance after a ruling decreed with his participation is annulled.

50.3. A judge who has taken part in consideration of a case by way of judicial supervision may not participate in the consideration of the same case in a court of first or second instances after a decree drawn up with his participation is annulled.

50.4. Procedures specified in Articles 50.2., 50.3. of this Law shall not apply to a Judge of the Supreme court who takes part in consideration of a case at the court hearing of supervisory instance.

ARTICLE 51. CHALLENGE TO JUDGE

51.1. Under the circumstances stated in Articles 49 and 50 of the present Code, a judge shall be obliged to disqualify himself. On the same grounds a challenge to a judge may be submitted by the state prosecutor, defense counsel, defendant, or by the victim, civil plaintiff, civil defendant, or their representatives.

51.2. A challenge must be resolved before the beginning of the judicial interrogation, but if the grounds for such challenge become known late submission of a challenge shall be permitted before the bench leaves for conference room.

ARTICLE 52. PROCEDURE FOR RULING ON CHALLENGE TO JUDGE

52.1. A challenge to a judge shall be ruled on by the remaining judges in the absence of him/her, but the challenged judge shall have the right to set forth his/her explanation concerning the issue at the court session chamber.

52.2. The question of a challenge shall be resolved by the court in the conference room. If there is a tie vote, the judge shall be considered excluded.

52.3. If a challenge to majority of the entire bench is considered to have grounds, this issue shall be resolved by Chief Judge of the court.

52.4. If a challenge to a single judge has the grounds stated in Articles 49 and 50 of this Law the judge shall postpone the case, which is considered by him, and submit the question of his challenge to a Chief Judge of the given court.

52.5. The decision made on the grounds specified in Articles52.2. – 52.4. of this Law shall not be appealed from.

ARTICLE 53. CHALLENGE TO PROCURATOR

53.1. A procurator may not take part in a case if there exist grounds stated in

Article 49 of the present Code.

53.2. If there exist grounds for a challenge, a procurator shall be obliged to bar himself from participating in the case. A procurator may be challenged on the same grounds by the suspect, accused, defendant or defense counsel, or by the victim, civil plaintiff, or civil defendant, their representatives on the grounds specified in Article 49 of this Law.

53.3. The question of a challenge to a procurator shall be resolved by a higher procurator if he/she is challenged during an inquiry or investigation, or by the court concerning the case if he/she is challenged in judicial session.

53.4. The decision made on the grounds specified in Article 53.3. of this Law shall not be appealed from.

ARTICLE 54. CHALLENGE TO INVESTIGATOR AND INQUIRY OFFICER

54.1. An investigator or an inquiry officer may not take part in the investigation of a case if there exist the grounds stated in Article 49 of the present Code.

54.2. If there exist grounds for a challenge, an investigator or inquiry officer shall be obliged to bar him/herself from participating in the case and they may be challenged on the grounds provided by Article 49 of this Law by the suspect, accused, or their representatives, or by the victim, civil plaintiff, or civil defendant, or their representatives.

54.3. The question of a challenge to an investigator or an inquiry officer shall be resolved by procurator and it shall be the final decision.

ARTICLE 55. CHALLENGE TO SECRETARY OF JUDICIAL SESSION

55.1. The rules set forth in Articles 49 and 50 of the present Code shall pertain to the secretary of the judicial session. His/her previous participation in the case as secretary of judicial session shall not be a ground for challenge.

55.2. The question of challenge to a secretary shall be resolved by the Judge who resolving the case or by entire bench concerning the case and shall not be appealed from.

ARTICLE 56. CHALLENGE TO TRANSLATOR, INTERPRETER

56.1. A translator or interpreter may not take part in a case if there exist grounds stated in Article 49 of this Law or in an instance when his/her incompetence to translate or interpret is disclosed.

56.2. A translator, interpreter may be challenged on the grounds provided by Article 56.1. by the suspect, accused, defendant, procurator or defense counsel, or by the victim, civil plaintiff, or civil defendant, or their representatives.

56.3. His previous participation in the case as interpreter shall not be a ground for challenge.

56.4. The question of a challenge to an interpreter at the inquiry or investigation stage shall be resolved by an inquiry officer or by an investigator, or at the court hearing by the court concerning the case

and these decisions shall not be appealed from.

ARTICLE 57. CHALLENGE TO EXPERT

57.1. An expert may not take a part in a criminal proceedings in following situations:
57.1.1. if there exist grounds provided for by Article 49 of this Law;
57.1.2. if he has been or is occupationally or otherwise dependant upon the suspect, accused, victim, civil plaintiff, or civil defendant;
57.1.3. if in the given case he has carried out an inspection, materials of which have served as a ground for initiating the criminal case.
57.2. An expert who has executed previous expertise shall not take part in re-expertise.
57.3. The question of a challenge to an expert shall be decided in accordance with procedure provided in Article 55 of this Law.

PART III
MEASURES OF COERCION IN CRIMINAL PROCEEDINGS

CHAPTER EIGHT
ARREST OF SUSPECT

ARTICLE 58. GROUNDS FOR ARRESTING A SUSPECT

58.1. A suspect shall be arrested if he/she has attempted to escape or if there is sufficient evidence to suspect him/her in committing grave or extremely grave crime.

ARTICLE 59. PROCEDURE FOR ARRESTING OF SUSPECT

59.1. An inquiry officer or investigator shall be obliged to draw up a decree of arresting a person suspected of committing a crime, and shall deliver it to a procurator and the procurator shall submit it to court for approval.
59.2. Grounds and reasons for the arrest, place and time, results of searching his/her body and time of making record shall be specified in the decree.
59.3. Decree of arrest shall be presented to the suspect and his/her rights provided in Article 35 of this Law shall be explained to the suspect including the right to give testimony together with defense counsel and this fact shall be reflected in the record.
59.4. The record shall be signed by person who draw it and by person being arrested.
59.5. In instances not permitting a delay, an inquiry officer or an investigator may immediately arrest the suspect and deliver the decree to a procurator and court within 24 hours.
59.6. The court shall be obliged, within forty eight hours from the moment of receiving the decree of arrest, to sanction confinement under guard or

free the person arrested.

59.7. The period for which a person being arrested shall be counted within the period of confinement under guard.

59.8. The calculation of arrest period shall be started from the moment of presenting the decree of arrest to the suspect.

ARTICLE 60. RELEASING A SUSPECT

60.1. In following instances judge shall issue a decree to release a suspect:

60.1.1. there was not sufficient evidence to suspect in committing a crime;

60.1.2. there are no grounds to apply measures of restraint as confinement under guard against a person being arrested;

60.1.3. arresting a person in violation of Article 58 of this Law.

60.2. If, after expiration of seventy two hours of arrest, no decision by court to confine the person under guard is received, a chief of detention center shall notify the inquiry officer, investigator, procurator and court on the fact and release the person.

60.3. Upon release of suspect he/she shall be given a certification on when, where, on what grounds, on whose decision he/she was arrested and when, on whose decision was released.

ARTICLE 61. NOTIFICATION ON ARREST OF A SUSPECT

61.1 An inquiry officer or investigator shall notify within 24 hours adult member of a suspect's family or relatives or defense counsel about arrest of the suspect, and his/her whereabouts or shall allow the person being arrested to notify himself/herself.

61.2 If person being arrested is a foreign citizen, the Embassy or Diplomatic representative office of that person's country shall be notified through Central State Administrative Organ in charge of foreign relations within period specified in Article 61.1. of this Law.

CHAPTER NINE
MEASURES OF RESTRAINT

ARTICLE 62. APPLICATION OF MEASURES OF RESTRAINT

62.1. One of the following measures shall be applied to suspect, accused or defendant if there are grounds for his/her escaping from inquiry, investigation or court, or hindering the establishment of objective circumstances of a criminal case, or committing a crime:

62.1.1. signed promise not to depart from place of residence;

62.1.2. personal surety;

62.1.3. bail;

62.1.4. surveillance of military serviceman under guard of military unit command;

62.1.5. confinement under guard.

62.2. Application of a measure of restraint shall be carried out by a decree of an inquiry officer, investigator, procurator, judgement of court or by an

order of a judge and the measure of restraint shall be taken only by a judge.

ARTICLE 63. CIRCUMSTANCES TO BE CONSIDERED WHEN SELECTING A MEASURE OF RESTRAINT

63.1. When resolving the question whether it is necessary to apply a measure of restraint, an inquiry officer, investigator, procurator, or court shall consider the classification of the crime, the personality of the suspect, accused, defendant, the nature of his/her occupational activities, position, age, the state of his health, his family situation, and other circumstances.

ARTICLE 64. SIGNED PROMISE NOT TO DEPART

64.1. A signed promise not to depart shall be obtained in writing from a suspect, accused, defendant which obligates them not to depart from their place of permanent or temporary residence without the permission of an inquiry officer, investigator, procurator, or court and to arrive whenever summoned.

ARTICLE 65. PERSONAL SURETY

65.1. Personal surety shall be an acceptance by trustworthy adult who able to take responsibility, who has place of residence, is occupied by certain job or business, and has financial sources of a written obligation that he/she shall ensure the proper execute of a suspect or an accused and their arrival when summoned by an inquiry officer, investigator, procurator, or court.
65.2. The number of sureties shall not be less than two persons.
65.3. When a signed promise of personal surety is obtained, the surety must be informed of the nature of the case for which the given measure of restraint is selected, and of his/her responsibility in the event that the suspect, accused or defendant hides from investigation, or from the court.
65.4. If a suspect, accused or defendant escapes from inquiry, investigation and court proceedings the sureties shall be fined for amount set forth in Article 77 of this Law and all expenses related to a search for the suspect, accused or defendant shall be covered by the sureties.
65.5. With respect to imposing a fine or covering expenses incurred during a search, a judge and court shall issue ruling and judgement respectively.

ARTICLE 66. SURVEILLANCE BY COMMAND OF MILITARY UNIT

66.1. Surveillance of an accused who is a member of the armed forces by the command of a military unit shall consist in taking measures provided for by the code of the Armed Forces to secure the proper execute of the accused and his appearance when summoned by an inquiry officer, investigator, procurator, or court.

66.2. The command of the military unit shall be notified of the nature of the case for which the given measure of restraint is selected.

ARTICLE 67. BAIL

67.1. Bail shall consist of money or valuables deposited in special account or in cash by a suspect, accused, defendant him/herself or by other person or organization to secure his/her appearance when summoned by inquiry officer, investigator, procurator or court.
67.2. A record of the receipt of bail shall be drawn up and its copy shall be handed to the person furnishing bail or the person to whom the measure of restraint is taken.
67.3. The amount of bail shall be determined based on classification of the crime, or depending on personal character or property status of the suspect, accused and defendant.
67.4. In the event that the accused evades appearing when summoned by the person carrying out an inquiry, investigator, procurator or court, the bail shall be converted to state revenue by a riling of a judge.

ARTICLE 68. CONFINEMENT UNDER GUARD

68.1. Confinement under guard may be applied in respect to suspects, accused and defendants with respect to grave and extreme grave crimes provided by Criminal Law or to persons repeatedly convicted or extremely dangerous criminals if they are suspected in committing a crime, for purposes of preventing them from escaping of inquiry, investigation and court, from hindering establishment of real circumstances of the case or from re-engaging in criminal activity.
68.2. If following circumstances exist, suspects, accused and defendants involved in less grave crimes may be confined under guard:
68.2.1. they have violated previously taken measures of restraint;
68.2.2. they may escape or have escaped from inquiry, investigation, procurator or court.
68.3. If considered inevitable to confine under guard, an inquiry officer or an investigator shall draw a decree specifying the grounds and present it to a procurator and the procurator shall present it to court for approval.
68.4. If the suspect arrested according to rules set for by Articles 58 and 59 of this Law is to be confined under guard, the respective decree shall be delivered to court 6 hours before the time of arrest expires.
68.5. If the judge refused to confine under guard, re-submission of proposition to confine under guard the suspect or accused shall be delivered to court only if new grounds and causes for confinement under guard emerge.
68.6. If there are grounds to confine the defendant, courts may apply the measure.
68.7. Inquiry officer, investigator, procurator or judge shall inform family members, relatives or defense counsel of the person confined under guard on the decision to confine under guard within the time limits provided for by Article 61 of this Law.
68.8. If one of the grounds provided by Article 68.2. of this Law exists, then

pregnant women may be confined under guard with the supervision of a medical institution.

68.9. It shall be prohibited to confine under guard persons who has been suspected in committing minor crimes or who are seriously ill, or pregnant women, minors, or women breast feeding their infants, if there is no ground provided Article 68.2. of this Law

ARTICLE 69. PERIODS OF CONFINEMENT UNDER GUARD AND PROCEDURES FOR THEIR EXTENSION

69.1. Term of confinement under guard of a suspect shall be up to 14 days.

69.2. Term of confinement under guard of an accused shall be up to two months.

69.3. If there is inevitable necessity to investigate the case while confining the accused by reason of the special complexity of the case of less grave, grave, specially grave crimes committed by accused, the period may prolonged by court, but total period of investigation with confinement shall not exceed 24 months.

69.4. If it is considered necessary to confine accused for crimes provided for by Articles 81.2 (Assault to life and body of prominent political and social figure), 84 (Sabotage), 91.2 (Murder in grave circumstances with intention), 177.2 (Banditism in extremely grave circumstances) and 302 (Genocide) of the Criminal Law for longer period than specified in Article 69.3. of this Law the period of confinement under guard may be extended by court for up to six months additionally.

69.5. The investigator shall deliver a decree with grounds on extension of period for investigation with confinement to a procurator prior to 7 days before expiration of the period and the procurator shall deliver it to court.

69.6. Judge shall review the proposal to extend period of confinement under guard within 72 hours and shall sanction or refuse the proposal.

69.7. If a person is confined again in relation to the same case, or newly confined under guard in relation to consolidated or separated cases, the period of previous confinement shall be included when computing the total period of confinement.

69.8. The term of investigation in relation to a confined accused whose case was sent back from court for additional investigation shall be included into the term provided by Article 69.2. of this Law.

69.9. If the term for investigation with the confinement is expired at the judicial examination stage, the Chief Judge of the relevant court may extend the term for as long as necessary by issuing an order.

ARTICLE 70. CANCELLATION OR CHANGE OF MEASURES OF RESTRAINT

70.1. Considering the classification of a crime and personality of suspect, accused or defendant previous measure of restraint shall be cancelled or changed to a more severe or a milder measure.

70.2. The cancellation or change of measures of restraint shall be resolved with the proposition of an inquiry officer or an investigator only by a decree of the procurator who has made the decision or the procurator

of higher instance authorized to supervise activities of the inquiry officer or the investigator, or by a judge approval or if the case is referred to a court, by a decree of court, or a judge order.

70.3. Other measures of restraint, except arrest and confinement under guard, applied by decision of a procurator may be cancelled or changed only by the same procurator or a procurator of higher instance.

ARTICLE 71. SUPERVISION OVER LEGALITY OF APPLICATION OF MEASURES OF RESTRAINT

71.1. A procurator shall exercise supervision over the legality of application of measures of restraint carried out by an inquiry officer or an investigator.

71.2. If it is necessary to apply measures of restraint with regard to a suspect or accused, or to cancel or change already applied measures, the procurator who supervises the case or procurator of higher instance shall draw a decree and inform the inquiry officer or the investigator.

CHAPTER TEN
OTHER COERCIVE MEASURES OF CRIMINAL PROCEEDING

ARTICLE 72. GROUNDS FOR APPLYING OTHER COERCIVE MEASURES OF CRIMINAL PROCEEDINGS

72.1. Inquiry officers, investigators, procurators and judges shall have the right to apply other following coercive measures of criminal proceedings to suspects, accused or defendants in order to ensure the procedures for inquiry, investigation and judicial examination:

72.1.1. to obligate them to arrive whenever summoned;

72.1.2. to coerce them arrive;

72.1.3. to suspend them from executing their official duties;

72.1.4. to limit their power to administer and dispose assets;

72.1.5. to impose fines.

72.2. In incidents provided by this Law, inquiry officers, investigators, procurators and courts shall have the right to apply coercive measures of obligating them to arrive whenever summoned, forcing them arrive or imposing monetary fines to victims, witnesses or other participants.

ARTICLE 73. OBLIGATING TO ARRIVE WHENEVER SUMMONED

73.1. In circumstances when measures of restraint have not been applied with respect to suspect, accused or defendant or when there is a sufficient ground to believe that victim and witness may not arrive at proceedings or at trial of a case or if they did not arrive without respectful reasons when summoned they will be obligated in writing that they will arrive whenever summoned and they will also will be obligated to advise immediately when they change their addresses or residence.

ARTICLE 74. COERCING TO ARRIVE

74.1. If suspect, accused, defendant or victim and witness do not arrive without respectful reasons inquiry officer, investigator, procurator and court shall issue decree or order and coerce them to arrive.
74.2. It shall be prohibited to coerce to arrive during night time except in inevitable incidents.
74.3. It shall be prohibited to coerce to arrive persons who have not reached 14 years of age, pregnant women or persons who are not able to arrive due to serious illness.
74.4. Whether a person is seriously ill or not shall be determined according to certification of a medical institution.
74.5. Coercive actions to arrive shall be executed by police as assigned by inquiry officer, investigator, procurator or judge.

ARTICLE 75. TEMPORARY SUSPENSION OF RIGHT TO EXECUTE OFFICIAL DUTY

75.1. If there exist grounds for believing that continuation by suspect, accused or defendant of their official duties may negatively affect the inquiry, investigation or court trial, inquiry officer or investigator with the permission of a procurator shall have the right to suspend their execution of official duties.
75.2. Decision on temporary suspension to execute official duty shall be delivered to organization where the suspect, accused or defendant works and the administration of the organization shall execute the decisions within 3 days and notify back on the execution.
75.3. If there is no further necessity for application of the measure described in Article 75.1. of this Law, the official who issued the decision shall cancel it and immediately notify the relevant organization.

ARTICLE 76. LIMITATION OF POWER TO ADMINISTER AND DISPOSE ASSETS

76.1. In order to ensure decisions on civil suit or on protection of assets, court, procurator, and inquiry officer or investigator may issue a decree and with the permission of a procurator may limit the right of suspect, accused, defendant or persons responsible for an asset to administer and dispose assets.
76.2. In limiting the right to administer and dispose assets, owner or possessor of assets shall be obligated not to transfer the assets to others or, if necessary, not to use the assets or the assets in question shall be made available for storage.
76.3. Rights of administration and disposal for assets prohibited to be made available for payments, as provided by Law, shall not be limited.
76.4. An expert in asset valuation may be involved in executing measures for limiting the right of administration and disposal of assets.
76.5. Rights of administration and disposal of monetary assets placed at a bank or other financial institutions may be limited.

ARTICLE 77. FINE

77.1. In cases if victim, witness, translator, interpreter or other relevant persons violate their duties in proceedings or the rules of court session they shall be imposed a monetary fine according to procedures provided by Article 78 of this Law.
77.2. The amount of monetary fine shall be between one and four times of monthly minimum wage paid in togrogs and shall be paid to the state budget.

ARTICLE 78. PROCEDURES FOR IMPOSING FINE

78.1. In circumstances provided by Article 77 of this Law, a court shall impose a fine at the court stage.
78.2. If the violation was committed at the pre-court stages heads of inquiry or investigation agencies shall impose a monetary fine according to record produced by an inquiry officer or investigator.
78.3. In the record described by Article 78.2. of this Law, the person producing the record shall write when, where and who committed the violation, identity of the offender, circumstances of the violation, provision on imposing the fine for the violation and explanation of the offender and both the person producing the report and the offender shall sign it and if the offender refused to sign a note on this fact shall be made.

PART IV
EVIDENCE, ACTIONS TO PROVE

CHAPTER ELEVEN
EVIDENCE

ARTICLE 79. EVIDENCE

79.1. Facts and information, with respect to circumstances of a crime, obtained in accordance with the grounds and rules set by this Law shall be deemed to be evidence.
79.2. Facts and information significant to reviewing and resolving the case shall be established by testimonies of a witness, victim, suspect, accused and defendant, conclusion and testimony of an expert, physical evidence, records of inquiry, investigation and court session and other facts.
79.3. Documents and facts on a criminal case obtained through undercover activities executed in accordance with grounds, terms and rules set by law and with permission of a procurator may be evaluated at the level of evidence, but the source of collecting and documenting activities shall be hold in secret.
79.4. If rules for obtaining and documenting evidences were not complied with or were violated, the evidences shall lose their proving capacity and may not serve as a ground for a court decision.

79.5. An anonymous letter or information alone shall not be deemed as evidence.

ARTICLE 80. ISSUES SUBJECT TO PROOF WITH RESPECT TO A CASE

80.1. Following issues shall be proven during inquiry, investigation and court session:

80.1.1. circumstances of a crime (when, where, and how a crime was committed and other circumstances);

80.1.2. who has committed the crime;

80.1.3. motives of the crime and the type of guilt;

80.1.4. personality of the accused or defendant, the circumstances characterizing the degree and nature of responsibility to be imposed on the accused or defendant;

80.1.5. the nature and extent of damages caused by the crime;

80.1.6. other circumstances that facilitated the commission of the crime.

ARTICLE 81. TESTIMONY OF SUSPECT

81.1. A suspect shall have the right to give testimony in relation to the circumstances which serve as the ground for his/her arrest or confinement under guard, and also any circumstances of the case known to him.

81.2. It is prohibited to coerce a suspect to give a testimony, or to subject him/her to inhuman or cruel treatment, or to insult his/her dignity.

ARTICLE 82. TESTIMONY OF ACCUSED

82.1. An accused shal1 have the right to give testimony in relation to accusation presented to him/her, or any circumstances of the case known to him/her or in relation to evidences in the case.

82.2. Confession of guilt by the accused may become the basis for an accusation only if the confession is confirmed by other evidences in the case.

82.3. It is prohibited to coerce an accused to give a testimony, or to subject him/her to inhuman or cruel treatment, or to insult his/her dignity.

ARTICLE 83. TESTIMONY OF VICTIM

83.1. A victim shall be obligated to appear when summoned by an inquiry officer, investigator, procurator, or court, to give true and correct testimony on everything known to him/her about the case and to reply to the questions put to him/her.

83.2. If a victim can not indicate the source of his/her testimony it shall not serve as evidence.

ARTICLE 84. TESTIMONY OF WITNESS

84.1. A witness shall be obligated to give truthful and correct testimony

concerning all circumstances relevant to proving the case, including the personality of the suspect, accused, defendant and the victim, and his/her relationship with him/her.

84.2. If a witness can not indicate the source of his/her testimony it shall not serve as evidence.

ARTICLE 85. CONCLUSION OF EXPERT

85.1. An expert shall give a conclusion in his own name, based on analysis carried out within the scope of his/her special knowledge and shall bear responsibility for the conclusion.

85.2. If several experts are assigned to carry out an examination, they shall consult among themselves before giving a conclusion and if they are of one opinion they all shall sign the conclusion.

85.3. In the event of disagreement among the experts, each shall issue separate comment on the issue of disagreement and shall attach it to the conclusion.

85.4. An inquiry officer, investigator, procurator, or court are not obligated to bind themselves with conclusion of an expert but if they disagree with the conclusion they shall indicate their reasoning.

ARTICLE 86. PHYSICAL EVIDENCE AND ITS STORAGE

86.1. Arms and tools used in committing a crime, traces and remaining articles of a crime, or money, valuables, other items and documents obtained through criminal actions, and all other items which may influence discovery of a crime, establishment of objective circumstances of a crime, or significant in negation or mitigation of guilt of a suspect, accused or defendant shall constitute physical evidence.

86.2. Physical evidence must be described in detail in the records of a crime scene examination, shall be photographed and video taped and attached to the file of the case by decision of an inquiry officer, investigator, procurator or court.

86.3. If it is not possible to store a physical evidence in the file of a criminal case, due to its size or other reasons, it shall be sealed after being photographed and video taped and be stored in a special place according to rules set by law and by decree of an inquiry officer, investigator, procurator, or court, and a document certifying this shall be attached to the file of the case.

86.4. When a case is transferred from one agency to another, an if it is not possible to store a physical evidence in the file of the case, due to its size or other reasons, it shall be stored, until the court decision, according to rules set by law and a document certifying this shall be attached to the file of the case.

ARTICLE 87. TERM FOR STORING PHYSICAL EVIDENCE

87.1. Physical evidence shall be stored until a court decision takes legal effect or until a term for appealing a decree or ruling to terminate a case expires.

87.2. If a dispute concerning the right to a property should be resolved through civil proceedings, a physical evidence shall be stored the court decision takes legal effect.

87.3. In circumstances when it is not possible to return to an owner a physical evidence that rapidly deteriorates or gets damaged, it shall be delivered to appropriate institutions to be utilized in accordance with its purpose and the owner shall be compensated with articles of the same kind and duality or shall be paid its value.

ARTICLE 88. MEASURES TO BE TAKEN IN RESPECT OF PHYSICAL EVIDENCE WHEN RESOLVING A CRIMINAL CASE

88.1. When a procurator issue a decree to terminate a case or when a court issue a sentencing or acquitting decree, they shall resolve physical evidences in following ways:

88.1.1. Arms and tools used by an accused shall be seized and transferred to appropriate institutions or destroyed;

88.1.2. Assets, circulation of which is prohibited, shall be transferred to appropriate institutions or destroyed;

88.1.3. Assets that are not possible to utilize shall be destroyed, but if interested persons or institutions request they may be given to them;

88.1.4. Revenues generated by criminal actions or other assets to be considered equally shall be returned to their lawful owners, but if it is not possible to identify the owner, they shall be paid to the state revenue;

88.1.5. If a dispute concerning the ownership of assets arises it shall be resolved through civil proceedings;

88.1.6. If a procurator has terminated a case according to grounds provided by Articles 24.2., 24.3. of this Law, the revenues generated by criminal actions or other assets to be considered equally shall be resolved by a court decision.

88.1.7. Documents constituting physical evidence shall remain with the file of the case during the whole term of storage of the file or may be returned to its lawful owners while a copy is attached to the file.

ARTICLE 89. RECORDS OF PROCEDURAL ACTIONS

89.1. Records which certify circumstances and facts established during a examination, search, experiment, seizure of assets, arrest, or presentation for identification and which were made in accordance with the rules set by this Law shall constitute the source of evidence.

ARTICLE 90. DOCUMENTS

90.1. If documents certified or developed by business entities, organizations, or citizens have significance for a criminal case they shall constitute the source of evidence.

90.2. If a document has features provided in Article 86 of this Law, it shall be considered an evidence.

90.3. Audio or video recording and a photo obtained or produced as provided in Article 93 of this Law shall be considered to be a document.

CHAPTER TWELVE.
ACTIVITIES OF PROOF

ARTICLE 91. ACTIVITIES OF PROOF

91.1. Activities of proof shall consist of collection, documentation, examination and evaluation of evidence in order to establish circumstances significant for lawful, just and reasonable review and resolution of a case.
91.2. The burden of proof of whether an accused is guilty and whether there are grounds for charging shall rest on the state prosecutor.

ARTICLE 92. COLLECTION OF EVIDENCE

92.1. During inquiry and investigation evidence shall be collected through execution of interrogation, confrontational interrogation, identification, seizure, examination, search, investigative experiment, examination or other procedural actions provided by this Law.
92.2. An inquiry officer, investigator or procurator shall have the right, by the request of the parties or by their own initiative and according to rules set by this Law, to take testimony, to appoint an expert for purposes of issuing a conclusion, to execute examination or search and other procedural actions provided by this Law, to retrieve from organizations, officials, citizens or undercover agencies physical evidence, documents with significance to a case and to demand from authorized organizations and officials to execute examinations.
92.3. A suspect, accused, defendant, defense counsel, the state prosecutor, as well as victim, civil plaintiff, civil defendant, and their representatives, and any other citizens and organizations may make available documents and facts.
92.4. In collecting evidence it shall be prohibited to execute activities dangerous to a citizen's life and health or degrading his/her dignity, and to use such illegal methods as treating inhumanly or cruel way, using threat, coercing in order to retrieve testimony, explanation or conclusion, and deceiving.

ARTICLE 92 DOCUMENTATION OF EVIDENCE

92.1. Physical evidence, documents and information which have been collected in a case, shall be recorded and documented in the records of inquiry, investigation or court session.
92.2. The duty to make records shall rest on an inquiry officer, investigator or procurator in the inquiry or investigation stages, or on the secretary of the court session during court sessions.
92.3. In documenting evidence, besides making records, other methods adequate to the principles of criminal procedure, such as audio or

video recording, taking photo or making hand drawing or taking shapes and prints of tracks or traces shall be used.

ARTICLE 94. VERIFICATION OF EVIDENCE

94.1. An inquiry officer, investigator, procurator and court shall be obligated to review collected evidences comprehensively and objectively.
94.2. Evidence collected in a case can be verified by way of comparative analysis, comparing with other evidences, collecting new evidence, and verifying the source of the evidence.

ARTICLE 94. EVALUATION OF EVIDENCE

94.1. An inquiry officer, investigator, prosecutor and court shall evaluate all the evidences in their entirety in order to determine whether the evidences which are relevant to a case and which were obtained according to law, are sufficient for reviewing and resolving the case.
94.2. In evaluating an evidence an inquiry officer, investigator, procurator, and judge, shall take law and legal consciousness as a guidance and evaluate the evidence by their inner conviction, based on comprehensive, thorough, complete and objective review of the evidence.
94.3. For an inquiry officer, investigator, procurator and judge there shall be no evidence previously established as being inexorably true.
94.4. There shall be no necessity to reprove facts which has been already established by a court decision which took legal effect, but this provision shall not apply for reopening of a case based on newly discovered circumstances.

PART V
OTHER GENERAL TERMS OF CRIMINAL PROCEEDINGS

CHAPTER THIRTEEN
TERM AND COSTS OF PROCEDURAL ACTION

ARTICLE 96. CALCULATION OF A TERM

96.1. Term shall be calculated by hours, days, months and years.
96.2. In calculating a term, the hour and day at which the term starts shall not be taken into account.
96.3. In calculating a term by days, the term shall expire at 24:00 hours of the last day. In calculating a term by months the term shall expire on the same day of the last month. If there is no corresponding day in that month, the term shall expire on the last day of the month. In calculating a term by years, the term shall end on the same day of the same month next year and if the end of the term is not a working day, the first working day subsequently after the end of the term shall be considered as the last day.
96.4. If a complaint or any other document is put into the mail or is officially submitted to an administration of an institution of confinement before

expiration of a term, the term shall not be considered to have been lapsed.

ARTICLE 97. EXTENSION OF A TERM

97.1. A term established by this Law may be extended through rules set in this Law.

ARTICLE 98. RENEWAL OF LAPSED TERM

98.1. If a term has been lapsed for a respectful reason and if an interested person requests to renewal of the term it shall be renewed according to provision of this Law, by a decree of an inquiry officer, investigator, procurator, or court, or by ruling of a judge.
98.2. Decree or ruling to renew lapsed term, or to suspend execution of a decision shall not be subject to complaint.
98.3. If a complaint seeking an appeal is submitted after the term has lapsed, a decision in relation to it may be suspended until the issue of renewal of the lapsed term is resolved as requested by an interested person.

ARTICLE 99. COSTS OF CRIMINAL PROCEEDINGS

99.1. Costs of procedural activities shall consist of following expenses:
99.1.1. Expenses paid to a victim, his/her representative, witness, third party witness, expert, and translator, interpreter;
99.1.2. Expenses incurred for storing, transferring, and examining physical evidence;
99.1.3. Expenses incurred for search of suspect, accused, or defendant escaped from inquiry, investigation or court proceedings;
99.1.4. Expenses paid to defense counsel;
99.1.5. Expenses incurred for coerced arrival of suspect, accused, or defendant, as well as expenses in relation to postponing of court session due to non appearance of defendant without respectful reasons;
99.1.6. Any other expenses incurred in relation to procedural actions.

ARTICLE 100. DETERMINATION OF AMOUNT OF THE RECOVERABLE COSTS OF PROCEDURAL ACTIONS

100.1. Recoverable costs of procedural actions shall be determined according to following rules:
100.1.1. For travel, lodging and meal expenses to be disbursed to victim, his/her representative, witness, third party witness, expert, translator and interpreter, – by equal sums for official missions established in organizations funded by the state budget, and if victim, expert, witness and third party witness summoned to appear in court have lost their wages, - by average wages and fees for the time spent.
100.1.2. Fees for a specialist, expert, translator and interpreter work, - as mutually agreed, but this provision shall not apply if such

duties have been fulfilled as part of his/her occupational functions.

100.1.3. Costs specified in Articles 99.1.3 and 99.1.5 of this Law shall be compensated for actual expenses incurred.

ARTICLE 101. EXACTION OF COSTS OF PROCEDURAL ACTIONS

101.1. If a defendant is found guilty, a court shall have the right to exact costs of procedural actions from him/her.

101.2. If several defendants are found guilty, a court shall distribute the costs of procedural actions in proportion to each person's guilt, degree of responsibility and status of wealth.

101.3. If a case is terminated as provided by Article 24.1.1 of this Law or a defendant is acquitted or a person sentenced has been established insolvent, the costs of procedural actions shall be assumed by the state.

101.4. If a defendant is found guilty, but is released from conviction as provided by Criminal Law court shall have the right to exact costs of procedural actions from him/her.

101.5. If a case is terminated due to conciliation of victim and defendant a court shall have the right to exact the court costs from either one of them or from the both parties.

CHAPTER FOURTEEN
LODGING REQUEST AND COMPLAINT

ARTICLE 102. RIGHT TO MAKE REQUESTS

102.2. Participants to procedural actions shall have the right to present requests to an inquiry officer, investigator, procurator, court and judge on executing certain procedural action, on examining a circumstance, which has significance to a case, and on having their rights and legitimate interests protected.

ARTICLE 103. RULES FOR MAKING REQUESTS

103.1. A request may be made at any stage of procedural actions.

103.2. A request shall clearly indicate the circumstance to be established, the action to be executed or the decision to be issued.

103.3. A written request shall be attached to the file of a case and an oral request shall be noted in the records.

103.4. The fact that a request was not satisfied shall not serve as a ground for restricting the right of lodging it anew at the same or another stage.

ARTICLE 104. TERM FOR REVIEWING AND RESOLVING A REQUEST

104.1. Issue of whether a request should be satisfied or not shall be resolved immediately where possible or, if immediate resolution is not possible, within 5 working days from lodging it.

ARTICLE 105. SATISFYING A REQUEST

105.1. A request shall be satisfied if it is important for comprehensive, complete and objective establishment of a case, and for protection of rights and legitimate interests of a participant or other persons or shall be declined in other cases.
105.2. An inquiry officer, investigator, procurator or court shall issue a decree or ruling specifying the grounds to satisfy fully or partially or decline a request, and a complaint may be lodged against it according to rules set in this Law.

ARTICLE 106. RIGHT TO LODGE COMPLAINT IN RESPECT TO DECISION OR ACTION OF AN INQUIRY OFFICER, INVESTIGATOR, PROCURATOR AND COURT

106.1. Participants to procedural actions and a citizen or legal entity whose rights or legitimate interests have been violated by the actions shall have the right to lodge a complaint in respect to a decision or action of an inquiry officer, investigator, procurator and court as provided in Article 20 of this Law.

ARTICLE 107. RULES FOR LODGING A COMPLAINT

107.1. A complaint shall be lodged to an authority or official empowered, according to provisions set by law, to review and make decision on it.
107.2. A complaint may be lodged in writing or orally and if lodged orally, the complaint shall be noted in the records and signed by the receiving official and the complainant.

ARTICLE 108. REFERRAL OF COMPLAINTS BY A PERSON ARRESTED OR CONFINED UNDER GUARD

108.1. If a person arrested or confined under guard lodges a complaint to an inquiry officer, investigator procurator or court, the administration of detention or confinement center shall be obliged to deliver the complaint to the addressee within 24 hours.

ARTICLE 109. TIMING FOR LODGING A COMPLAINT

109.1. A complaint in respect of a decision or action of an inquiry officer, investigator, procurator, or court may be lodged at any stage of activities for reviewing and resolving a case.
109.2. In case of refusal to initiate a criminal case or termination of a case, a complaint may be lodged within the term set in this Law.

ARTICLE 110. SUSPENSION OF EXECUTION OF A DECISION IN CONNECTION WITH LODGING A COMPLAINT

110.1. If an official authorized to review and resolve a complaint deems necessary he/she may temporarily suspend an implementation of decisions of the official or organization specified in Article 106 of this Law until the complaint is resolved.

ARTICLE 111. GENERAL RULES FOR REVIEWING A COMPLAINT

111.1. A complaint in respect of the official specified in Article 106 of this Law shall be reviewed by an official authorized to supervise his/her decisions and actions and such an official shall review comprehensively the arguments stated in it and shall have the right to obtain additional facts or explanations if necessary.
111.2. An official reviewing a complaint shall be obligated to take prompt measures within his authority in order to protect the violated rights and legitimate interests of a complainant.
111.3. If as result of an unlawful decision or action a complainant suffered material, moral or physical damages he/she shall be advised on his/her right to compensation for the damages according to rules set in this Law.

ARTICLE 112. REVIEW OF A COMPLAINT IN RESPECT OF A DECISION OR ACTION OF AN INQUIRY OFFICER, INVESTIGATOR OR PROCURATOR

112.1. Complaint in respect of a decision or action of an inquiry officer, investigator or procurator shall be lodged to heads of respective offices or a supervising procurator; a complaint regarding decision or action of the supervising procurator to respective higher- level procurator.
112.2. A complaint shall be reviewed and resolved within 72 hours by an official who has received it, and if there is a need to examine additional materials or to take other measures, - within 7 working days.
112.3. An official who has reviewed a complaint shall issue a decision to revoke the decision or cancel the action of officials specified in Article 106 of this Law or to refuse to accept the complaint.
112.4. A complainant shall be informed on the decision regarding his/her complaint and advised the right to re-lodge a complaint against the decision.
112.5. In refusing to accept a complaint its grounds shall always be stated.

ARTICLE 113. LODGING A COMPLAINT IN RESPECT OF A COURT OR JUDGE'S DECISION DURING JUDICIAL EXAMINATION

113.1. A complaint in respect of a judge's order or court decree and ruling in the course of judicial examination shall be lodged to the higher-level court in writing and shall be reviewed and resolved within the term set by law.
113.2. If a defendant is transferred to a medical institution or other coercive measures were applied, the defendant, his/her defense council or legal representative shall have the right to lodge a complaint.
113.3. Any interested person who deems that a court decision for execution of a certain proceedings violates his/her right or legitimate interest shall have the right of complaint against such decision.
113.4. A complaint regarding the decision issued by a judge alone shall be reviewed and resolved by the Chief Judge of the respective instance of the court and a complaint regarding decision issued by a bench of

judges, - by a bench of judges of higher level court.

113.5. A complainant shall have the right to participate in review and resolution of his/her complaint and his/her non-appearance shall not obstruct the review and resolution of the complaint. A person participating in review and resolution of a complaint shall have the right to state his/her opinion and grounds and to present necessary documents.

113.6. Upon reviewing a complaint a bench of judges or a judge shall issue one of the following decisions:

113.6.1. satisfy the complaint and change the court decision;

113.6.2. decline the complaint.

113.7. A court decision or a judge order that reviewed and resolved a complaint shall not be complained again.

113.8. Non-appearance of a complainant at the court session shall not serve as a ground for postponement of the session.

ARTICLE 114. LODGING COMPLAINT AGAINST A COURT DECISION ON APPLICATION OF CONFINEMENT UNDER GUARD AS A MEASURE OF RESTRAINT

114.1. Complaint against a decision of court on application of confinement under guard as a measure of restraint or to revoke or change the measure may be made to the Chief Judge of respective court or in his/her absence to the judge appointed to be in charge.

114.2. The complaint shall be reviewed and resolved within 48 hours by the Chief Judge or by a judge appointed by him. During this time the court decision shall be in effect.

CHAPTER FIFTEEN
CIVIL SUIT IN CRIMINAL PROCEEDINGS

ARTICLE 115. CIVIL SUIT IN A CRIMINAL CASE

115.1. A citizen, economic entity, and organization that have suffered material damages because of a crime shall have the right to bring a civil suit in respect of a suspect, accused, defendant or a person bearing material responsibility for the damages caused by them and the suit shall be reviewed and resolved by a court jointly with the criminal case.

115.2. A civil suit in a criminal case shall be exempt from state stamp duty.

115.3. It shall be prohibited to resolve a civil suit in respect of damages caused due to a crime through civil proceedings while the criminal case is not resolved.

ARTICLE 116. BRINGING A CIVIL SUIT

116.1. A civil suit may be brought at any stages from the moment a criminal case is initiated until the beginning of court litigation.

116.2. If a civil suit in a criminal case has not been brought to a court within a period specified in Article 116.1. of this Law or a civil suit has been left unconsidered, a citizen, economic entity or organization shall have the right to bring it by way of civil proceedings.

ARTICLE 117. IDENTIFYING A CIVIL PLAINTIFF

117.1. If a citizen or a legal entity ahs suffered damages because of a crime an inquiry officer, investigator, procurator or court shall advise them their right to bring a civil suit.
117.2. A decision shall be made in respect of a person that has brought a civil suit identifying the person as a civil plaintiff in conformity with rules set forth in Article 43 of this Law and his/her rights and duties shall be explained.

ARTICLE 118. REFUSAL TO IDENTIFY A CIVIL PLAINTIFF

118.1. If grounds specified in Article 117 of this Law do not exist, acceptance of civil suit brought by a citizen or legal entity or identification of a civil plaintiff may be refused by issuing a decision that specifies the grounds for such refusal and the rules to lodge complaint against such a decision shall be explained to the person bringing the suit.
118.2. Refusal to identification of a civil plaintiff at the inquiry or investigation stage shall not serve as grounds for limiting the right to bring a civil suit at the judicial examination stage.

ARTICLE 119. INVOLVING A CIVIL DEFENDANT

119.1. After identifying a person liable for damages caused because of a crime, an inquiry officer, investigator, procurator and court shall issue a decree on involving the respective person as a civil defendant according to rules set forth in Article 43 of this Law and the decree shall be presented to the defendant, his/her representative and his/her rights and duties shall be explained.

ARTICLE 120. SIZE OF DAMAGES AND APPLICATION OF RULES FOR DETERMINING THE METHOD, GROUNDS AND CIRCUMSTANCES OF REPARATION

120.1. If a civil suit is brought in relation to a criminal case the size of damages and the method, grounds and circumstances of reparation of the damages shall be determined by Civil Law[3], Labor Law[4] and other laws of Mongolia.
120.2. International agreements and provisions of foreign laws may be applied if it is provided by law.

ARTICLE 121. WITHDRAWING A CIVIL SUIT

121.1. A civil plaintiff shall have the right to withdraw from a suit brought by him/her.
121.2. Request to withdraw from a civil suit shall be noted in the records of inquiry, investigation, or court session or, if submitted in writing, shall be attached to the file of a case.

[3] Civil Law is printed in #7, 2002 issue of "The State Information" bulletin
[4] Law on Labor is printed in #25, 1999 issue of "The State Information" bulletin

121.3. An inquiry officer, investigator or procurator shall accept a request to withdraw from a civil suit at any stage of procedural actions and shall issue a decree in this regard.
121.4. During a judicial examination a request to withdraw from a civil suit may be submitted before a court leaves to the consultation chamber and the court shall satisfy the request.
121.5. If withdrawal from a civil suit is considered illegal or damaging to some one's rights and legal interests, an inquiry officer, investigator, procurator and court may not accept the request and shall issue a decision specifying its grounds.

ARTICLE 122. DECISION IN RESPECT OF A CIVIL SUIT

122.1. In issuing a sentencing decree a court shall issue a decision on fully or partially satisfying a civil suit or refusing to satisfy the demands of a suit.
122.2. In issuing an acquitting decree a court shall:
122.2.1. Dismiss a civil suit, if the fact of a crime or a defendant's involvement in a crime is not established;
122.2.2. Leave a civil suit without considering it, if actions of a defendant do not have elements of a crime.
122.3. If it is not possible to complete reparation during the review and resolution of a criminal case, the criminal case shall be resolved completely and the plaintiff shall be advised to bring the civil suit through civil proceedings, if that does not affect the determination of the guilt.
122.4. A civil suit brought through civil proceedings as prescribed in Article 124.3. of this Law shall be exempt from the state stamp duty.

ARTICLE 123.TAKING MEASURES TO SATISFY A CIVIL SUIT

123.1. If considered necessary, an inquiry officer, investigator, procurator and judge may take measures to satisfy a civil suit according to rules set forth in the Law on Reviewing and Resolving Civil Cases in Court.

CHAPTER SIXTEEN
CONSOLIDATION AND SEPARATION OF CRIMINAL CASES

ARTICLE 124. CONSOLIDATION OF A CRIMINAL CASE

124.1. Cases of persons prosecuted for cases where several persons have jointly committed one or several crimes, or one person has committed several crimes, or where a person, who did not conspire previously, but has concealed or has not reported an offence shall be consolidated.
124.2. In consolidating criminal cases a minor case shall be consolidated to a less grave offence, a less grave offence to a grave offence, and a grave offence to an extremely grave offence.
124.3. A case may be consolidated at any stage of the criminal proceedings, and in this respect inquiry officer, investigator, procurator and court

shall issue a decree or a judge shall issue an order.

ARTICLE 125. SEPARATION OF CRIMINAL CASES

125.1. A case may be separated if this is absolutely necessary and does not obstruct comprehensive, complete and objective analysis and correct resolution of a case.
125.2. A case may be separated at any stage of the criminal proceedings, and in this respect inquiry officer, investigator, procurator and court shall issue a decree or a judge shall issue an order.

PART VI
RULES FOR EXECUTION OF CERTAIN ACTIONS OF CRIMINAL PROCEEDINGS

CHAPTER SEVENTEEN
EXAMINATION AND CRIMINAL EXPERIMENT

ARTICLE 126. GROUNDS FOR EXECUTEING AN EXAMINATION

126.1. An inquiry officer or investigator shall execute an examination of a crime scene, items and documents for purposes of establishing the circumstances of the crime, finding traces and physical evidence and clarifying the circumstances significant to the crime.
126.2. In situations not permitting delay an examination may be executed prior to initiation of a criminal case.

ARTICLE 127. RULES FOR EXECUTING AN EXAMINATION

127.1. Examination shall be executed with presence of 2 third party witnesses.
127.2. If it is not possible for third party witnesses to be present, a examination shall be executed without them and the process and results of the examination shall be documented with the use of technical equipment.
127.3. A procurator shall always be present during an examination of an extremely grave crime scene.
127.4. An accused, suspect, victim or witness may take part in an examination.
127.5. An expert without personal interest in a case may be invited to participate in an examination.
127.6. During an examination it shall be permitted to take measuring, photographs, make hand drawing, audio and video recording, and take shapes and prints of tracks or traces.
127.7. Objects and documents newly discovered during an examination shall be specifically examined on the spot.
127.8. If an examination of articles or documents requires a longer period of time, or if there are other grounds, the examination shall be executed at the place of an inquiry or investigation.

127.9. An item considered necessary shall be seized without loss of initial characteristics.
127.10. An examination of articles sent by post or telegraphic correspondence shall be executed in conformity with the rules set in Article 136 of this Law.

ARTICLE 128. EXAMINATION OF A CORPSE

128.1. A forensic medical expert, or if not possible, a medical doctor shall participate in examination of a corpse.
128.2. If it is necessary to exhume a corpse from the place of burial, an inquiry officer or an investigator shall issue a decree specifying grounds to such effect and the decree shall be sanctioned by a procurator and the action shall take place in the presence of a forensic medical expert and third party witnesses.

ARTICLE 129. EXAMINATION ON A HUMAN BODY

129.1. An examination on a body of an accused, suspect, witness, or victim may be executed in order to discover whether there are traces and specific features of a crime on their bodies and to document them.
129.2. An inquiry officer or investigator shall issue a decree to execute an examination on a body, which shall be binding upon the person concerned.
129.3. If necessary, a medical doctor may be involved in examining a human body.
129.4. If it becomes necessary to undress a person during examination on the person's body a third party witness of the same sex shall always be present.
129.5. During undressing an inquiry officer or investigator of opposite sex shall not be involved and in this case the examination shall take place in presence of another inquiry officer or investigator of the same sex, with the presence of a medical doctor and third party witnesses.
129.6. In executeing an examination, it shall be prohibited to use methods degrading the dignity of the person being examined or dangerous to his/her health.

ARTICLE 130. RECORD OF EXAMINATION

130.1. An inquiry officer or investigator shall produce a record of an examination in conformity with the rules set forth by Articles 146, and 154 of this Law.
130.2. The record shall describe every actions of an inquiry officer or the investigator, the process of an examination, items discovered, seized or sealed, weather condition, equipment and a seal used, and describe in detail and in sequence how evidence and items of significance for the case were stored and resolved and time of start and completion and time spent.

ARTICLE 131. EXECUTION OF AN EXPERIMENT

131.1. Experiment can be executed if it is necessary for reproducing certain circumstances and events significant to a case.
131.2. Two third party witnesses shall be present during an experiment and if necessary a suspect, accused, victim, witness or a specialist who does not have personal interest in the case may be allowed to participate.
131.3. Experiment shall be executed in conditions that do not discredit dignity and reputation of persons, do not cause danger to his/her health and in documenting its process and results, actions such as measuring, taking photographs, making drawings and video recordings may be executed.
131.4. A record on execution of experiment shall be drawn up in conformity with provisions of Articles 146 and 156 of this Law and shall satisfy the requirements set forth in Article 130 of the Law.

CHAPTER EIGHTEEN
SEIZURE, SEARCH, SEALING OF PROPERTY AND SEIZURE OF ITEMS SENT BY POST AND TELEGRAMM

ARTICLE 132. GROUNDS FOR EXECUTING SEIZURE AND SEARCH

132.1. If there are sufficient grounds to believe that items and documents are significant for reviewing and resolving a case, they shall be seized from its possessor.
132.2. Seizure of documents containing state secrets shall be executed only with the sanction of a procurator and provided that the administration of the respective institution is informed.
132.3. A search can be executed if there are sufficient grounds to believe that a wanted person is hiding or arms and tools used in committing a crime, items obtained through a crime, or a corpse or other items that may be significant for resolving a case exists.

ARTICLE 133. PROCEDURE FOR EXECUTING SEIZURE AND SEARCH

133.1. An inquiry officer or an investigator shall issue a decree with description of grounds for seizure or search to be approved by a procurator and the decree shall be read to concerned persons prior to commencement of the action.
133.2. In circumstances not permitting delay a seizure or search may be executed directly or during night hours and a procurator shall be informed on the action within 24 hours.
133.3. If there is a hindrance to seizure and search the action shall be executed through compelling.
133.4. If secret documents or other items protected by law are revealed during seizure or search an inquiry officer or investigator shall take measures to not disclosure them.
133.5. An inquiry officer or investigator shall prohibit persons, present or have arrived at the premises of seizure or search, from leaving or from communicating with one another until the completion of the seizure or

search.

ARTICLE 134. SEALING OF PROPERTY

134.1. For the purpose of securing a civil suit or possible confiscation of a property, property of an accused, a suspect, or of other persons legally bearing material responsibility for their actions shall be sealed.
134.2. Sealing of property may be executed simultaneously with a seizure or search, or separately.
134.3. An inquiry officer or investigator shall issue a decree on sealing of a property with description of grounds and have it approved by a procurator.
134.4. Actions for registering and listing of a property to be sealed shall be taken in conformity with the rules set forth in Articles 133 and 137 of this Law and in presence third party witnesses and other persons.
134.5. Items of daily need of a suspect or accused or of persons dependent on them shall not be sealed and a list of such items shall be set forth by the Law on Enforcement of Court Decisions[5].
134.6. A sealed property shall be transferred by a decree of an inquiry officer or inspector to a possessor of the property or an adult member of his/her family or another eligible person for storage and his/her responsibilities for keeping the property intact and unimpaired shall be explained.
134.7. If necessary, a sealed property may be seized temporarily.
134.8. If intact and unimpaired storage of a sealed property as provided by Article 134.6. of this Law is impossible, an inquiry or investigation agency shall be responsible for the property.
134.9. A saving deposit shall be sealed in an amount equal to the payment to be paid and an account of an organization shall be frozen for transactions.
134.10. If it becomes unnecessary to apply this measure further, the previously issued decree on sealing a property shall be invalidated.

ARTICLE 135. SEARCH ON THE BODY

135.1. In executing search on a body, the rules set forth by Articles 131, 132 and 137 of this Law shall be observed.
135.2. If following grounds exist, a search on a body may be executed without a decree:
135.2.1. When taking measures of arrest or confinement under guard;
135.2.2. If there is a sufficient ground to believe that a person who is present at premises or other places where a seizure or search is being executed, is concealing an item or a document significant to a case on his/her body.
135.3. During search on a body, persons of a same sex shall be present and this principle shall apply to third party witnesses.

[5] Law on Enforcement of Court Decisions is printed in #8, 2002 issue of "The State Information" bulletin.

ARTICLE 136. SEALING, SEIZING AND EXAMINING ITEMS SENT THROUGH POST-TELEGRAM

136.1. Sealing, seizure or examination of items sent through post-telegram and located in post-telegram organizations shall be executed with the sanction of a procurator.
136.2. In case of sealing, seizing or examination of items sent through post-telegram, an inquiry officer or investigator shall execute the actions after issuing a decree with description of grounds and having obtained a procurator's sanction and shall allow third party witnesses to be present.
136.3. If it becomes unnecessary to apply the measures set forth in this Article further, the previously issued decree shall be invalidated

ARTICLE 137. PERSONS TO BE PRESENT AT SEIZURE AND SEARCH

137.1. It shall be mandatory for third party witnesses, and a person whose property or documents are being seized or searched or an adult member of his/her family or his/her defense counsel or any one of them to be present during seizure or search.
137.2. In executing search or seizure in premises possessed by an economic entity or organizations, representatives of the organizations shall be present.
137.3. A person whose property or documents are being seized or searched, third party witnesses or representatives of economic entities and organizations shall be present during all actions executed by an inquiry officer or investigator and shall have the right to propose a comment or request to be reflected in the records.

ARTICLE 138. SEIZURE OF ITEMS OR DOCUMENTS

138.1. During a seizure or search an inquiry officer or investigator shall seize only those items and documents found and which are relevant to a case.
138.2. Items and documents prohibited from circulation shall be seized regardless of their relevance to the case.
138.3. Seized items and documents shall be presented to third party witnesses and to other persons present and when necessary shall be sealed at the place of the seizure or search.

ARTICLE 139. EXECUTING SEARCH AND SEIZURE ON OFFICES OR PREMISES OF DIPLOMATIC MISSIONS

139.1. Seizure and search on premises possessed by diplomatic missions, or on premises where members of diplomatic missions and their families live, may be executed only upon the request or with the consent of a diplomatic representative.
139.2. Request on seizure or search shall be made by a diplomatic representative to the Office of the Procurator General through the State Central Organ in charge of External Relations of Mongolia.
139.3. In executing the actions described by Article 139.1. of this Law, it is

necessary to have a procurator and a representative of the State Central Organ in charge of External Relations of Mongolia be present.

ARTICLE 140. RECORD OF SEIZURE, SEARCH AND SEALING OF PROPERTY

140.1. An inquiry officer and an investigator shall make a record of seizure, search, or sealing of property in conformity with the rules provided by Articles 146 and 154 of this Law.
140.2. If an item or a document seized or transferred in sealed package has special registration on it, the registration shall be attached to the record.
140.3. The record of seizure, search, and sealing of property shall contain a note that persons who were present at the actions were explained their rights provided by Article 137.3. of this Law and the requests made by them.
140.4. The record shall indicate whether items and documents seized have been given up voluntarily or compelled, and where and under what circumstances they have been discovered.
140.5. Quantity, quality, size, weight and specific feature of all seized items, documents and recorded property shall be described in detail in the record or attachment to it and, if possible, their value.
140.6. If, during seizure, search, or sealing of a property, there have been attempts to destroy or hide items and documents, or other resistance by the persons being searched or other persons, the record shall contain a note on that and on the measures taken by an inquiry officer or investigator.

ARTICLE 141. OBLIGATION TO HAND OVER COPY OF RECORD

141.1. A copy of a record shall be handed to and a signed receipt obtained from the person whose items or documents were seized, properties searched or sealed or an adult member of his/her family or a lawyer.
141.2. If a seizure, search, or sealing of a property has been executed on premises of an economic entity or an organization, a copy of the record shall be compulsorily handed to and a signed receipt obtained from a respective official of the organization.

CHAPTER NINETEEN
INTERROGATION, CONFRONTATIONAL INTERROGATION, IDENTIFICATION AND EXAMINATION OF TESTIMONY

ARTICLE 142. PLACE OF AND TIME FOR INTERROGATION

142.1. An interrogation shall be carried out at the place of executing an inquiry or investigation and if necessary, where the person to be interrogated is present.
142.2. An interrogation shall be carried out continuously for not longer than 4 hours and if it is going to take longer than that, an 1 hour break shall be allowed and an interrogation shall not last longer than 8 hours at a time.

ARTICLE 143. SUMMONING FOR INTERROGATION

143.1. A witness, victim, or suspect and accused at large shall be summoned by a subpoena.
143.2. A subpoena shall indicate who has been summoned, for what purposes, where, and when and as well as the responsibilities for nonappearance within the summoned period.
143.3. A subpoena shall be handed to the person summoned, or if the person is absent to any adult member of his/her family, or in his/her absence, to the Governor of the soum, bagh, or housing committee or to the administration of an organization where the person works.
143.4. A person to be interrogated may be summoned by using information or communication equipment.
143.5. In case of nonappearance without respectful reasons, the person to be interrogated shall be brought in through compelling as provided by this Law.
143.6. A person confined under guard shall be interrogated at the place of confinement or the inquiry or investigation.
143.7. A minor witness, victim, suspect or accused shall be summoned through his/her parents or legal representatives.

ARTICLE 144. COMMON PROCEDURE FOR EXECUTING AN INTERROGATION

144.1. Identity of a person to be interrogated shall be verified before an interrogation.
144.2. A person summoned for interrogation shall be explained beforehand of the purpose of the interrogation and introduced with his/her rights and duties, and a note to such effect shall be made in the record.
144.3. Persons being interrogated as a witness or victim shall be warned in writing of responsibility for giving deliberately false testimony or evading to give a testimony.
144.4. Interrogation shall commence with a person being interrogated telling circumstances of a case known to him/her.
144.5. After a person being interrogated told circumstances of a case, questions may be put to him/her to clarify his/her testimony.
144.6. Leading or urging questions to a person being interrogated shall be prohibited.
144.7. If a person being interrogated is to give testimony regarding figures or other things complex to remember, he/she may use documents or other records with the permission of an inquiry officer or investigator and they may be attached to the record.
144.8. A person being interrogated may be presented physical evidences, documents, other evidences or records of other persons interrogations and explanations regarding them may be taken.

ARTICLE 145. INTERROGATION OF MINOR WITNESS

145.1. Before interrogation of a minor witness he/she shall be explained about the importance of telling truthfully all circumstances of a case known to

him/her, but it shall be prohibited to warn him/her of responsibility for refusing to give or evading from giving a testimony or for giving deliberately false testimony.

145.2. During interrogation of a minor witness, his/her parents, legal representative, relative or a pedagogue shall be present and they shall be explained of their rights and duties, and this shall be noted in the record of the interrogation.

145.3. The persons present at an interrogation may put questions to a minor witness but an inquiry officer or investigator shall have the right to prevent answering to the questions and the questions shall be noted in the record.

145.4. Upon completion of an interrogation the correctness of the recording of the testimony shall be confirmed and the persons who were present at the interrogation shall sign the record.

ARTICLE 146. RECORD OF INTERROGATION

146.1. A record shall be made in conformity with provisions of Articles 153 and 202 of this Law.

146.2. A testimony shall be written down verbatim in the first person, along the questions put forward and answers given.

146.3. Upon completion of an interrogation the record shall be presented to the interrogated person for him/her to read or, at the consent of the person, shall be read to him/her and if the person requires to introduce amendments or correction it shall be obligatory to note this in the record.

146.4. An note shall also be made in the record indicating whether the person has read the record personally or it has been read to him/her by an inquiry officer or investigator.

146.5. Drawing, table or pictures made by an interrogated person shall be attached to a case and this shall be noted in the record.

146.6. An interrogated person shall read the record and certify that the testimony is correctly recorded, and shall sign the record to that effect.

146.7. If the record has several pages, an interrogated person shall sign each page separately.

146.8. If an interrogated person requests to write his/her testimony personally, such an opportunity shall be allowed and this shall be noted in the record.

146.9. The record shall be signed by an inquiry officer or investigator and other persons who were present at the interrogation.

146.10. If an interrogation has taken place with the participation of a translator, interpreter, the record shall be made in conformity with the rules established by Article 191 of this Law.

ARTICLE 147. PROCEDURE FOR INTERROGATING WITNESS AND VICTIM

147.1. The common procedures of Article 144 of this Law shall apply to the interrogation of a victim or witness.

147.2. Witnesses and victims in a same case shall be interrogated separately and measures to prevent them from communicating with each other

shall be taken.

147.3. Before an interrogation an inquiry officer or investigator shall verify the identity of a witness or victim and shall explain his/her duties and remind him/her of responsibility for refusing to give or evading from giving testimony or for giving deliberately false testimony, and this shall be noted in the record and signed by the witness or victim.

147.4. A witness or victim shall be explained their right not to give an aggravating testimony against themselves, or a member of family, their parents or children and if they chose not to exercise the right they shall be reminded of responsibility for refusing to give or evading from giving testimony or for giving deliberately false testimony.

ARTICLE 148. INTERROGATION OF MINOR VICTIM

148.1. Interrogation of a minor victim shall be executed in accordance with the rules set forth in Article 145 of this Law.

ARTICLE 149. CONFRONTATIONAL INTERROGATION

149.1. If there are serious differences in the testimonies of persons other than a suspect or accused an inquiry officer or investigator shall have the right to execute a confrontational interrogation between previously interrogated persons.

149.2. Before confrontational interrogation a witness, victim or expert shall be reminded of responsibility for refusing to give or evading from giving testimony or for giving deliberately false testimony and this shall be noted in the record.

149.3. In commencing an confrontational interrogation the persons shall be asked whether they know each other and what relation they have to each other and then their testimonies regarding circumstances to be clarified shall be taken and subsequently questions may be put to each of the persons being interrogated.

149.4. The persons being confronted may put questions to each other with the consent of an inquiry officer or investigator.

149.5. If the testimony given during confrontational interrogation is different than a previous testimony, the previous testimony shall be read after the testimony of confrontational interrogation is recorded and explanations shall be taken.

149.6. Testimony of the persons interrogated during confrontational interrogation shall be written down in the record in the order in which it is given and each person interrogated shall sign each page of his/her testimony.

ARTICLE 150. FINDING THROUGH IDENTIFICATION

150.1. When necessary an inquiry officer or investigator may present a person, an animal, or an item to a witness, victim, suspect, or accused for identification and find them.

150.2. Person who is about to find through identification shall be questioned beforehand concerning the circumstances under which they have seen

a person, an animal or an item and the features or peculiarities by which they are able to identify.

ARTICLE 151. PROCEDURE FOR FINDING THROUGH IDENTIFICATION

151.1. A person who is being identified shall be presented to a person making the identification together with not fewer than three other persons resembling the person being identified.
151.2. Before the identification the person being identified shall be told to take any place he chooses among the persons being presented, and this shall be noted in the record.
151.3. If it is not possible to present a person physically, his/her photograph may be identified among not fewer than three other photographs.
151.4. A farm animal, other animal or an item shall be presented together with similar farm animals, animals or items.
151.5. If the person making the identification is a witness or victim, they shall be warned beforehand of responsibility for responsibility for refusing to give or evading from giving testimony or for giving deliberately false testimony, and this shall be noted in the record.
151.6. The person making the identification shall be required to indicate the person, farm animal, animal or item mentioned in his/her testimony and leading or warning questions shall not be permitted.
151.7. If the person making an identification has indicated one of the persons, farm animal, animals or items presented, he/she shall be asked to explain by which features or peculiarities he/she has recognized them and this shall be noted in the record.
151.8. During the action of finding through identification not fewer than 2 witnesses shall be present.
151.9. If the person making an identification wishes so, he/she shall be allowed to make the identification without knowledge of the person being identified.

ARTICLE 152. RECORD ON ACTION OF FINDING THROUGH IDENTIFICATION

152.1. A record on action of finding through identification shall be made in conformity with the provisions of Articles 146 and 154 of this Law.
152.2. The record shall have information concerning the identity of the person making the identification and description the persons, farm animals, animals or items presented for identification, and the testimony of the person making the identification shall be written verbatim.

ARTICLE 153. VERIFYING TESTIMONY ON THE SPOT

153.1. Testimony of a suspect, accused, witness or victim may be verified on the spot in order to verify new circumstances, traveled route or an indicated place or to compare and verify truthfulness of a previously given testimony.
153.2. During the action set forth by Article 153.1. of this Law, the person whose testimony is being verified shall indicate some specific items, documents or traces significant to the case, perform certain activities,

and explain clearly and in detail his/her previously given testimony with respect to which items did play what role in the event being examined and how the spot, where the event took place, has been changed.

153.3. It shall be prohibited to interfere, to pose leading or warning questions during verification of a testimony on the spot.

153.4. Two third party witnesses, or if necessary, a specialist shall be involved during verification of a testimony on the spot.

153.5. It shall be prohibited to verify testimonies of several persons together, on one spot.

153.6. Verification of a testimony shall be carried out based on the testimony and by the initiative of the person who gave the testimony, an inquiry officer on an investigator.

153.7. Questions to the person whose testimony is verified may be posed after the person has freely spoken and shown activities.

153.8. During verification of a testimony on the spot it may be permitted to take photos, make audio or video recordings, drawings and measures which shall be noted in the record.

153.9. During the action of verification of a testimony a record shall be made according to requirements of Articles 146 and 154 of this Law.

ARTICLE 154. CERTIFICATION OF THE FACT OF REFUSAL TO SIGN OR INABILITY TO SIGN RECORD OF INVESTIGATIVE ACTION

154.1. If a suspect, accused, witness, or other person refuses to sign the record of an investigative action, an inquiry officer or investigator shall make a special note to such effect and sign it.

154.2. An opportunity shall be given to the person refusing to sign the record to explain the grounds for the refusal and the explanation shall be entered in the record and signed by the person.

154.3. If a suspect, accused, victim or witness is not able to sign the record due to physical disabilities or other health reasons an inquiry officer or investigator may invite an outside person to sign the record with the permission of the person interrogated.

154.4. If third party witnesses and others refuse to sign the record of an investigative action they have taken part, they shall sign the special note as well.

CHAPTER TWENTY
EXPERT EXAMINATION

ARTICLE 155. PROCEDURE FOR ASSIGNMENT OF AN EXPERT EXAMINATION

155.1. If deemed necessary to carry out an expert examination an inquiry officer, investigator, procurator or court shall issue a decree to such effect which shall indicate the grounds for assigning the examination, name of the expert, the questions posed before the expert, and the materials transferred to the supervision of the expert.

155.2. An inquiry officer, investigator, procurator or judge shall present a suspect, accused or defendant with the decree assigning an expert examination and explain his/her rights as provided by Article 156 of this

Law and a record shall be made to this effect and signed by respective persons.

155.3. An inquiry officer, investigator, procurator and judge shall have the right to be present during an examination.

155.4. If a suspect, accused or defendant is not able to comprehend the situation due to psychiatric illness, the decree to assign a forensic psychiatric expert examination and the opinion of the experts may not be presented to him/her.

155.5. It shall be prohibited to assign an expert on questions of application of law or of interpreting articles, paragraphs or provisions of law.

ARTICLE 156. OBLIGATORY EXPERT EXAMINATION

156.1. Expert examination shall be obligatory in following instances:

156.1.1. to establish the cause of death if it was occurred due to outside influence or is suspicious;

156.1.2. to determine degree and the character of bodily injuries;

156.1.3. to determine the mental state of a suspect, accused or defendant if a doubt arises of his/her ability to explain and to control his/her actions in the case;

156.1.4. to determine the mental state of a witness or victim, if a doubt arises of his/her ability to objectively reflect circumstances significant to the case and to give correct testimony;

156.1.5. to establish the age of a suspect, accused, defendant or victim if documents concerning their age are missing and establishment of their age is significant to the case.

156.1.6. to determine the age of accused in an especially grave crime.

ARTICLE 157. RIGHTS OF SUSPECT, ACCUSED, DEFENDANT, AND VICTIM DURING EXPERT EXAMINATION

157.1. During carrying out of an expert examination a suspect, accused, defendant or victim shall have the right to:

157.1.1. to request to challenge the expert;

157.1.2. to present additional questions to the expert;

157.1.3. to provide the expert with additional documents and give explanations in that regard;

157.1.4. to be present at the expert examination, with the permission of an inquiry officer, investigator or procurator;

157.1.5. to become acquainted with the opinion of the expert.

157.2. If the request of a suspect, accused, defendant or victim described in Article 157.1. of this Law is considered to be grounded to be satisfied, the decree to assign an expert examination may be changed or amended.

157.3. If the request is denied a decree reasoned to this effect shall be issued and presented to the suspect, accused, defendant or victim and it shall be signed by them.

ARTICLE 158. CARRYING OUT EXPERT EXAMINATION AT EXPERT INSTITUTIONS

158.1. A person authorized to assign an expert examination shall appoint him/herself an expert and prior to this an expert institution shall have submitted a list of experts that mentions their work experiences and specialized areas to an inquiry or investigation agencies or to court or to a procurator's office.

158.2. A person who has assigned an expert examination shall explain the expert his/her rights and duties as provided by Article 46 of this Law and shall warn of responsibility for refusing to give or evading from giving of an expert opinion, or giving a deliberately false opinion and a signature shall be obtained from the expert.

ARTICLE 159. CARRYING OUT EXPERT EXAMINATION OUTSIDE OF EXPERT INSTITUTION

159.1. If an expert examination is to be carried out outside of an expert institution, a person authorized to assign an expert shall, after issuing the decree to assign an expert examination, summon the expert being assigned to carry out the examination to ascertain his/her identity, professional degree and competence, to establish the relation of the expert to the accused suspect or victim, and shall verify whether there are grounds for the expert to refuse the examination.

159.2. After taking actions specified Article 159.1. of this Law, if it is considered that there is no conflicting reason, the expert shall be handed the decree to assign an expert examination, and he/she shall be explained of his/her rights, duties and responsibilities provided by Article 46 of this Law, and shall sign the decree.

159.3. If an expert makes any request during an expert examination, the person appointed the expert shall make a note to such effect, in accordance with procedures set forth in Article 146 and 154 of this Law.

ARTICLE 160. OBTAINING SAMPLES FOR COMPARATIVE EXAMINATION

160.1. An inquiry officer, investigator, procurator or court shall have the right to obtain from a suspect or accused samples of his handwriting or other samples necessary for comparative examination, and a decree shall be issued to such effect.

160.2. If there are grounds to consider that traces of a witness or victim have been left at a crime scene or on the physical evidence, samples of handwriting or other samples and prints may be obtained from them for comparative examination.

160.3. If necessary, samples or prints for comparative examination may be obtained with the participation of a specialist, who has no personal interest in the case.

160.4. A record concerning obtaining of samples or prints shall be made in conformity with the rules provided by Articles 146 and 154 of this Law.

ARTICLE 161. TRANSFER OF SUSPECT, ACCUSED OR DEFENDANT TO A MEDICAL INSTITUTION

161.1. If it is necessary to observe a suspect, accused or defendant in a medical institution for a specified period of time in order to make forensic medical or mental illness research expert's conclusion, the person authorized to appoint an expert witness shall issue a decree specifying its grounds and apply the decree.
161.2. If a suspect or accused, in respect of whom measure of restraint of confinement under guard has not been taken, is to be transferred to mental illness research institution it shall be executed with an approval of a procurator.
161.3. Term spent in a mental illness research institution shall be included in the term of confinement under guard.

ARTICLE 162. CONTENT OF AN EXPERT CONCLUSION

162.1. An expert shall issue his/her conclusion upon carrying out relevant examination.
162.2. A conclusion shall specify where and when an examination was carried out, by whom (surname, name, education, profession, scientific degree, and position), grounds for the examination, who was present during the test, what material was used, what examination was performed, what questions were put to the expert, answers given in response to them, and their grounds.
162.3. If in the course of an examination an expert has established other facts of importance to a case, he/she shall be obliged to specify the fact in the conclusion irrespective whether a question was put forward in this regard.
162.4. A conclusion shall be issued in writing and be signed by an expert and if several experts have participated in a test and have issued an unanimous conclusion, they shall sign one conclusion and if disagreed they shall attach their comments to the conclusion.

ARTICLE 163. INTERROGATION OF EXPERT

163.1. An inquiry officer or investigator may interrogate an expert for the purpose of getting explanation on or clarifying the conclusion made by the expert.
163.2. The expert shall have the right to write the answers him/herself and record of interrogation of the expert shall be made in conformity with the rules provided in Articles 146 and 202 of this Law.

ARTICLE 164. PRESENTATION OF EXPERT'S CONCLUSION TO SUSPECT, ACCUSED OR DEFENDANT

164.1. A conclusion of an expert or his/her explanation on the impossibility of issuing a conclusion, as well as record of interrogation of the expert, shall be presented to the suspect, accused or defendant who shall have the right to reject the conclusion or explanation, to give his/her own explanation, to put questions to the expert or to request

supplementary or repeated expert examination.

164.2. The presenting of the expert's conclusion, explanation, or testimony, and questions asked by the suspect, accused or defendant and the explanation of their rights and duties shall be noted in the record of interrogation of the suspect, accused or defendant.

ARTICLE 165. SUPPLEMENTARY AND REPEATED EXPERT EXAMINATION

165.1. In the event of insufficient clarity or completeness of a conclusion or if there are circumstances requiring examination of new aspects of the examined issue a supplementary examination of an expert may be assigned to the same or another expert.

165.2. If the conclusion of an expert is groundless or its correctness is doubtful a repeated expert examination may be assigned to another expert.

165.3. In carrying out supplementary or repeated expert examination provided for in Articles 165.1., 165.2. of this Law, the rules set forth in Articles 155-157, 160 and 162 of this Law shall be observed.

PART VII
PRE-COURT ACTIONS

CHAPTER TWENTY ONE
GROUNDS FOR INITIATION OF CRIMINAL CASE

ARTICLE 166. GROUNDS FOR INITIATION OF A CRIMINAL CASE

166.1. Criminal case shall be initiated if there exists one of the following grounds and if there does not exist any condition that prevents from carrying out criminal proceedings and if there is sufficient evidence proving a commission of crime:

166.1.1. complaint filed by a citizen on a committed crime;

166.1.2. report of business entities, organizations and officials on a crime;

166.1.3. appearing to confess in committing a crime;

166.1.4. direct discovery of indicia of a crime by an inquiry officer, investigator and procurator;

166.1.5. Information on a crime obtained and documented through undercover operation.

ARTICLE 167. COMPLAINT AND INFORMATION FILED BY A CITIZEN ON A CRIME

167.1. The complaint or information filed by a citizens on a crime may be oral or written.

167.2. The complaint filed orally or complaint filed by means of telecommunication and media shall be entered in the record, and signed by the person who has made the record.

167.3. A written complaint must be signed by the person from whom it comes.

167.4. Responsibility for making a report known to be false must be explained to the person who files the complaint, and a note to such effect shall be

made in the record and certified by the signature of the person who filed the complaint.

ARTICLE 168. REPORT OF BUSINESS ENTITIES, ORGANIZATIONS AND OFFICIALS ON A CRIME

168.1. Report of business entities, organizations, and officials must be made in writing and relevant documents may be attached to it.

ARTICLE 169. APPEARING TO CONFESS IN COMMITTING A CRIME

169.1. A person who has committed a crime may voluntarily submit an information on a crime committed by him/her orally or in writing.

ARTICLE 170. OBLIGATORY ACCEPT OF COMPLAINT AND REPORT CONCERNING A CRIME

170.1. A head of an agency of inquiry or investigation, or an inquiry officer, investigator or a procurator shall be obliged to accept complaints and reports concerning any crime that has been committed or its preparation.
170.2. Upon receipt of the report the person who files the complaint shall be warned about responsibility provided in legislation for making a report known to be false.
170.3. In case of unlawful refusal to accept complaint or report concerning a crime, a complaint may be filed to a procurator in conformity with procedures set forth in Article 107 of this Law.

ARTICLE 171. TIME LIMIT FOR CONSIDERING COMPLAINTS AND REPORTS CONCERNING CRIME

171.1. Complaints and reports concerning a crime shall be reviewed within a period of not more than five days in order to decide whether to initiate a criminal case.
171.2. This period may be extended for up to 14 days in instances required to obtain additional explanations, documents and other materials or to carry out view of criminal scene.

ARTICLE 172. DECISION TO BE ISSUED AFTER REVIEWING OF THE COMPLAINTS AND REPORT CONCERNING A CRIME

172.1. In case of revision of the complaint and report concerning any crime or its preparation or in case of direct discovery of indicia of a crime by himself/herself, an inquiry officer, investigator and procurator shall issue one of the following decisions and inform about that the person who filed the complaint or report:
172.1.1. To initiate a criminal case;
172.1.2. To submit a proposal to refuse to initiate a criminal case, to refuse;
172.1.3. To refer compliant and communications to respective jurisdiction.
172.2. With referring a case to respective jurisdiction an inquiry officer or

investigator shall be obliged to take measures to prevent the crime and to preserve the traces of the crime.

172.3. When verifying the complaints and report, an if there exist grounded suspicion that a crime has been committed or is being committed, the following measures may be taken immediately by an inquiry officer and investigator in order to resolve the question whether it is necessary to initiate a criminal case:

172.3.1. to check personal documents to clarify a person's identity;

172.3.2. to carry out a view on a person's body, vehicle, freight and luggage;

172.3.3. to seal premises where property, asset or money of economic entities, organizations and citizens is kept;

172.3.4. to seize temporarily vehicles, goods, or money significant for a case;

172.3.5. to obtain samples, fingerprints, molds and impressions required for carrying out forensic medicine, forensic or other types of expert examinations;

172.3.6. to obtain explanation from citizens, and officials;

172.3.7. to set up control over entry in and exit from premises and areas;

172.3.8. to enter into dwellings and premises of citizens and organizations during the process of abrogating a crime and tracing a criminal;

172.3.9. to check if alcohol, narcotics, or poisonous substances have been used.

172.3.10. to arrest, on the grounds provided by Article 58 of this Law, the person suspected in committing a crime.

172.4. Actions listed Articles 172.3.2, 172.3.5 and 172.3.8 of this Law shall be carried out only in accordance with the procedures established in this Law.

CHAPTER TWENTY TWO
PROCEDURE FOR INITIATING CRIMINAL CASE

ARTICLE 173. PROCEDURE FOR INITIATING CRIMINAL CASE

173.1. If there exists a reason and grounds for initiating a criminal case provided by article 166 of this Law, an inquiry officer, investigator, or procurator shall initiate a criminal case and render a decree to such effect.

173.2. The decree must indicate the time and place of committed crime, the type of the crime, reason and grounds for initiating the case, the article and provision of the Criminal Law subject to which a criminal case is initiated, as well as the further routing of the case.

173.3. If by an inquiry officer or investigator has initiated a criminal case the decree to such effect shall be presented to a procurator within 72 hours and reference number for the file shall be obtained.

173.4. Simultaneously with the initiation of a criminal case, immediate actions must be taken to abrogate the crime and to preserve the traces of the crime.

ARTICLE 174. ACTIONS TO BE CARRIED OUT AFTER INITIATING CRIMINAL CASE

174.1. After rendering a decree to initiate a criminal case following actions shall be taken:

174.1.1. a procurator shall register the case and allocate reference number and refer the case to either inquiry or investigative agency for investigation according to its jurisdiction,

174.1.2. an inquiry or investigative agency shall begin investigative actions.

ARTICLE 175. REFUSAL TO INITIATE CRIMINAL CASE

175.1. In the absence of grounds for initiating a criminal case or if there exist circumstances precluding proceedings in a case, when verifying complaints and report concerning a crime, procurator, based on opinion of inquiry officer or investigator, shall issue a reasoned decree of refusal to initiate the criminal case.

175.2. An inquiry officer or investigator shall submit in writing their opinion to refuse to initiate the criminal case, and send it to a procurator within 3 days along with the case file.

175.3. A refusal to initiate a criminal case may be appealed from by the person who has made the filed a complaint or record to the procurator.

ARTICLE 176. SUPERVISION OVER LEGALITY OF INITIATION OF CRIMINAL CASE

176.1. A procurator shall exercise supervision over legality of the initiation of criminal case.

176.2. If the case is initiated by an inquiry officer or investigator without legal reasons and grounds, the procurator shall by his own decree annul the decree of the inquiry officer or investigator, or if investigative actions have been carried out, shall terminate the case.

176.3. In the event of an unfounded refusal to initiate a criminal case, the procurator of higher instance shall by his own decree annul the decree and shall initiate the case and transfer it according to its jurisdiction.

CHAPTER TWENTY THREE
INQUIRY

ARTICLE 177. CARRYING OUT AN INQUIRY

177.1. An inquiry officer shall carry out an inquiry for minor and less grave crimes specified in the Criminal Code in accordance with jurisdiction set forth in this Law.

177.2. If a case is subject to jurisdiction of investigative department or of another inquiry agency, the case shall be referred immediately to a respective jurisdiction.

ARTICLE 178. TERM FOR CARRYING OUT AN INQUIRY

178.1. Inquiry shall be carried out within following period:
178.1.1. 14 days for minor crimes;
178.1.2. 30 days for less grave crimes.
178.2. In case of necessity to carry out supplementary inquiry the inquiry period shall be extended by a procurator for up to 15 days.
178.3. If a case is returned from court for an inquiry, a procurator shall establish the term for additional inquiry period for 15 days.

ARTICLE 179. COMPLETION OF INQUIRY

179.1. After completing an inquiry, an inquiry officer shall draw a decree to refer the case to a procurator, which shall indicate circumstances of committing a crime, information on a person who has committed a crime and other circumstances established during an inquiry.
179.2. Measures of restraint shall be taken in conformity with procedures set forth in Chapter Nine of this Law, when transferring the case to a procurator.
179.3. If case is initiated on the basis of complaint or report of citizens or organizations, they shall be informed on completion of inquiry and transfer a case to a procurator.

CHAPTER TWENTY FOUR
THE INVESTIGATION

ARTICLE 180. PLACE FOR CARRYING OUT AN INVESTIGATION

180.1. An investigation shall be carried out in the place where the crime was committed.
180.2. For the purpose of securing the most speedy, objective, and complete investigation, it may be carried out at the place where the crime was discovered or at the place where the suspect, accused, or majority of the witnesses or victims are located.
180.3. Upon ascertaining that a given case is not within his/her investigative jurisdiction, an investigator shall carry out urgent investigative actions, and transfer the case to a procurator for referral to the respective investigative jurisdiction.
180.4. The question of investigative jurisdiction of the case shall be decided by the procurator of the place where the investigation has commenced.
180.5. An investigator shall have the right to carry out some investigative actions, which must be carried out in other areas, himself or to give to appropriate agency of inquiry or other investigative department commission concerning carry out of the said actions. Such commission of the investigator shall be binding upon an agency of inquiry or investigative department which have received and are obliged to fulfill within a period specified in the commission.

ARTICLE 181. COMMENCING INVESTIGATION

181.1. An investigation shall be carried out only after initiation of a criminal case in accordance with the procedure established by this Law.
181.2. An investigator shall be obliged immediately to begin an investigation in a case initiated by him or transferred to him and shall render a decree to carry out investigation.
181.3. If initiation of a criminal case and its investigation is being carried out at the same time a single decree shall be drawn up on the actions.

ARTICLE 182. PERIOD FOR INVESTIGATION

182.1. Principal period for carrying out an investigation in a criminal case shall be two months after initiating a criminal case.
182.2. The period described in Article 182.1. of this Law shall include the time from the day of initiating the case until the moment of referring the case to the procurator or until the termination of the case.
182.3. The period for suspension of the case carried out according to rules provided by this Law, shall not be included into investigation period.
182.4. In instances when a case has several suspects or accused or multiple actions or there exists necessity to carry out investigative actions in distant regions, or judicial-auditing of accounts or other types of complicated expert examination or repetitive and supplementary examination must be assigned, the period for investigation may be prolonged by a procurator who exercises supervision over a case for up to 2 months, by a Senior procurator of a soum, intersoum, district or Deputy of specialized procurator for up to 5 months; by a procurator of aimag, the Capital City, or specialized procurator for up to 9 months; and by an assistant to General Procurator or by a Deputy General Procurator for up to 3 months. The question of further extension of the investigative period shall be resolved by the General Procurator.
182.5. When extending investigative period a procurator shall consider activities executed during previous period, grounds for extension and further criminal proceedings planned.
182.6. When a court returns a case for supplementary investigation, or when a suspended or terminated case reopened, the period for the supplementary investigation shall be established by the procurator who exercises supervision of the investigation within the limits of up to one month. Further extension of the period shall be carried out according to ordinary procedures.
182.7. The investigator shall draw up a reasoned decree to extend the period of the investigation and to present it to the respective procurator prior to 7 days before the expiration of the period for investigation.

ARTICLE 183. CARRYING OUT AN INVESTIGATION BY GROUP OF INVESTIGATORS

183.1. Investigation of a complex case or of a case requiring great number of proceedings, may be entrusted to group of investigators. Head of the Investigative Agency shall issue a resolution appointing the group.
183.2. The resolution shall indicate all investigators appointed including the head investigator of the group.
183.3. The resolution shall be presented to the suspect, accused, victim, civil

plaintiff, civil defendant and their representatives who shall have a right to challenge any investigator of the group.

ARTICLE 184. RIGHTS AND DUTIES OF HEAD INVESTIGATOR OF THE INVESTIGATIVE GROUP

184.1. Head of the investigative group shall accept the case for its proceedings, organize the work of group and guide proceedings of other investigators.
184.2. Proposal with respect to consolidation, separation, suspension, reopening and termination of a case, as well as extension of the investigative period and taking measures of restraint shall be submitted only by the head of the group.
184.3. Resolution on transferring the case to a procurator for decree to prosecute as accused or on applying compulsory medical measures shall be executed only by the head of the group.
184.4. Head of the Group shall have a right to carry out investigative actions independently or jointly with other investigators or to issue a decision concerning a case.

ARTICLE 185. COMPLETING OF INVESTIGATION

185.1. An investigation shall end with submitting to a procurator a proposal to draw conclusion to indict or to terminate the case.

CHAPTER TWENTY FIVE
THE GENERAL CONDITIONS FOR CARRYING OUT THE INQUIRY AND INVESTIGATION

ARTICLE 186. COMMON PROCEDURES FOR CARRYING OUT INQUIRY AND INVESTIGATION

186.1. Inquiry and investigation actions may not take place at night, except in instances not permitting delay.
186.2. Scientifically reasonable methods and technical equipment may be used during an inquiry or investigation in the process of discovering, preserving and fixing traces of a crime.
186.3. Application of force and threat or other unlawful means and methods during an inquiry or investigation as well as creating circumstances dangerous to the health of the participants shall be prohibited.

ARTICLE 187. COMPULSORY EXPLANATION OF RIGHTS OF THE PARTICIPANTS IN CRIMINAL PROCEEDINGS AND THEIR ASSURANCE

187.1. An inquiry officer or investigator shall explain to suspect, accused, victim, civil plaintiff, civil defendant, and their representatives as well as other persons participating in criminal proceedings about their rights and duties as well as consequences of not fulfilling their duties and shall ensure the possibility to exercise their rights during criminal proceedings.

ARTICLE 188. MEASURES OF CARE FOR CHILDREN OF SUSPECT OR ACCUSED AND PROTECTION OF THEIR PROPERTY

188.1. An inquiry officer, investigator, procurator, or court shall have following duties with regard to care for children of suspect or accused and protection of their property:

188.1.1. to transfer minor children, elderly parents or other persons who needs care and who remains without supervision of a person arrested or confined under guard to the care of relatives or other persons or concerned institutions. The transfer shall be carried out by decree of an inquiry officer, investigator, procurator or court, or by order of a judge;

188.1.2. to take measures to protect property or untended dwelling space of a person arrested or confined under guard.

188.2. The person confined under guard shall be notified of the measures taken in accordance with Article 188.1. of this Law.

ARTICLE 189. IMPERMISSIBILITY OF DISCLOSURE OF INQUIRY AND INVESTIGATION DATA

189.1. The data of an inquiry, investigation may be disclosed to the public only with the permission of a procurator and only to the extent to which he deems it possible.

189.2. When necessary an inquiry officer, investigator and procurator shall warn the witnesses, victim, civil plaintiff, civil defendant, defense counsel, expert, translator, interpreter, witnesses of investigative actions, and other persons presented at investigative actions of the impermissibility of disclosure of the data of the inquiry or investigation. A signed promise shall be obtained from the aforementioned persons with a warning of responsibility under Article 257 of the Criminal Code.

ARTICLE 190. MEASURES TO ELIMINATE CAUSES AND CONDITIONS FACILITATING THE COMMISSION OF A CRIME

190.1. When an investigation establishes causes and conditions facilitating the commission of a crime, an inquiry officer, investigator or procurator shall submit to the concerned legal entity a statement to take measures to eliminate such causes and conditions. A copy of the statement shall be attached to the file of the case.

190.2. The legal entity shall be obliged, within a period of not more than one month to take the necessary measures, and to notify the inquiry officer, investigator or procurator thereof.

ARTICLE 191. INVOLVEMENT OF INTERPRETER

191.1. In instances provided for in Article 19 of this Law, an inquiry officer or investigator shall involve a translator, interpreter in investigative actions.

191.2. The translator, interpreter shall be explained of his rights and duties and shall be warned of his responsibility for making a deliberately false translation or interpretation and this shall be noted in the record of the particular investigative action and shall be certified by the signature of

the translator, interpreter.

ARTICLE 192. INVOLVEMENT OF WITNESSES OF INVESTIGATIVE ACTIONS

192.1. At least two witnesses of investigative actions shall be involved in an examination, search, seizure, or in other investigative actions requiring witness's participation by this Law.

192.2. Before the commencement of an investigative action in which witnesses of investigative actions participate, an inquiry officer or investigator shall explain to them their rights and duties set forth in Article 48 of this Law.

192.3. A witness of investigative actions shall be obliged to certify the fact, contents, and results of an action at which he/she has been present.

192.4. A witness at investigative actions shall have the right to make remarks in the record of an action in which he/she has participated.

ARTICLE 193. FULL POWERS OF PROCURATOR IN EXECUTEING SUPERVISION OVER AN INQUIRY AND INVESTIGATION

193.1. In executing supervision over implementation of the laws in the inquiry and investigation actions the procurator shall exercise following full powers:

193.1.1. to review a case in order to establish if an initiation of a case has legal grounds and to annul the decree to initiate the case if he/she considers such action not having legal grounds;

193.1.2. to issue a decision to initiate a case and transfer to the inquiry or investigative agency for investigation according to the respective jurisdiction if he/she discovers signs of a crime;

193.1.3. to receive complaints and reports on a crime, to keep record of it and to supervise if the investigative actions are carried out within the scope of law;

193.1.4. to withdraw and review a case which is in the process of an inquiry or investigation from the inquiry or investigative agency upon receipt of complaints or request from participants of the case, for purposes of resolving them and based on this to issue a commission for an inquiry officer or investigator to carry out a particular procedural action and supervise its implementation;

193.1.5. within the limit of full powers granted by law, to supervise undercover operation executed for purposes of identifying a crime or a person who has committed a crime;

193.1.6. to take personal part in carrying out particular procedural actions by an inquiry officer or investigator, if considers necessary;

193.1.7. to carry out investigative actions as provided by this Law;

193.1.8. to give sanction on carrying out particular procedural actions by an inquiry officer or investigator in instances provided by this Law;

193.1.9. to extend inquiry or investigative period;

193.1.10. to submit proposal to court on confining under guard of suspect or accused and on extending of confinement period;

193.1.11. to resolve a request to challenge an inquiry officer,

investigator or a procurator of lower instance;

193.1.12. to review and resolve a complaint submitted to the Procurator's office concerning inquiry or investigative actions, or actions and decisions of an inquiry officer or investigator;

193.1.13. to refer a case back and submit a written instruction on implementation of legal requirement during an inquiry or investigation;

193.1.14. to resolve a proposal submitted by an inquiry officer or investigator on suspension, reopening, or termination of a case;

193.1.15. to annul ungrounded decree of the inquiry officer or investigator on initiating, consolidation, or separation of a case and decide on further actions;

193.1.16. to approve a decree issued by the inquiry officer or investigator in instances provided by this Law;

193.1.17. to annul unlawful decision of the inquiry officer, investigator or procurator of lower instance;

193.1.18. to give certain direction for carrying out supplementary investigation or refer a case back to the inquiry officer or investigator for supplementary investigation;

193.1.19. to stop an inquiry officer or investigator who has violated a law during an inquiry or investigation for further investigation of that case;

193.1.20. to transfer a case to court;

193.1.21. to require any organization or official to provide free of charge data, study or documents necessary for an inquiry, investigation or supervision, to be presented with them on the spot, or to require to issue professional opinion or conclusion;

193.1.22. to inspect inquiry or investigative actions fully or partially or withdraw a required case in order to provide opinion or evaluation on enforcement of law provisions during inquiry or investigation;

193.1.23. to demand an administration of the inquiry or investigative agencies to ensure normal proceedings of the inquiry or investigation or to eliminate commonly occurred violation during an inquiry or investigation;

193.1.24. to review compliance with law of resolutions and decisions issued by the administrations of inquiry or investigative agencies concerning an inquiry or investigation and to write a protest on resolutions or decisions issued in violation of law;

193.1.25. to determine the jurisdiction for investigating a case;

193.1.26. to store a file of criminal case in archives;

193.1.27. other full powers set forth in this Law.

ARTICLE 194. BINDING NATURE OF PROCURATOR'S DECISIONS EXECUTING SUPERVISION OVER AN INQUIRY OR INVESTIGATIVE PROCEEDINGS

194.1. A procurator's decision given in conformity with procedures set forth in this Law shall be binding upon an inquiry officer and investigator.

194.2. A complaint with regard to decision of a procurator to a procurator of higher instance shall not suspend its execution except in instances provided for by Article 28.2.13 of this Law.

ARTICLE 195. CARRYING OUT AN INVESTIGATION BY A PROCURATOR

195.1. In instances when circumstances set forth in Articles 357.1.1 and 357.1.2 of this Law have occurred or when executing a supervision over a case procurator finds doubtful the testimony of the victim, witness, suspect or accused or opinion of the expert or considers that particular investigative action has not been carried out in conformity with procedures and grounds set forth in law, the procurator shall carry out investigative actions such as interrogating a witness, victim, suspect or accused, re-appointing an expert to have issued an opinion, or repeating the view, search or experiment.

195.2. Investigative actions may be carried out at any stage of an inquiry or investigation.

195.3. If it is established during investigative actions that inquiry or investigative actions have not been carried out in conformity with the grounds and procedures set forth in law or have seriously violated law, procurator shall instruct the Inquiry or Investigative Agency to restrain the inquiry officer or investigator from further investigation of the case and transfer the case to another inquiry officer or investigator. Such instruction shall be binding.

195.4. If it is established during investigative actions that the case was suspended or terminated with lack of grounds, the case shall be transferred to the Inquiry or Investigative Agency for carrying out an inquiry or investigation.

195.5. A procurator shall attach all evidence gathered during investigative actions to the file of the case.

CHAPTER TWENTY SIX
PRESENTATION OF THE ACCUSATION AND INTERROGATION OF THE ACCUSED

ARTICLE 196. PROSECUTING AS THE ACCUSED

196.1. If there exists sufficient evidence to provide a basis for presenting an accusation of the commission of a crime, an investigator or procurator shall render a reasoned decree to prosecute the person as the accused.

196.2. A decree to prosecute as the accused must indicate the time and place it is drawn up, by whom the decree is drawn up, the surname, father's name and the first name of the person prosecuted as the accused; the article of the Criminal Code which provides for the crime which the given person is accused of committing, with an indication of the time, place, and other circumstances established.

196.3. If the accused is charged with committing several crimes which fall under the operation of different articles of the Criminal Code, the decree to prosecute as the accused must indicate which precise actions are imputed to the accused under each of the articles of the Criminal Code.

ARTICLE 197. SUMMONING THE ACCUSED

197.1. An accused, who is at liberty, shall appear whenever is summoned.
197.2. An accused shall be summoned in accordance with procedures specified in Article 198 of this Law.
197.3. An accused shall be brought under compulsion if he/she does not appear without having respectful reasons.
197.4. Accused who has escaped from inquiry or investigation or does not have a permanent place of residence may be brought under compulsion prior summoning.
197.5. Except n instances not permitting delay, an accused shall not be brought under compulsion during night hours.

ARTICLE 198. PROCEDURE FOR SUMMONING OF THE ACCUSED

198.1. An inquiry officer or investigator shall summon an accused by writ.
198.2. The writ must indicate who has been summoned as the accused, where and before whom, the day and hour of appearance, as well as the consequences of nonappearance without having respectful reasons.
198.3. The writ shall be handed to the accused with an indication of the time at which it has been handed to him and shall be signed by an accused.
198.4. In the event that the accused is temporarily absent, the writ shall be handed to any one of the adult members of family, or to the Governor of bag, soum, housing committee and district or to administration of the institutions and a receipt shall be certified by the signature of them.
198.5. The writ may also be transmitted by means of a telephone, telegram, other means of media.
198.6. An accused confined under guard shall be interrogated at a place of confinement or brought for interrogation to the Inquiry or Investigative Agency.

ARTICLE 199. PRESENTATION OF DECREE ON PROSECUTING AS ACCUSED

199.1. Upon issuing the decree on prosecuting as accused, the accused shall be immediately notified.
199.2. After ascertaining the identity of the accused, the inquiry officer or investigator shall announce to him the decree to prosecute him as the accused, and shall explain the nature of the accusation and such actions notification and its time shall be recorded in the decree and certified by the signature of the accused.
199.3. In the event that the accused refuses to sign, the investigator shall make notes to such effect in the decree.

ARTICLE 200. EXPLANATION TO ACCUSED OF HIS/HER RIGHTS

200.1. When presenting an accusation, an accused shall be explained of his/her rights provided in Article 36 of this Law, and a note to such effect shall be made on a record of a first interrogation of the accused, and shall be certified by signature of the accused.

ARTICLE 201. PROCEDURE FOR INTERROGATION OF ACCUSED

201.1. An accused shall be interrogated immediately after presenting the accusation to him.
201.2. Interrogation of the accused may not take place at night, except in instances not permitting delay.
201.3. Accused persons shall be interrogated separately, and the inquiry officer or investigator shall take measures to prevent accused persons summoned in the same case from communicating with one another.
201.4. At the beginning of the interrogation the inquiry officer or investigator shall propose that the accused give testimony concerning the substance of the case.
201.5. The inquiry officer or investigator shall listen to the testimony of the accused, and then if necessary shall put questions to the accused.

ARTICLE 202. RECORD OF INTERROGATION OF ACCUSED

202.1. An investigator shall draw up a record of each interrogation of an accused, and in which indicate the time, and place of the interrogation carried out.
202.2. The record of the first interrogation taking place after presenting an accusation shall indicate surname, father's name, the first name, date and place of birth, citizenship, nationality, education, , place of work, kind of occupation or official position, domicile, family position, record of previous convictions, as well as other information which may appear necessary according to the circumstances of the case.
202.3. The testimony of the accused shall be entered in the record in the first person and as far as possible, word for word, the questions put to the accused and his answers shall be recorded clearly.
202.4. Upon completion of the interrogation the record shall be presented to the accused for him/her to read or at his/her request, shall be read to him/her by the inquiry officer or investigator.
202.5. The accused shall have the right to demand make additions to the record and the insertion of corrections therein. Such additions and corrections shall be required to be entered in the record.
202.6. The record shall be certified by signatures of the accused, investigator, and other persons participated in interrogation. If the record is written on several pages, the accused shall sign each page separately.
202.7. Additions and corrections in the record must be certified by the signature of the accused and of the inquiry officer or investigator.
202.8. If interrogation of the accused is carried out with the participation of a translator, interpreter, the record shall include an indication that their duties and responsibilities and the right of accused to challenge the translator, interpreter have been explained and this shall be certified by the signature of the translator or interpreter.
202.9. The translator or interpreter shall sign each page of the record and the record as a whole.
202.10. If the record of the interrogation has been translated in writing into another language, the translation as a whole and each separate

page thereof must be signed by the translator and the accused.

ARTICLE 203. RECORDING OF TESTIMONY BY THE ACCUSED HIM/HERSELF

203.1. If the accused requests, he/she may write his/her testimony in him/herself.
203.2. After giving testimony in writing by an accused the inquiry officer or investigator may put additional questions to the accused.

ARTICLE 204 CHANGES IN AND ADDITIONS TO THE ACCUSATION

204.1. If during an investigation, there emerge grounds for changing an accusation or adding thereto, a procurator shall present the new accusation to the accused, in conformity with the requirements specified in Articles 199 and 201 of this Law, and inquiry officer or investigator shall interrogate the accused concerning the new accusation.
204.2. If in the course of the investigation any part of the accusation has not been confirmed, the procurator shall by his own decree terminate that part of the case, and shall notify the accused.

CHAPTER TWENTY SEVEN:
SUSPENSION OF INQUIRY AND INVESTIGATION

ARTICLE 205. GROUNDS AND TIME PERIODS FOR SUSPENDING INQUIRY OR INVESTIGATION

205.1. A procurator shall suspend an inquiry or investigation if there are following grounds:
205.1.1. in the event that it is not established who is subject to prosecution as the accused,
205.1.2. in the event that a suspect or accused has hidden or his/her place of stay is unknown;
205.1.3. in the event when whereabouts of the suspect or accused is known, however his/her diplomatic immunity is not lifted or if the other country is not transferred him/her for justice;
205.1.4. in the event of absence of a significant witness or victim;
205.1.5. in the event when absence of the suspect or accused due to a mental or other serious illness is certified by a conclusion of an expert or certification of medical institution;
205.1.6. in the event when Constitutional Court has initiated a dispute and is resolving a complaint concerning the provision applicable for that particular criminal case being in violation of human rights and freedom provided by the Constitution;
205.1.7. in the event of impossibility to resolve the case prior to resolving another case.
205.2. Before suspending the investigation the inquiry officer or investigator shall be obliged to perform all investigative actions which can be carried out in the absence of the suspect or accused, and to take all measures to locate him/her or to establish the identity of the person

who committed the crime.

205.3. Inquiry officer or investigator shall submit in writing a proposal to suspend an inquiry or investigation together with the case file to a procurator within 3 days.

205.4. If two or several persons are being investigated as suspects, or prosecuted as accused in the case, but the grounds for suspension do not pertain to all the suspected or accused persons, the case with respect to some of the suspect or accused may be separated and suspended.

205.5. In instances provided for by Articles 205.1.1 and 205.1.2 of this Law, the inquiry or investigation shall be suspended only upon expiration of the period for carrying out the inquiry or investigation.

205.6. In instances except for instances provided for by Article 205.1.4 of this law, an inquiry or investigation may be suspended even before the end of the period for inquiry or investigation.

205.7. A suspended proceeding shall be subject to termination upon expiration of the period of limitation to prosecute for criminal liability.

ARTICLE 206. SEARCH FOR SUSPECT AND ACCUSED

206.1. If a suspect or accused has escaped, the inquiry officer or investigator shall take the necessary measures to search for him/her.

206.2. The inquiry officer, investigator of procurator shall commission the Police organ to carry out such search and shall render a decree to such effect.

ARTICLE 207. REOPENING INQUIRY OR INVESTIGATION

207.1. A suspended investigation shall be reopened by a decree of procurator when the grounds for suspension of inquiry or investigation have ceased to exist or when it becomes necessary to carry out additional investigative actions in the absence of suspect or accused.

CHAPTER TWENTY EIGHT
TERMINATION OF CRIMINAL CASE

ARTICLE 208. GROUNDS FOR TERMINATING CRIMINAL CASE

208.1. A criminal case shall be terminated on following grounds:

208.1.1. if there exist grounds indicated in Articles 24.1.1-24.1.4 of this Law;

208.1.2. if the participation of a suspect or accused in commission of the crime has not been proved, even when all possibilities for collecting supplementary evidence have been exhausted;

208.1.3. victim of the crime specified in Article 25.1 of this Law has reconciled with the suspect, accused or defendant of the case.

208.2. If several suspects or accused persons have been prosecuted in the case, and the grounds for terminating the case do not pertain to all the suspects or accused persons, the case shall with respect to that particular individual suspect or accused shall be separated and

terminated.

208.3. If a new evidence is found within a period specified in Article 72 of the Criminal Law with regard to a case terminated according to Article 208.1.2. of this Law, the case may be reopened for investigation.

ARTICLE 209. PROCEDURE FOR TERMINATING CRIMINAL CASE

209.1. A procurator him/herself or based on proposal submitted by an inquiry officer or investigator shall issue a decree on termination of a case.

209.2. The decree on termination of a criminal case shall resolve the question of physical evidence, measures of restraint, and of sealed property.

209.3. An inquiry officer or investigator shall submit in writing the proposal to terminate a case and shall deliver it together with materials of the case to a procurator within 3 days.

209.4. The suspect, accused or victim shall be notified about the decree to terminate the case and shall be explained about the procedure for appeal.

209.5. The decree to terminate the case may be appealed by the victim or by other concerned persons to the procurator within seven days from the notification of termination of the case.

ARTICLE 210. TERMINATION OF CASES OF ACCUSED SUFFERING FROM MENTAL ILLNESS OR FROM INCURABLE SEVERE DISEASE

210.1. If it is proven that an accused was suffering a mental illness or incurable severe disease when committing the crime or has contracted the illness after committing the crime, an inquiry officer or investigator shall submit the proposal to terminate a case and shall deliver it together with materials of the case to a procurator within 3 days.

210.2. If an inquiry officer or investigator considers necessary, he/she shall refer his/her proposal to apply compulsory measures of medical character to persons indicated in Article 210.1. of this Law to a procurator.

210.3. If the procurator considers necessary to apply compulsory measures of medical character to persons indicated in paragraph 1 of this Article, he/she shall submit this proposal to a court.

ARTICLE 211. REOPENING OF TERMINATED CASE

211.1. If no grounds for terminating the case as provided in Article 210 of this Law exist, a procurator of higher instance annul the decree on terminating the case and reopen the case.

211.2. The reopening of a terminated case may take place only in the event that the periods of limitation have not expired.

CHAPTER TWENTY NINE
COMPLETION OF INQUIRY AND INVESTIGATION

ARTICLE 212. ANNOUNCING COMPLETION OF INQUIRY OR INVESTIGATION AND PRESENTING MATERIALS OF CASE

212.1. If it is deemed that all actions of inquiry or investigation have been completed and sufficient evidence for resolving a case have been collected, the accused, the victim, civil plaintiff, and civil defendant or their defense counsels and representatives thereof shall be notified and a record shall be made to such effect.
212.2. In the event of a notifying of any of the said persons, the accused, victim and their defense counsels shall be acquainted with all materials of the case and civil plaintiff, and civil defendant or their representatives shall be acquainted with the materials of the case pertaining to the civil suit filed.
212.3. At the request of the defense counsel of the accused or victim, evidence attached to the case or audio or video recording may be presented to the defense counsel.
212.4. Records of acquainting the persons indicated in Article 212.2. of this Law with materials of the case shall be drawn up and it shall be noted who have been acquainted with what materials, as well as what request have been submitted in this connection by the participants.
212.5. Written request submitted during acquainting a case shall be attached to the file of the case.
212.6. The inquiry officer or investigator shall receive the request submitted in the process of acquainting a case by persons indicated in Article 212.2. of this Law and shall satisfy or decline it and shall render a reasoned decree to such effect.
212.7. Participants described in Article 212.2. of this Law shall be acquainted with materials of the case within the time limit established by an inquiry officer or investigator and the inquiry officer or investigator shall provide conditions for acquainting with the materials of the case.
212.8. If a request is declined it may be complained to a procurator.

ARTICLE 213. REFERRAL OF CASE TO PROCURATOR

213.1. After carrying out all actions specified in Article 212 of this Law a case shall be transferred to a procurator.

ARTICLE 214. ISSUES TO BE VERIFIED BY PROCURATOR IN CASES FOR WHICH INQUIRY OR INVESTIGATION HAVE BEEN CARRIED OUT

214.1. A procurator shall be obliged to verify following issues in cases transferred from an inquiry officer or investigator:
214.1.1. whether the elements of a crime exist in such act;
214.1.2. whether or not there exist grounds entailing termination of the case;
214.1.3. whether the inquiry or investigation has been carried out thoroughly, completely, and objectively;
214.1.4. whether the accusation is founded on evidence present in the case;
214.1.5. whether an accusation is presented for all the criminal acts of the accused established by the inquiry or investigation;
214.1.6. whether all persons discovered to have committed the crime are being prosecuted as the accused;

214.1.7. whether articles and paragraphs of the Criminal Code is applied correctly;
214.1.8. whether a measure or restraint is properly selected;
214.1.9. whether measures are being taken to secure a civil suit;
214.1.10. whether circumstances that have been facilitated commission of the crime are elucidated, and whether measures have been taken to eliminate them.

ARTICLE 215. PROCURATOR'S DECISION CONCERNING CASE FOR WHICH INQUIRY OR INVESTIGATION HAVE BEEN COMPLETED

215.1. A procurator shall be obliged, within 14 days, to consider a case for which inquiry or investigation has been completed and if necessary higher instance procurator may extend this period for up to 14 days.
215.2. After considering a case a procurator shall take one of the following decisions concerning it:
215.2.1. confirm a decree to prosecute as accused for minor or less grave crimes, except those of special investigative jurisdiction, and transfer the case to court;
215.2.2. execute conclusion to indict for less grave crimes with special jurisdiction and grave, extreme grave crimes and transfer the case to court;
215.2.3. return a case to inquiry or investigation for execution of additional actions;
215.2.4. terminate the case if grounds set forth in Article 208 of this Law are established;
215.2.5. suspend a case;
215.2.6. transfer a case according to jurisdiction.
215.3. The term for drawing up a conclusion to indict shall be 10 days. A higher instance procurator shall extend this term for 14 days.

ARTICLE 216. CHANGE OF ACCUSATION IN THE PROCESS OF CONFIRMING A DECREE TO PROSECUTE AS ACCUSED OR OF EXECUTEION A CONCLUSION TO INDICT

216.1. A procurator shall have a right to annul individual sections of an accusation as well as to apply a law concerning a less grave conviction in the process of confirming a decree to prosecute as accused or of execution a conclusion to indict.
216.2. If it is required to change the accusation to graver one, or to one differing substantially from the original accusation, the procurator shall have a right to interrogate the accused presenting a new accusation without referring the case back to the inquiry or investigation.

ARTICLE 217. CHANGE BY PROCURATOR OF MEASURE OF RESTRAINT OR ITS CANCELLATION

217.1. A procurator shall have the right to change or cancel a measure of restraint previously selected, except the measure of restraint such as confinement under guard, during the process of reviewing a case transferred in accordance with Article 213 of this Law.

ARTICLE 218. CONCLUSION TO INDICT

218.1. A conclusion to indict shall consist of a descriptive part, a resolving part and an appendix.
218.2. The descriptive part shall set forth family name, surname and first name of the accused, brief summary of the substance of the committed case, its method, motive, consequences or damages caused and material evidences essentially required.
218.3. The resolving part shall set forth formulation of the accusation with an indication of the article or articles of the Criminal Law which provide for given crime, proposal to transfer the accused to court, court jurisdiction, name and official position of the procurator executed a conclusion to indict and date of execution.
218.4. Appendices to Conclusion to Indict shall set forth the following information on:
218.4.1. measures of restraint selected, its term;
218.4.2. description of evidence or sealed property;
218.4.3. civil suit and measures taken to secure the civil suit
218.4.4. proposal on a witness, victim, civil plaintiff, civil defendant, expert or other persons, who's participation in court session deemed necessary.

ARTICLE 219. REFERRAL OF CASE TO COURT BY PROCURATOR

219.1. Procurator shall transfer a case to court of proper jurisdiction after confirming a decree to prosecute as accused or executing a conclusion to indict and to notify the accused to such effect.
219.2. After referral of the case to the court, requests and complaints regarding the case shall be referred directly to the court.

PART VIII
COURT ACTIVITIES

CHAPTER THIRTY
COURT JURISDICTION

ARTICLE 220. COURT JURISDICTION FOR CRIMINAL CASES

220.1. All criminal cases except those which were specifically specified by law shall be reviewed and resolved through jurisdiction of soum, intersoum and district courts by way of first instance.

ARTICLE 221. TERRITORIAL JURISDICTION OVER CRIMINAL CASE

221.1. A case shall be subject to consideration in the court of the area where the crime is committed.
221.2. If a crime is initially started on the territory subject to jurisdiction of one court, but was completed on the territory subject to jurisdiction of another court , it shall be subject to jurisdiction of a court of the area where the crime was completed.

221.3. If it is impossible to determine the place of commission of the crime, of if the case was committed in different places, the case shall be within the jurisdiction of the court of the area where the investigation in the case is completed.
221.4. A case which is within the jurisdiction of several courts of the same kind simultaneously shall be considered by the court of the area where the investigation in the case is completed.

ARTICLE 222. TRANSFER OF CRIMINAL CASE TO ANOTHER JURISDICTION

222.1. If a case is not within the Jurisdiction of the given court, it shall referred to court of proper jurisdiction by ruling of a judge.
222.2. A court, having established during judicial session that a case is within the Jurisdiction of another similar court, shall continue the sessions and resolve the case completely if it does not hinder the establishment of the truth in the case.

ARTICLE 223. TRANSFER OF CRIMINAL CASE FROM ONE COURT TO ANOTHER COURT

223.1. In individual instances, for the purpose of the most speedy, complete and objective consideration of a case, it may be transferred for consideration from one court to another similar court. The transfer of the case on such grounds shall be permitted only before its consideration in judicial session has commenced.
223.2. The Chief Judge of a Chamber of the Supreme Court by its ruling shall determine the jurisdiction and transfer the case in instances when case is transferred to soum, intersoum court of different aimags, or to district court and Chief Judge of aimag or the Capital City court by its ruling in instances of transferring a case to different soum, intersoum court within the aimag or to different district court.
223.3. If court of soum, intersoum, district, aimag or the Capital city does not have full court composition to consider the case, Chief Judge of higher instance shall by its ruling appoint another judge of appropriate instance, and the case shall be subject to consideration of a court where most of its members are present in the court composition.

ARTICLE 224. IMPERMISSIBILITY OF DISPUTES OVER JURISDICTION

224.1. Disputes over jurisdiction between courts shall not be permitted and any case referred from one court to another through the procedures provided by Articles 222 and 223 of this Law shall be subject to unconditional acceptance by the court to which it is referred.

CHAPTER THIRTY ONE
BRINGING THE ACCUSED TO TRIAL AND ACTIONS IN PREPARATION OF JUDICIAL SESSION

ARTICLE 225. RESOLVING AN ISSUE OF BRINGING AN ACCUSED TO TRIAL

225.1. A judge shall issue one of the following decisions with respect to cases brought to court:
225.1.1. to bring an accused to trial;
225.1.2. to return the case for supplementary inquiry or investigation;
225.1.3. to suspend proceedings in the case;
225.1.4. to refer the case to the proper jurisdiction;
225.2. In resolving above issues a judge shall issue an order, which shall reflect following:
225.2.1. when and where the order is issued;
225.2.2. name of the judge issuing the order;
225.2.3. grounds for issuing the order.
225.3. An order shall be issued within 15 days from a date of receipt of the case by Court.
225.4. In it is not possible to bring an accused to trial within the period specified in paragraph 3 of this Article, it may be extended by order of the Chief Judge of that particular court.

ARTICLE 226. QUESTIONS TO BE ELUCIDATED DURING BRINGING AN ACCUSED TO TRIAL

226.1. When a judge resolves the question of bringing an accused to trial, the following shall be elucidated:
226.1.1. whether the case is within the jurisdiction of the given court;
226.1.2. whether or not there are circumstances entailing suspension of the case;
226.1.3. whether the measure of restraint needs to be changed or cancelled;
226.1.4. whether there is a serious violation of the Criminal Procedure Code during an inquiry or investigation which may hinder carrying out a judicial session.

ARTICLE 227. CONSIDERATION OF REQUEST SUBMITTED DURING BRINGING AN ACCUSED TO TRIAL

227.1. During bringing an accused to trial, a judge shall be obliged to consider the request of the state prosecutor, victim, their defense council, civil plaintiff, civil defendant and their representatives with respect to change of measure of restraint and taking measures to secure civil suit.
227.2. The judge may get explanation from persons who have submitted a request and shall notify them of the result of the resolving a request.
227.3. Denial of a request shall not be subject to appeal, it may be renewed, however, at the judicial session.

ARTICLE 228. BRINGING ACCUSED TO TRIAL

228.1. If a judge reaches the conclusion that rights of the participants in criminal proceedings set forth in this Law have been fully ensured in the process of inquiry or investigation and there are no grounds that hinder consideration of a case in judicial session, he/she shall render a

ruling to bring the accused to trial and announce for a date of holding judicial session.

228.2. Ruling shall reflect following questions:

228.2.1. the place and time of the judicial session;

228.2.2. whether a judge will consider a case along or by a bench;

228.2.3. whether a defense counsel shall participate in the judicial session;

228.2.4. whether to permit participation of others in the judicial session;

228.2.5. whether to hold a closed judicial session;

228.2.6. when to hand over copy of a decree on prosecuting as accused and conclusion to indict.

228.3. The Ruling of a Judge shall reflect the measures of restraint selected for the accused.

228.4. Court shall notify the parties on date set for the judicial session prior to 3 days.

ARTICLE 229. SUSPENSION OF CASE

229.1. In following cases a judge shall suspend a case:

229.1.1. If, an accused has escaped or his whereabouts are unknown,

229.1.2. In the event that the accused is not capable to arrive due to mental or other grave illness which is confirmed by a conclusion of expert and certification of a medical institution;

229.1.3. in the event when Constitutional Court has initiated a dispute and is resolving a complaint concerning the provision applicable for that particular criminal case being in violation of human rights and freedom provided by the Constitution;

229.1.4. In the event when the Court has approached the Supreme Court in order to determine whether applicable to the case law violates the Constitution.

229.1.5. In the event when the Supreme Court has approached the Constitutional Court in order to determine whether applicable to the case law violates the Constitution.

229.2. Except in cases set forth in Articles 240.2 and 247.1.2 of this Law, a judge shall return the case to the Procurator.

ARTICLE 230. RETURNING CASE FOR SUPPLEMENTARY INQUIRY OR INVESTIGATION

230.1. In following instances a case shall be returned for supplementary inquiry or investigation. Court and judge shall render a decree, and ruling respectively to such effect:

230.1.1. incorrect consolidation or separation of a case;

230.1.2. incomplete inquiry or preliminary investigation and impossibility to amend it by judicial session;

230.1.3. the substantial violation of this Law during the carry out of the inquiry or investigation;

230.1.4. the state prosecutor considers necessary to carry out supplementary investigation in the case;

230.2. When case is returned for supplementary investigation, a procurator may lodge protest on decision within 5 days after receipt of such decision.

ARTICLE 231. HANDING COPY OF CONCLUSION TO INDICT

231.1. A copy of the decree to prosecute as accused or conclusion to indict must be handed to the person brought to trial by the court with the writ.
231.2. The consideration of a case in judicial session may not be commenced earlier than three days from the moment such documents are handed to the person brought to trial.
231.3. If a defendant does not have command of Mongolian language the documents specified in this Article shall be translated in his/her native or another known language and handed to him/her.

ARTICLE 232. SUMMONING TO JUDICIAL SESSION

232.1. A secretary of judicial sessions shall summon to a judicial session of persons stated in the ruling to bring an accused to trial, and shall also take other measures to prepare for the judicial Session.
232.2. Police organ shall enforce a judge's ruling to bring participants, as well as victim or an expert under compulsion in the event of their non appearance after receipt of the court writ.
232.3. Agency of court decision implementation shall be in charge of bringing of a defendant confined under guard to court on due time.

ARTICLE 233. TIME FOR COMMENCING OF CONSIDERATION OF A CASE IN JUDICIAL SESSION

233.1. The consideration of a case in judicial session must be commenced not later than 10 days from the moment a judge renders a ruling, to bring an accused to trial.

CHAPTER THIRTY TWO
GENERAL CONDITIONS OF THE JUDICIAL SESSION

ARTICLE 234. DIRECTNESS AND CONTINUITY OF JUDICIAL SESSION

234.1. In considering a case, a court of first instance shall be obliged to analyze all the evidence in the case.
234.2. The judicial session for shall be held continuously during the day time except for the time designated for rest.
234.3. Consideration of other cases by the judges before completion of the hearing of a case already commenced shall not be permitted.

ARTICLE 235. HOLDING AN OPEN JUDICIAL SESSION

235.1. Judicial session of courts of all instances shall be proceeded openly except for protecting confidentiality of the state, organization or a person.

235.2. In instances of holding closed judicial session, a resolving part of the Court Decree shall be read and announced to the public.

ARTICLE 236. INALTERABILITY OF COMPOSITION OF COURT DURING EXAMINATION OF A CASE IN JUDICIAL SESSION

236.1. A case must be considered by one and the same bench of judges.
236.2. If any one of the judges is prevented from continuing to participate in the session for respectful reasons, he/she shall be replaced by another judge, and examination of the case shall commence from the beginning.

ARTICLE 237. CHAIR OF JUDICIAL SESSION

237.1. Judicial session shall be chaired by Chief Judge or by a judge appointed by the Chief Judge.
237.2. The chair of the judicial session shall direct the judicial session at examination of issues significant for the case, and take all measures provided by this Law for a thorough, complete, and objective analysis of the circumstances of the case and for establishing the truth.
237.3. The chair of judicial session shall be obliged to take measures to ensure order of the judicial session and to explain to participants their rights and duties.

ARTICLE 238. EQUALITY OF RIGHTS OF PARTICIPANTS IN JUDICIAL SESSION

238.1. The state prosecutor, defendant, and defense counsel, as well as a victim, civil plaintiff, civil defendant, and their representatives shall enjoy equal rights in presenting a request and an evidence, in participating in their analysis and in making speeches.

ARTICLE 239. PARTICIPATION OF PROCURATOR IN JUDICIAL SESSION

239.1. A procurator shall participate in judicial session as the state prosecutor, and shall analyze the evidence, give comments concerning questions arising during the judicial session and shall present to the court his conclusion regarding the articles and provisions of the Criminal Code to be applied when sentencing the defendant, type and size of conviction, regime for serving the sentence and other questions.
239.2. In supporting the accusation, the state procurator shall be guided by the requirements of law and his/her inner conviction founded on a consideration of all the circumstances of the case.
239.3. In instances when a case has several defendants or complex actions, several prosecutors of the state may take part in a judicial session.
239.4. In following instances the state prosecutor shall refuse to prosecute a defendant and issue his/her opinion in writing:
239.4.1. If he/she considers that defendant is not guilty;
239.4.2. If he/she considers necessary to return the case for supplementary inquiry or investigation.
239.5. The state prosecutor may refuse to prosecute a defendant before court

composition leaves for conference room.

239.6. The procurator shall have a right to lodge civil claim or to support the civil claim in criminal cases if he/she considers it necessary for protection of the state interest.

ARTICLE 240. PARTICIPATION OF DEFENDANT IN JUDICIAL SESSION

240.1. The examination of a case in a judicial session of a court of first instance shall proceed with the participation of the defendant, whose appearance in court shall be obligatory.

240.2. The examination of a case in the absence of the defendant may be permitted if the defendant is abroad and has avoided to arrive at the court.

240.3. In case of the defendant's non appearance, a case must be postponed, except in instances provided for by Article 240.2. of this Law.

240.4. A court shall have the right to subject a defendant who has not appeared to compulsory appearance, as well as to select or change a measure of restraint with respect to him.

ARTICLE 241. PARTICIPATION OF DEFENSE COUNSEL IN JUDICIAL SESSION

241.1. A defense counsel shall take part in the analysis of evidence, shall express his comments on questions arising during the judicial session, and on circumstances for rehabilitating the defendant or tending to mitigate the defendant's responsibility as well as on the measures of conviction with respect to the defendant.

241.2. In the event of non appearance of a defense counsel and if it is impossible to replace him in the session, examination of the case shall be postponed.

241.3. Issue of replacement of the defense counsel shall be resolved according to Article 39 of this Law.

241.4. In instances except specified in Article 40 of this Law, a case may be examined at judicial session upon submitting by a defendant written request to defend him/herself.

ARTICLE 242. CONSEQUENCES OF NONAPPEARANCE OF PROCURATOR, DEFENSE COUNSEL

242.1. Nonappearance of procurator and defense counsel shall serve as grounds for postponing a judicial session.

242.2. In instances of impossibility of a procurator or a defendant counsel to further participate in judicial session they may be replaced. In such cases judicial examination shall be renewed and a procurator or defense counsel who has newly entered a case must be granted possibility to be acquainted with all materials of the case.

242.3. The provision of Article 242.1. of this Law shall not apply when a defendant defends himself/herself.

ARTICLE 243. CONSEQUENCES OF NONAPPEARANCE OF VICTIM

243.1. If a victim or victim's defense counsel do not appear at judicial session, a court shall decide the question of examining the case or postponing it, depending on whether complete elucidation of all the circumstances of the case and protection of the victim's rights and legal interests are possible in his/her absence.

ARTICLE 244. CONSEQUENCES OF NONAPPEARANCE OF CIVIL PLAINTIFF OR CIVIL DEFENDANT

244.1. The court shall have the right, upon the request of the civil plaintiff, to consider the civil suit in his absence.
244.2. The nonappearance of the civil defendant or his/her representative at a judicial session, despite they have received a writ shall not hinder issuing a decision with respect to civil suit.

ARTICLE 245. CONSEQUENCES OF NONAPPEARANCE OF WITNESS OR EXPERT

245.1. If a witness or expert do not appear at a judicial session, a court after questioning the state prosecutor, defendant, defense counsel, victim, civil plaintiff, civil defendant or their representatives whether the case may be subject to judicial examination in the absence of the witness or expert, shall issue a degree or order on continuation of examination of the case or postponing it.

ARTICLE 246. LIMITS OF JUDICIAL SESSION EXAMINATION

246.1. The examination of a case in court shall be carried out only with respect to the defendant and only within the case upon which he/she has been brought to trial.
246.2. Court shall have a right to change an accusation presented to defendant to a milder one.

ARTICLE 247. SUSPENDING OF CRIMINAL CASE BY COURT

247.1. If a defendant has escaped or his/her whereabouts are unknown or in the event of a mental or any other grave illness of the defendant excluding the possibility of his appearance in court, confirmed by certification of a medical institution, the court shall suspend the proceeding with respect to such defendant until the defendant is located or his recovery and shall continue the examination with respect to the remaining defendants.
247.2. If separate examination of the case involving other defendants will impede the establishment of the objective truth, the entire proceeding in the case shall be suspended.
247.3. A search for a defendant who has escaped shall be assigned to police by a decree of court or by an order of a judge.

Article 248. Termination of a case at judicial session

248.1. In following instances court shall terminate the case at judicial session:

248.1.1. if circumstances specified in Articles 24.1.1-24.1.4 are established;
248.1.2. if grounds specified in Articles 208.1.2 and 208.1.3 are established;
248.1.3. if a prosecutor refused to prosecute for grounds specified in Article 239.4.1 of this Law.

ARTICLE 249. RESOLUTION OF QUESTION ON MEASURE OF RESTRAINT

249.1. During the judicial examination, the court shall have the right to select, change, or cancel a measure of restraint with respect to the defendant.

ARTICLE 250. PROCEDURE FOR RENDERING DECREES AND RULINGS IN JUDICIAL SESSION

250.1. A court and judge shall render decree and ruling respectively on all questions which are resolved by the court during the judicial session.
250.2. Issues with respect to hold open judicial session, refer a case for supplementary investigation, terminate a case, select, change, or cancel a measure of restraint, challenge to a participant of the judicial session, or to assign expert examination shall be discussed by the court in the conference room and to which effect a court and judge shall render decree and order respectively.
250.3. All other issues except those indicated in Article 250.2. of this Law shall be resolved by judges before entering the conference room, which shall be noted in the record of the judicial session.
250.4. Decrees and Rulings rendered by the court and judge during the judicial examination shall be read and announced.

ARTICLE 251. ORDER OF JUDICIAL SESSION

251.1. When judge or a bench of judges enter the courtroom, all persons present in a courtroom shall stand up and pay respect.
251.2. All participants of the judicial session shall stand up when addressing the court, giving their testimony and making statements.
251.3. If participant in judicial session is sick he/she may with the permission of the chair the judicial session to give testimony or make a speech while sitting.
251.4. All participants of the judicial session, as well as all citizens present in the courtroom must unquestioningly obey the orders of the chair of the judicial session concerning observance of order in the judicial session.
251.5. Unless summoned by court, minor persons shall not be permitted in the courtroom.
251.6. The state prosecutor, defense counsel and other participants shall be present during proclamation of the court decree.

ARTICLE 252. LIABILITIES FOR VIOLATING ORDER OF JUDICIAL SESSION

252.1. If during judicial session a defendant has violated order of judicial session or disobeyed decisions of the chair of the judicial session,

he/she shall be warned of removal from the court room and if he repeats the aforesaid actions shall be removed from the courtroom by decree or order of the court and judge respectively and only be allowed back when the decree of court is proclaimed.

252.2. In the event of violation of order of the judicial session by the state prosecutor, defendant counsel, victim, civil plaintiff, civil defendant or their representatives as well as an expert, or translator, interpreter or their disobedience of orders of the chair of the judicial session, they shall be warned and if the violation is repeated the shall be imposed monetary fine in the amount provided in Article 77 of this Law.

252.3. In the event of faulting for violations specified in Article 252.1. of this Law by other persons present in the court room, they shall be removed from the court room by decision of chair of the judicial session and shall be imposed monetary fine in the amount provided in Article 77 of this Law.

ARTICLE 253. RECORD OF JUDICIAL SESSION

253.1. During the judicial session the Secretary of the judicial session shall prepare the record of the session according to procedures set forth in Article 253.2. of this Law and the proposal to make corrections in the record shall be submitted and considered in conformity with procedures provided in Articles 253.6 – 253.9 of this Law.

253.2. The record of a judicial session shall indicate the place and date of the session with a designation of the time of commencement and completion, name and composition of the court, citizens' representative, secretary, translator, interpreter, the state prosecutor, defendant, defense counsel, victim, civil plaintiff, civil defendant, their representatives, as well as the other persons summoned by the court, the case under consideration, data concerning the identity of the defendant and the measure of restraint, actions of the court in the order in which they have taken place, statements and petitions of persons participating in the case, rulings rendered by the court without retiring to the conference room, indication of the rulings rendered in the conference room, the indication on explanation to the persons participating in the case of their rights and duties, the detailed contents of the testimony, the results of views and other actions in collecting evidence carried out in the judicial session, indication of facts which persons participating in the case have asked to certify in the record, indication of facts of violation of order in the courtroom, if they have taken place, and identity of the violator, a summary of the oral argument and of the last word of the defendant, and an indication that the decree has been publicly disclosed and that the procedure and time limit for its appeal have been explained.

253.3. Indication shall be made in the record that defendant convicted to death sentence is explained of his/her right to ask for pardon.

253.4. The record of the judicial session shall be prepared during judicial session and shall be completed and signed within 3 days after the completion of the judicial session.

253.5. The record of the judicial session shall be signed by the chair of the

session and by the secretary and all changes, corrections and amendments shall be indicated.

253.6. The state prosecutor, defense counsel, victim, civil plaintiff, civil defendant, and their representatives shall have the right to get acquainted and submit their proposals to make corrections in the record within three days after the signing of the record.

253.7. The proposals submitted in accordance with Article 253.6. of this Law shall be jointly considered by the chair of the session and the secretary who have signed the record, who shall, in the event of agreement with the corrections, certify their correctness and attach them to the record of the judicial session and in the case of disagreement with the corrections, the issue shall be resolved with participation of the state procurator and defense counsel who have participated in the judicial session.

253.8. When necessary, in considering the proposal on court record, persons who have submitted the proposal shall be allowed to take part.

253.9. Court actions not reflected in the record shall lose its significance as an evidence.

CHAPTER THIRTY TWO
COMMENCING JUDICIAL SESSION

ARTICLE 254. OPENING OF JUDICIAL SESSION

254.1. The chair of the session shall open the judicial session at the time assigned for consideration of the case and shall announce which case is subject to review and resolution.33

ARTICLE 255. VERIFICATION OF APPEARANCE IN COURT

255.1. The secretary shall report concerning the appearance in court of the state prosecutor, defense counsel, the defendant, as well as the victim, civil plaintiff, civil defendant, and their representatives, translator, interpreter, witness, expert, and other persons summoned to the judicial session, and shall report the causes of the nonappearance of those who are absent.

ARTICLE 256. EXPLANATION TO TRANSLATOR, INTERPRETER OF HIS DUTIES

256.1. The chair of the session shall explain to translator, interpreter of his/her duty to translate, interpret to the court the testimony and statements of the persons participating in the case, who do not have command of the Mongolian language, mute or deaf and to translate to such persons the contents of the testimony, statements, and documents which are publicly disclosed in court, as well as the decision of the court and the chair of the session.

256.2. The translator or interpreter shall be warned of responsibility for making deliberately false translation or interpretation and they shall sign the record of judicial session to such effect.

ARTICLE 257. REMOVING WITNESSES FROM COURTROOM

257.1. Witness shall be removed from the courtroom until his/her testimony is heard.
257.2. The chair of the session shall take measures so that witnesses who have given testimony to the judicial session do not communicate with witnesses who have not given testimony.

ARTICLE 258. ESTABLISHING THE FACT OF TIMELY HANDING TO DEFENDANT A COPY OF DECREE TO PROSECUTE AS ACCUSED AND CONCLUSION TO INDICT

258.1. The chair of the session shall establish the identity of the defendant, ascertaining his/her first name, surname name, place of birth, the year, month, day, citizenship, and place of residence, occupation, education, profession, family position and criminal record and shall ask the defendant when copies of the decree to prosecute as defendant or conclusion to indict have been handed to him/her.
258.2. In the event that the decree to prosecute as accused or conclusion to indict have not been handed within the period established by Article 231.2 of this Law, examination of the case must be postponed.

ARTICLE 259. ANNOUNCING OF COMPOSITION OF COURT AND EXPLAINING RIGHT OF CHALLENGE

259.1. The chair of the session shall announce the composition of the court, shall inform who are participating in the session as the state prosecutor, defense counsel, citizens' representative, as well as the secretary of session, expert, translator and interpreter, and shall explain to the defendant and other participants in the judicial session with the right to challenge that they have the right to submit their requests according to provisions of this Law.
259.2. If a participant of the session specified in Article 259.1. of this Law submits a request to challenge the issue shall be resolved acording to rules provided by Chapter 7 of this Law.

ARTICLE 260. EXPLANATION TO PARTICIPANTS OF JUDICIAL SESSION THEIR RIGHTS AND DUTIES

260.1. The chair of the judicial session shall explain to the defendant, victim, civil plaintiff, civil defendant, their representatives and the experts their rights provided by Articles 36, 42-44, and 46 of this Law.
260.2. In the event of nonappearance of any one the participants, the issue with respect to continuing of the judicial session examination shall be resolved as provided in Articles 240-245 of this Law.

CHAPTER THIRTY THREE
JUDICIAL INVESTIGATION

ARTICLE 261. EXAMINATION OF EVIDENCE

261.1. In examining an evidence during court litigation, the sequence of

examining the accusing evidence first, and then examining acquitting and other evidence shall be observed.

261.2. The state prosecutor shall be obliged to prove prosecuting evidence and defense counsel shall have duties to prove evidence mitigating the defendant's position or acquitting evidence.

261.3. A judge and a citizens' representative shall have the right to participate in examining the evidence and put questions at any time.

ARTICLE 262. COMMENCING COURT LITIGATION

262.1. Court litigation shall commence with proclamation by the state prosecutor of the conclusion to indict.

262.2. The chair of the session shall ask each defendant whether he/she has understood the indictment, and if necessary shall ask the state prosecutor to explain the substance of the indictment to the defendant.

ARTICLE 263. HEARING TESTIMONY OF DEFENDANT

263.1. After proclamation of the conclusion to indict by the state prosecutor, the chair of the judicial session shall ask the defendant whether he/she will give testimony and if agrees shall hear his/her testimony.

263.2. After the defendant has given the testimony, the prosecutor first and then the defense counsel shall put questions and the judge may ask question at any time, while the citizens' representative, parties, and participants may put questions to the defendant with the permission of the chair of the judicial session.

263.3. The interrogation of a defendant in the absence of another defendants shall be permitted only in exceptional instances when it has special importance in establishing the truth in the case and upon a decree of the court or order of a judge.

263.4. If the defendant was heard in conformity with Article 263.3. of this Law, the chair of the judicial session shall inform the defendant who was absent during the testimony about the content of the testimony after his/her return and shall allow him/her an opportunity to put questions to the defendant interrogated in his/her absence.

263.5. A defendant may, with the permission of the chair of the session, give testimony at any moment of the court litigation.

ARTICLE 264. PROCLAMATION OF TESTIMONY OF DEFENDANT GIVEN DURING AN INQUIRY OR INVESTIGATION

264.1. For the purposes of analyzing the case fully and objectively from all aspects, the proclamation in the court of testimony of a defendant given during an inquiry or investigation may take place in the following instances at the request of the parties:

264.1.1. if there exist substantial contradictions between such testimony and testimony given in court by the defendant;

264.1.2. if the defendant refuses to give testimony in court;

264.1.3. when the case is being considered in the absence of the defendant.

264.2. The rule set forth in Article 264.1. of this Law shall extend as well to instances of proclamation of the testimony given previously before the court by the defendant.

ARTICLE 265. INTERROGATION OF A VICTIM

265.1. After completion of hearing the testimony of a defendant, the victim's testimony shall be heard in accordance with procedures set forth in Articles 267 and 269 of this Law.

ARTICLE 266. HEARING TESTIMONY OF A WITNESS

266.1. After hearing testimony of the victim, the testimony of a witness shall be heard according to rules provided by Articles 267 and 269 of this Law.
266.2. Before hearing testimony of the victim, the chair of judicial session shall ascertain the identity of the witness and his/her relationship with the defendant and the victim and shall explain his/her duties to give true and correct account of all known to him/her circumstances of the case and warn of responsibility for refusing or evading to give testimony or for giving deliberately false testimony, and a note to such effect shall be made in the record, which shall be certified by the signature of the witness.
266.3. The chair of the session shall explain a minor witness about the significance of giving true and correct account of everything in the case known to them, but he/she shall not warn of responsibility for refusing or evading to give testimony, or for giving for giving deliberately false testimony.

ARTICLE 267. PROCEDURE FOR INTERROGATION OF WITNESSES

267.1. After carrying out all actions specified in Article 266 of this Law witnesses shall give their testimony and they shall be interrogated separately.
267.2. The person on who has proposed the witness to participate in the judicial session, shall put questions first.
267.3. After the person described in Article 267.2. of this Law asked questions, the accusing or defending parties shall put questions to the witness with permission of the chair of the judicial session.
267.4. The chair of the judicial session shall prohibit questions not related to the case.
267.5. Judges shall have the right to put questions to a witness at its discretion and citizens' representative, parties and participants may put questions at any time during the judicial session with permission of the chair.
267.6. Court may subject witnesses to confrontational interrogation at the request of the state prosecutor, defendant or his/her defense counsel, as well of the other participants.
267.7. Witnesses who have given testimony shall remain in the courtroom and may not leave the courtroom before the completion of the court

litigation without the permission of the chair of the judicial session.

267.8. The chair of the judicial session may allow witnesses whose testimony have been heard to withdraw from the courtroom earlier than the completion of the judicial investigation only upon hearing the comments of the state prosecutor, defendant, and defense counsel, as well as of the victim, civil plaintiff, civil defendant, and their representatives.

ARTICLE 268. USE OF WRITTEN NOTES AND DOCUMENTS BY WITNESS

268.1. A witness may use written notes when giving testimony to judicial session.

268.2. A witness shall be allowed to read documents related to his/her testimony and such documents shall be presented to the court.

ARTICLE 269. INTERROGATION OF MINOR WITNESS AND VICTIMS

269.1. Hearing of testimony by minor witnesses shall be carried out according to procedures set forth in article 267 of this Law.

269.2. Court may allow the parents or legal representatives of the minor witnesses as well as a pedagogue to take part in hearing their testimony and they may put questions to the witness with permission of the chair of the judicial session.

269.3. If it is significant for establishing the objective truth of a case, a defendant may be taken out of the courtroom by decree of the court or order of a judge and the testimony of a minor witness or victim may be heard and after the return of the defendant to the courtroom, content of the testimony of the witness or victim may be presented and he/she may be allowed to put questions to the witness or victim.

269.4. A minor witness or victim must be removed from the courtroom at the end of his/her testimony, if further presence of them is not necessary.

ARTICLE 270. PROCLAMATION OF TESTIMONY OF WITNESS AND VICTIM GIVEN DURING AN INQUIRY OR INVESTIGATION

270.1. If testimony which has been given by a witness or victim during an inquiry or investigation substantially contradicts from the testimony given in court or if the witness or victim did not appear at the judicial session, their testimony given during an inquiry or investigation shall be proclaimed.

ARTICLE 271. CARRYING OUT EXPERT EXAMINATION DURING JUDICIAL SESSION

271.1. An expert shall participate in the analysis of objects relevant to the case during judicial session.

271.2. He may put questions to the defendant, victim, and witnesses concerning circumstances significant for making a conclusion.

271.3. Upon clarification of all circumstances significant for making a conclusion, the chair of the judicial session shall inform the citizens' representative, parties and participants on possibility to put questions to the expert in writing and shall read the questions put to the expert and hear comments of the state prosecutor and defending party

concerning the questions.

271.4. After performing actions specified in Articles 271.2 and 271.3 the court shall determine the questions requiring answers, and the expert shall proceed to make the conclusion.

271.5. The conclusion of the expert shall be submitted in writing, and it shall be read and attached to the file of the case together with the questions.

271.6. The expert shall have the right to include in his/her conclusion findings that were not asked among the questions put forward but related to his/her competence and are significant to the case.

ARTICLE 272. INTERROGATION OF EXPERT

272.1. After an expert has read and announced his/her opinion, questions may be put to him/her to explain or clarify the opinion given by him/her.

272.2. Questions shall be put to an expert first by the state prosecutor and then by the defending party with permission of the chair of the judicial session.

272.3. A judge may put questions at his/her discretion, however the state prosecutor, defense counsel, citizens' representative shall have a right to put questions with permission of the chair of the judicial session at any time during court litigation.

ARTICLE 273. CARRYING OUT SUPPLEMENTARY OR REPEATED EXPERT EXAMINATION

273.1. In instances provided for by Article 165 of this Law, a court and judge may, by a decree or order, assign supplementary or repeated expert examination.

273.2. Supplementary or repeated expert examination shall be carried out in accordance with the rules established by Articles 271 and 272 of this Law.

ARTICLE 274. EXAMINATION OF PHYSICAL EVIDENCE

274.1. Physical evidence may be examined at any moment of a judicial session by the court and presented to the parties, witness, expert or other participants.

274.2. Person to whom physical evidence is presented may approach the court with proposal to clarity any circumstances in connection with the examination.

274.3. In instances when an examination of physical evidence which cannot be brought to the judicial session needs be carried out, this shall be reflected in the record and the examination shall be carried out by the bench of judges at the place where the real evidence is located.

ARTICLE 275. EXAMINATION OF DOCUMENTS AND THEIR PROCLAMATION

275.1. Documents attached to a file of a case shall be examined by the court at the request of participants of the judicial session and may be read and announced.

ARTICLE 276. EXAMINATION OF LOCAL AREA AND PREMISES

276.1. If the bench deems necessary, an examination of premises or local area where the case is committed or of other premises or local area may be carried out in the presence of the parties, witness, experts and other participants.
276.2. Upon arrival at the place of the view, the chair of the judicial session shall announce the continuation of the judicial session, and the court shall commence the view; in this regard questions may be asked of the defendant, victim, witnesses and expert in connection with the view.
276.3. Persons present at the view may direct the attention of the court to everything which in their opinion have significance for elucidation of the circumstances of the case.

ARTICLE 277. EXPERIMENT

277.1. If it is necessary reproduce any event, action or other circumstance for purposes of verifying or proving documents attached to the case the court may perform an experiment upon request of the parties.
277.2. Parties, witnesses and other participants must be present during an experiment .
277.3. The experiment shall be performed in conformity with procedures set forth in Article 131 of this Law.

ARTICLE 278. COMPLETING JUDICIAL INVESTIGATION

278.1. After examination of all the evidence, the chair of the judicial session shall ask the parties and participants, whether they have a additional proposal to submit, and if so such proposal shall be considered and resolved.
278.2. After completion of action described by Article 278.1. of this Law, the chair of judicial session shall announce that the court litigation is completed.

CHAPTER THIRTY FOUR
ORAL ARGUMENT AND THE LAST WORD OF THE DEFENDANT

ARTICLE 279. CONTENT AND PROCEDURE OF ORAL ARGUMENT

279.1. After completion of a court litigation, a court shall hear oral arguments.
279.2. Oral arguments of judicial session shall consist of speeches of the prosecutor, defense counsel or of the defendant if a defense counsel has not participated in the judicial session, as well as of the victim, civil plaintiff, civil defendant and their representatives.
279.3. Persons participating in oral argument shall make speeches in sequence set forth in Article 279.2. of this Law.
279.4. Participants in oral argument of the judicial session shall not have the right to refer to evidence which has not been the subject of consideration in the judicial investigation.

279.5. The court may not limit the duration of oral argument to a certain period of time, but the chair of the judicial session shall have the right to stop a participant if circumstances not related to the case are discussed.
279.6. After the participants in oral argument of the judicial session have finished their speeches, they may each comment once more with regard to what was said in the speeches and the right of last comment shall always belong to the defendant and his/her defense counsel.

ARTICLE 280. LAST WORD OF PERSON BROUGHT TO TRIAL

280.1. After completion of oral argument of the judicial session, the chair of the session shall grant the defendant the last word and questions to the defendant during his/her last word shall not be permitted.
280.2. The court may not limit the duration of the last word of the defendant to a certain period of time.

ARTICLE 281. REOPENING OF COURT LITIGATION

281.1. If new circumstances of significance are discovered during the last word of the defendant, the court shall reopen the court litigation at the request of the parties.
281.2. Upon re-run of the court litigation, the court shall re-open the oral argument of judicial session and shall grant the defendant the last word.

ARTICLE 282. RETIREMENT OF COURT IN CONFERENCE ROOM FOR ISSUING DECREE

282.1. Having heard the last word of the defendant, the bench shall retire for conference to issue a decree, and the chair of the judicial session shall so announce.

CHAPTER THIRTY FIVE
RENDERING A DECREE

ARTICLE 283. RENDERING OF DECREE IN NAME MONGOLIA

283.1. A decree of a court shall be rendered in the name of the Mongolia.

ARTICLE 284. LEGALITY AND WELL-GROUNDED NATURE OF DECREE

284.1. A decree of a court must be legal and well-grounded.
284.2. The decree of the court shall be considered legal if it is decreed in conformity with all requirements of law and based on law.
284.3. The decree of the court shall be considered well-founded if it is decreed based on through and objective examination of evidence at the judicial session from all aspects, which were presented to the court.

ARTICLE 285. SECRECY OF JUDGES' CONFERENCE

285.1. A decree shall be issued in the conference room.

285.2. During the judges' conference, the presence of any other persons shall not be permitted in the conference room except the members of the bench of judges.
285.3. Discussions which have taken place during the conference shall not be disclosed.

ARTICLE 286. ISSUES TO BE RESOLVED BY COURT WHEN ISSUING A DECREE

286.1. When issuing a decree, a court shall resolve the following issues in the conference room:
286.1.1. whether the defendant has committed the crime;
286.1.2. whether such crime contains the elements of a crime and exactly which articles and provisions of the Criminal Code apply to it;
286.1.3. whether the defendant is guilty of committing such crime;
286.1.4. whether there are circumstances which may mitigate or aggravate liability of the defendant;
286.1.5. whether there is a ground to convict the defendant;
286.1.6. exactly which conviction must be assigned to the defendant and whether the defendant shall serve the conviction;
286.1.7. whether the civil suit is subject to satisfaction, in whose favor, and to what extent, and also if a civil suit has not been brought, whether the material loss is subject to compensation;
286.1.8. which type of correctional institution with the corresponding regimen must be determined for the defendant if he/she will be sentenced to imprisonment sentence;
286.1.9. how to deal with the real evidence;
286.1.10. on whom and in what amount court costs must be imposed;
286.1.11. what to do with the measure of restraint with respect to the defendant.
286.2. If the defendant is accused of committing several crimes, the court shall resolve the questions for each crime separately.
286.3. If several defendants are accused of committing a crime, the court shall resolve these questions separately with respect to each defendant.

ARTICLE 287. DISCUSSION OF ISSUE ON MENTAL ILLNESS OF DEFENDANT

287.1. If during an inquiry, investigation, or judicial session, the question has arisen of the mental illness of a defendant, the court shall be obliged to discuss this question again when issuing decree.
287.2. If it is considered that the defendant was mentally ill when committing the crime or after committing the crime he has contracted a mental illness the court and judge shall render decree or ruling respectively in accordance with the procedure of Chapter Forty Three of this Law.

ARTICLE 288. PROCEDURE FOR CONFERENCE WHEN CASE IS RESOLVED IN COLLABORATION

288.1. When an case is heard by a bench the judges' conference shall precede the issuing a decree.

288.2. The chair of the judicial session shall chair the conference and shall submit the questions to be resolved by the court in conformity with procedures provided in Article 286, 287 of this Law.
288.3. Each question shall be subjected to vote for purposes to obtain for or against votes.
288.4. None of the judges shall have the right to abstain from voting.
288.5. The chair of the judicial session shall vote last and all questions shall be decided by a simple majority vote.

ARTICLE 289. SPECIAL OPINION

289.1. If a judge has special opinion, he/she shall provide it in writing in the conference room.
289.2. Special opinion shall not be read and announced, but shall be attached to the case.

ARTICLE 290. TYPES OF COURT DECREES

290.1. A decree of a court may be either of conviction or acquittal.
290.2. A decree of conviction may not be founded on assumptions.
290.3. A decree of conviction shall be issued only if during the course of the judicial session the guilt of the defendant in committing the crime is proved.
290.4. Court shall issue a decree of acquittal in instances when the event of a crime is not established or the act of the defendant does not contain the elements of a crime or participation of the defendant in the commission of the crime is not proved.

ARTICLE 291. RESOLVING A CIVIL SUIT WHEN ISSUING DECREE

291.1. When issuing a decree of conviction, a court shall completely or partially satisfy the civil suit or shall deny it, depending on whether the grounds and amount of the suit have been proved.
291.2. When a decree of acquittal is issued, a court shall resolve following issues:
291.2.1. deny satisfaction of the civil suit, if the event of the crime is not established or the participation of the defendant in the commission of the crime is not proved;
291.2.2. leave the suit unconsidered in the event of acquittal of the defendant because of the absence of the elements of a crime.
291.3. When it is impossible to carry out a detailed calculation in the civil suit without postponing examination of the case, the court may acknowledge the civil plaintiff's right to satisfaction of the suit and shall transfer the question of its amount for consideration and resolution by way of civil procedure.

ARTICLE 292. CONSEQUENCES OF REFUSAL TO OR NON-CONSIDERATION OF CIVIL SUIT

292.1. Civil plaintiff shall be deprived of his/her right to initiate civil suit in conformity with procedure of resolving civil case in court, if he/she was

denied its satisfaction in the process of considering the case at judicial session.

292.2. Civil plaintiff shall have a right to reinitiate the civil suit in conformity with procedure of resolving civil case in court, if the civil suit was not subject to consideration.

ARTICLE 293. SATISFYING CIVIL SUIT

293.1. In the event that a civil suit is satisfied, a court shall have the right, before the decree takes legal effect, to issue that measures be taken to satisfy the suit, if such measures have not been taken earlier.

293.2. If court deems that property damages were caused due to a crime, when issuing a decree of conviction a court may indicate further right of [the concerned persons] to have satisfied its civil suit in conformity with civil case resolving procedure in court, even if the civil suit was not initiated.

ARTICLE 294. DRAWING UP OF DECREE

294.1. Upon deciding the questions stated in Articles 286-287 of this Law, a court shall draw up the decree.

294.2. The decree of court shall be drawn up in clear, intelligible expressions, and shall be composed of introductory, descriptive, and resolute parts.

294.3. The decree shall be drawn up by one of the judges in the bench and shall be signed by all judges.

294.4. A judge who maintains a special opinion shall also sign the decree.

294.5. Corrections in the decree must be noted and explained and such notations shall be signed by all judges in the conference room before proclamation of the decree.

ARTICLE 295. INTRODUCTORY PART OF THE DECREE

295.1. The introductory part of a decree shall indicate following:

295.1.1. that the decree is rendered in the name of Mongolia;

295.1.2. the time and place of issuing decree;

295.1.3. the name of the court which has decreed decree, the composition of the court, the citizens' representative, the secretary, the state prosecutor, defense counsel, as well as victim, civil plaintiff, civil defendant, their representatives, expert or interpreter who have taken part in the judicial session,

295.1.4. the first name and surname of the defendant, the year, month, day, and place of his birth, his place of residence, place of work, occupation, position, education, profession, family position, previous criminal record and any other information about the personality of the defendant which is of significance for the case;

295.1.5. the articles and provisions of the Criminal Code which provide for the crime which the defendant is accused of committing.

ARTICLE 296. DESCRIPTIVE PART OF DECREE

296.1. The descriptive part of a decree of conviction must contain information of the place, time, and method of the crime, damages caused as a result of the crime, its amount, causes and conditions of the crime, the evidence on which the court's conclusions are founded, and the reasons for which the court has rejected other evidence; indications of circumstances tending to mitigate or aggravate liability; and in the event that part of the accusation is deemed terminated, the grounds therefor; the court shall also be obliged to provide the reasons for changing the accusation previously presented, if such has been done in court, and, when necessary, the reasons for the relief of the defendant from conviction and for the decision of the question connected with the stay of executeion of decree imposing imprisonment sentence.

296.2. If there is more than one defendant in the case, the circumstances set forth in Article 296.1. of this Law shall be determined with respect to each of the defendant individually.

296.3. The descriptive part of a decree of acquittal shall set forth the substance of the accusation upon which the accused has been brought to trial; the circumstances of the case established by the court; it shall adduce the evidence serving as the basis for acquitting the defendant, with an indication of the reasons explaining why the court rejects the evidence on which the accusation has been founded. Inclusion in a decree of acquittal of formulations that cast doubt on the innocence of the defendant shall not be permitted.

296.4. The descriptive part of a decree of conviction or acquittal must contain the reasons underlying the decision of the court with respect to the civil suit or compensation of the material loss caused by the crime.

ARTICLE 297. RESOLUTE PART OF DECREE

297.1. The resolving part of a decree of conviction shall indicate following:

297.1.1. the articles and provisions of the Criminal Law in accordance with which the defendant is declared guilty;

297.1.2. the type and extent of conviction assigned for the person brought to trial for each crime which is deemed proved; the real size of sentencing subject to being served in conformity with Articles 57 and 58 of the Criminal Law; the body in charge of observation of the convict if imprisonment sentence is being deferred, the type of correctional regime in which the convict shall serve his/her term;

297.1.3. a decision to deduct term of preliminary confinement, if the defendant has been kept under guard before the decree of decree;

297.1.4. a decision concerning a measure of restraint with respect to the defendant until the decree of conviction takes legal effect;

297.2. In the event that the defendant is deemed as an especially dangerous recidivist, the resolving part of the decree shall so indicate.

297.3. If an accusation is presented to the defendant in accordance with several articles of the Criminal Code, the resolving part of the decree must indicate precisely under which of them the defendant is acquitted and under which convicted.

297.4. In the event that the defendant is relieved from serving conviction, this

shall be indicated in the resolving part.

297.5. In all instances, conviction must be designated in such manner that no doubts relating to the type or extent of conviction assigned by the court will arise during executeion of the decree.

297.6. The resolving part of a decree of acquittal must contain:

297.6.1. a decision to acquit the defendant;

297.6.2. an indication of cancellation of the measure of restraint if one has been selected;

297.6.3. an indication of cancellation of measures of securing civil suit or confiscation of property, if such measures have been taken.

ARTICLE 298. OTHER QUESTIONS TO BE RESOLVED IN RESOLVING PART OF DECREE

298.1. The resolving part of both a decree of conviction and a decree of acquittal must contain following, besides the questions enumerated in Article 297 of this Law:

298.1.1. a decision concerning the civil suit presented or a decision concerning compensation of damages;

298.1.2. a decision concerning the real evidence;

298.1.3. an indication of the distribution of costs of procedural actions;

298.1.4. the procedure for appeal and protest of the decree.

ARTICLE 299. PROCLAMATION OF COURT DECREE

299.1. After signing a court decree, the court composition shall return to the courtroom and the person presiding shall proclaim the decree.

299.2. A defendant as well all those present in the courtroom shall stand while hearing the court decree.

299.3. If the defendant does not have command of Mongolian language, then after the proclamation of the decree it must be translated, interpreted by a translator, interpreter in the native or known language of the defendant.

ARTICLE 300. RELEASING A DEFENDANT FROM CONFINEMENT UNDER GUARD

300.1. In cases of acquitting a defendant or releasing him from serving conviction, or deferring execution of decree imposing arrest or imprisonment sentence or sentencing a defendant to a conviction not connected with confinement, or terminating the case, the court shall release the defendant immediately in the courtroom if he/she is kept under guard.

ARTICLE 301. ENTERING INTO EFFECT OF A DECREE OF CONVICTION AND A DECREE OF ACQUITTAL

301.1. Decree of conviction and acquittal shall enter into effect upon its proclamation.

ARTICLE 302. HANDING COPY OF DECREE OF CONVICTION OR ACQUITTAL

302.1. Not later than seven days after the proclamation of decree of conviction or acquittal, a procurator shall hand a copy thereof to the convicted or acquitted person and a victim.
302.2. If the convicted or acquitted person or the victim does not have command of Mongolian language, the decree of conviction or acquittal shall be translated to the native or known language of the person and handed to him/her.
302.3. The court shall take measure to present the decree to civil plaintiff, civil defendant and their representatives before expiration of the term for appealing the decree.

PART IX
APPEALING FROM COURT DECREES OF CONVICTION OR ACQUITTAL, COURT DECREES OR ORDERS AND LODGING COMPLAINT OR PROTEST TO COURT OF SUPERVISORY INSTANCES

CHAPTER THIRTY SIX
LODGING COMPLAINT OR PROTEST TO COURT OF APPELLATE INSTANCE

ARTICLE 303. PERSONS AUTHORIZED TO LODGE APPEAL OR PROTEST ON COURT DECREE

303.1. Convict, victim, their defense counsel and legal representative shall have the right to file an appeal on a decree of a court and the state prosecutor shall have a right to write a protest on the decree.
303.2. A civil plaintiff, civil defendant, and their representatives shall have the right to file an appeal only on respective part of the court decree that relates to the civil suit.
303.3. A person acquitted by a court shall have the right to file an appeal on reasons and grounds of acquittal specified in the decree of acquittal.

ARTICLE 304. APPEAL FROM AND PROTEST OF DECREE BY WAY OF APPEAL

304.1. Appeals from and protests of a court decree of a court shall be filed by persons who have right to file appeal or protest to the Aimag or Capital City Court within 10 days after the decree has been handed or acquainted.
304.2. During the period established in Article 304.1. of this Law, the file of the case may not be acquired from the court.
304.3. The appeals and protests shall be filed through the court which decreed the decree.

ARTICLE 305. NOTIFICATION ON FILING OF PROTEST AND APPEALS

305.1. A court shall notify the authorized persons indicated in Article 303 of this Law that a protest has been brought or an appeal filed. Court may obtain explanation on that in written.

305.2. Explanations on an appeal or protest against a decree of court of first instance shall be attached to the file of the case.

ARTICLE 306. CONSEQUENCES OF FILING PROTEST AND APPEALS

306.1. In the event of filing a appeal or protest on a decree of the court of first instance, parties shall be notified to such effect. Upon expiration of the term established in article 304 of this Law, the case with the appeals and protests shall be referred to the Aimag and Capital City Court and execution of the decree shall be suspended.
306.2. Court shall not accept an appeal or protest filed after lapse of the term set forth in Article 304 of this Law.
306.3. Before commencement of the judicial session at the appellate instance, the person who has filed an appeal or protest against a court decree as well a procurator of higher instance shall have the right to withdraw back his/her appeal or a protest submitted by a procurator of lower instance.
306.4. In event that the term for appealing from or protesting a decree has lapsed for valid reasons, a request to extend the lapsed term with indication of the reasons and proof for the lapse may be submitted to court which has decreed the decree.
306.5. The request on reinstating the term shall be resolved by ruling of a judge, who shall have the right to summon the person who has submitted the request to obtain explanations.
306.6. In case of reinstating the lapsed term, an order to such effect shall be attached to the case and delivered to the court of an aimag or Capital City together with an appeal or protest.
306.7. A ruling of a judge declining the request to reinstate a lapsed term may be appealed from or protested in the usual manner to a higher court, which shall have the right to reinstate the lapsed term and consider the case on appeal or protest.

ARTICLE 307. INSTANCES HINDERING APPEALING FROM AND PROTESTING DECREE OF COURT OR RULING OF JUDGE

307.1. Court decrees or judge orders issued in instances provided for by Articles 222, 223, 227, 228, 229, 230, 240, 247, 249, 250, 252, 260, 263, 269, 271, 274, 288, 341, 374, 375 and 376 of this Law shall not be subject to appeal or protest.

ARTICLE 308. LIMITS FOR CONSIDERATION OF CASE IN APPELLATE INSTANCE

308.1. When considering a case by way of apeal, a court shall verify the legality and the well-founded nature of the decree based on materials of the case.
308.2. The court shall not be bound by the arguments of the appeal or protest and shall verify the case as a whole with respect to all defendants without regard of whether other defendants have filed protests or appeals.

CHAPTER THIRTY SEVEN
PROCEEDINGS OF THE COURT OF APPELLATE INSTANCE

ARTICLE 309. TERM FOR CONSIDERATION OF CASE IN COURT OF APPELLATE INSTANCE

309.1. An appellate instance court shall consider a case on appeal or protest not later than 30 days, from the receipt of the case.
309.2. If it is impossible to consider the case within time period set forth in Article 309.1. of this Law, the term may be extended up to 30 days by an order of Chief Judge of that particular court.
309.3. The day set for consideration of a case shall be announced prior to three days before its consideration.

ARTICLE 310. APPOINTING CHAIR OF JUDICIAL SESSION OF APPELLATE INSTANCE

310.1. Chief Judge of aimag and the Capital City shall receive the case submitted on appeal or protest, appoint the chair of the judicial session and transfer the case.

ARTICLE 311. PARTICIPATION OF PROCURATOR OR DEFENSE COUNSEL IN JUDICIAL SESSION OF APPELLATE INSTANCE

311.1. The procurator and defense counsel shall have a right to participate in the session of the court considering the case by way of appeal and if they requested so, their participation in the session shall be obligatory.
311.2. Nonappearance of the said persons, except in cases provided in Article 311.1. of this Law, shall not obstruct its consideration.

ARTICLE 312. OTHER PERSONS PARTICIPATING IN CONSIDERATION OF CASE BY WAY OF APPEAL

312.1. A sentenced or acquitted person, victim, as well as civil plaintiff, civil defendant and their representatives shall have a right to participate in the judicial session considering the case by way of appeal. Nonappearance of the said persons, shall not obstruct consideration of the case.
312.2. Participation in the judicial session of a convict who has submitted to participate in it may be allowed.

ARTICLE 313. PROCEDURE FOR CONSIDERATION OF CASE IN APPELLATE INSTANCE

313.1. The chair of the judicial session shall open the session and shall announce which case is subject to consideration.
313.2. After presenting the appearance of persons for the judicial session by the secretary, the person who preside the judicial session shall announce the composition of the court, present the court secretary, the procurator, defendant, victim, civil plaintiff, civil defendant, their defense counsel, and representatives, expert or translator, interpreter who have appeared for the judicial session and shall ask the participants of the case whether they have any challenges to them. In the event of challenge the request shall be considered and resolved in

accordance with procedures specified in this Law.

313.3. After completing proceedings set forth in Article 313..2. of this Law, one of the members of the court shall report the case, which shall set forth the substance of the case and the arguments of the appeal or protests.

313.4. After the report, the person who has filed an appeal shall explain its appeal or protest, the court shall examine the supplementary evidence, and hear participants explanations and the conclusion of the procurator and additional explanations of the sentenced or acquitted person and his defense counsel and shall retire to the conference room to render a ruling.

313.5. The order of the judicial session and measures taken with respect to violators shall be determined by the rules of Articles 251 and 252 of this Law.

ARTICLE 314. RECORDS OF THE JUDICIAL SESSION OF APPELLATE INSTANCE

314.1. The secretary shall prepare the records in accordance with the rules set forth in Article 253.2. of this Law and attach to the case in instances when participants take part in judicial session of appellate instance.

314.2. Proposals to make corrections in the records of the judicial session shall be submitted and considered subject to procedures specified in Articles 253.6 – 253.8 of this Law.

314.3. The chair of the judicial session shall be obliged to provide participants of the judicial session with an opportunity to be acquainted with the records.

ARTICLE 315. RENDERING OF RULING

315.1. After considering the case at judicial session of appellate instance the court shall render one of the following decisions:

315.1.1. to leave the decree unchanged and the appeals or protests unsatisfied;

315.1.2. to annul the decree and refer the case for inquiry or investigation or for consideration at judicial session of the first instance;

315.1.3. to annul the decree and terminate the case;

315.1.4. to make changes into the decree.

315.2. In rendering a ruling, the court shall be guided by the requirements of Articles 313 and 317 of this Law and the ruling shall be read an announced by the chair of the judicial session.

ARTICLE 316. GROUNDS FOR ANNULLING DECREE OF ACQUITTAL

316.1. A court of appellate instance may annul the decree of acquittal on protest of a procurator or on appeal of a victim or his/her representatives or on appeal of a person acquitted by a court who has not agreed to the grounds of his/her acquittal.

ARTICLE 317. GROUNDS FOR ANNULLING OR CHANGING DECREE

317.1. If there exist one of the following grounds the court of appellate instance shall annul or change a decree:

317.1.1. one-sidedness or incompleteness of the inquiry, investigation or court litigation;

317.1.2. lack of correspondence of the court's findings set forth in the decree, with the factual circumstances of the case;

317.1.3. substantial violation of the Criminal Procedure Code;

317.1.4. incorrect application of the criminal law or requirement to apply a law imposing grave sentencing.

ARTICLE 318. ONE-SIDEDNESS OR INCOMPLETENESS OF INQUIRY, INVESTIGATION OR COURT LITIGATION

318.1. Inquiry or investigation or court litigation shall be deemed one-sided or incomplete if it has left circumstances not clarified, establishment of which might have had substantial significance in issuing the decree.

318.2. Except in cases provided in Article 318.1. of this Law an inquiry, investigation or court litigation shall be deemed one-sided or incomplete in following instances:

318.2.1. persons have not been interrogated whose testimony might have substantial significance for the case, or expert examination has not been carried out when the carry out of it is legally obligatory, or documents or real evidence of substantial significance have not been acquired;

318.2.2. data concerning the personality of the accused or defendant are not established with sufficient completeness;

318.2.3. provisions of the decree and ruling of a court that has transferred the case for inquiry, investigation or court litigation have not been observed.

ARTICLE 319. LACK OF CORRESPONDENCE OF COURT'S FINDINGS SET FORTH IN DECREE, WITH FACTUAL CIRCUMSTANCES OF CASE

319.1. A conclusion of court mentioned in decree shall be deemed not to correspond with the factual circumstances of a case if there exist one of the following circumstances:

319.1.1. if the findings are not corroborated by the evidence considered at the judicial session;

319.1.2. if the court has not taken into account circumstances which might have substantially influenced the court's findings;

319.1.3. when there exists contradictory evidence of substantial significance for the court's findings, the decree does not indicate on what grounds the court has accepted some evidence and rejected other evidence;

319.1.4. if the court's findings, set forth in the decree, contain substantial contradictions which influenced or might have influenced decision of the question of the guilt or innocence of the convicted or acquitted person, the correctness of the application of the criminal law, or correct sentencing of conviction.

ARTICLE 320. SUBSTANTIAL VIOLATION OF THE CRIMINAL PROCEDURE LAW

320.1. Those violations of the requirements of the articles of this Law which, by depriving or restricting the rights guaranteed by law of participants in a case during consideration of the case or otherwise, have prevented a court from thoroughly examining the case and have influenced or might have influenced the issuing of a legal and well-founded decree shall be deemed substantial violations of the criminal procedure law. A decree shall be subject to being annulled in any following event if:

320.1.1. the decree is rendered by an illegally constituted court;

320.1.2. the case is considered in the absence of the defendant in instances when his/her presence is legally obligatory;

320.1.3. suspect, accused, or defendant was not provided with an opportunity to be defended;

320.1.4. the secrecy of the judges' conference carried out in conference room is revealed;

320.1.5. the decree is not signed by one of the judges;

320.1.6. the file of the case lacks a record of the judicial session;

320.1.7. provision of law that requires obligatory participation of citizens' representative in judicial session was violated.

ARTICLE 321. INCORRECT APPLICATION OF CRIMINAL LAW

321.1. If one of the following conditions exists, it shall constitute incorrect application of the criminal law:

321.1.1. failure of a court to apply the applicable law;

321.1.2. application of law that should not be applied;

321.1.3. incorrect interpretation of a law contradicting its precise meaning.

ARTICLE 322. CONSEQUENCES OF ANNULLING DECREE WITH REFERRAL OF CASE FOR INQUIRY AND INVESTIGATION

322.1. In referring a case for new consideration, a court shall indicate in its ruling whether the case is transferred to inquiry, investigation or court, as well the stage of judicial examination from which proceeding should commence.

322.2. In the event that a decree is annulled because of violations committed during consideration of the case in court, the case shall be referred for a new consideration to the court which has decreed decree, but with other members, or to another court.

322.3. When case of a person, who was serving the sentence after being considered guilty and convicted by the court, or who has served the sentence is referred to an inquiry or investigation, such case shall be subject to obligatory consideration of the court, which shall render the final decision on it.

322.4. Article 323.3. of this Law shall also apply to resolution of the case that was referred to inquiry or investigation by way of supervision or due to newly discovered circumstances.

ARTICLE 323. ANNULLING OF DECREE OF CONVICTION WITH TERMINATION OF CASES

323.1. In considering a case by way of appeal, a court shall annul a decree of conviction and terminate the case in the following instances:

323.1.1. if there exist grounds indicated in Article 24 of this Law;

323.1.2. if the evidence considered by the court of first instance does not corroborate the accusation presented to the defendant and there are no grounds for carrying out a supplementary inquiry, investigation or a new judicial consideration.

ARTICLE 324. CHANGING A DECREE

324.1. If, during consideration of a case by way of appeal, it is established that the criminal law has been incorrectly applied by the court of first instance or the conviction that has been assigned lacks correspondence with the gravity of the crime or with the personality of the convicted person, the appellate instance may introduce changes into the decree applying the law assigning less graver conviction.

324.2. If a judge considers that conviction assigned to the defendant was unduly moderate, the court of the appellate instance shall annul the decree and refer the case to the court of first instance for a new consideration.

324.3. The appellate instance shall not have the right to introduce changes into the decree based on circumstances not established by the court of first instance or on evidence rejected by it.

ARTICLE 325. RULING OF COURT OF APPELLATE INSTANCE

325.1. The ruling of a court of appellate instance shall indicate the following:

325.1.1. the time and place of rendering the ruling;

325.1.2. the court or composition of the court which has rendered the ruling and other persons who have participated in consideration of the case in the court of appellate instance;

325.1.3. the summary of the judgement rendered by the court of first instance;

325.1.4. the person who has brought the appeal or protest, summary of the appeal or protest or its grounds;

325.1.5. the decision of the court of appellate instance concerning the appeal or protest and its ground.

ARTICLE 326. EXECUTEION OF RULING OF THE COURT OF APPELLATE INSTANCE

326.1. A ruling of the court of appellate instance shall be executed immediately after its proclamation.

326.2. The appeal or protest shall be attached to the file of the case.

CHAPTER THIRTY EIGHT
EXECUTION OF DECREE

ARTICLE 327. EXECUTEION OF DECREE

327.1. A decree shall take legal effect if an appeal or protest has not been brought within the period set forth in Article 304 of this Law.
327.2. In the event that a appeal or protest is brought by persons specified in Article 303 of this Law, the decree shall take legal effect from the moment specified in Article 326 of this Code.

ARTICLE 328. ENTERING INTO EFFECT OF DECREE OF COURT OR ORDER OF JUDGE AND THEIR EXECUTION

328.1. A decree of a court or order of a judge shall be executed upon expiration of time period for bringing a appeal or protest.
328.2. A decree of a court and order of a judge which are not subject to appeal or protest shall be executed immediately upon being rendered.

ARTICLE 329. BINDING NATURE OF COURT RULING, DECREE OR ORDER OF JUDGE

329.1. A decree, ruling of a court and order of a judge shall be binding on all business entities, organizations, officials, and citizens.

ARTICLE 330. EXECUTION OF THE DECREE OR RULINGS ENTERED INTO FORCE

330.1. Execution of a decree which has entered into force in accordance with Article 328 of this Law shall be organized in following ways:
330.1.1. Decree sentencing a convict confined under guard to arrest or imprisonment sentence shall be sent within 5 days to an administration of a Center of Confinement or to a Place for Preliminary Confinement and a procurator shall be notified to such effect;
330.1.2. Decree sentencing a convict not confined under guard to arrest or imprisonment sentence, shall be sent within 5 days to a head of an inquiry or investigation agency which has carried out inquiry or investigation and a procurator shall be notified to such effect;
330.1.3. Decree sentencing conviction in the form of fine, deprivation of the right to occupy specific official position or engage in specified activity, confiscation of property and compulsory works, shall be sent to appropriate decision enforcement agency in charge of execution of the decision and a procurator shall be notified to such effect;
330.2. The organ which has received the decree as provided in Article 330.1.1. of this Law, shall take measures to bring the convicted person to a court decision enforcement agency within 72 hours.
330.3. An inquiry or investigation agency shall bring the person specified in Article 330.1.2 of this Law to a court decision enforcement agency within 7 days after receiving the decree.
330.4. Court decision enforcement agency shall be in charge for organizing the implementation of a conviction specified in Article 330.1.3 of this Law.
330.5. Provision of a decree of conviction with respect to civil claim shall be executed as provided by Law on court decision enforcement.

330.6. A procurator shall supervise the implementation of a decree of conviction within his/her full power specified in laws and legislation.

ARTICLE 331. PERMITTING A CONVICT SENTENCES TO DEATH TO MEET WITH RELATIVES

331.1. A court must grant of a convict sentenced to death an opportunity to meet once a relative immediately after completion of a judicial session.

ARTICLE 332. DEFERRAL OF EXECUTION OF DECREE SENTENCING A PERSON TO COMPULSORY WORKS, ARREST AND IMPRISONMENT

332.1. Execution of a decree of conviction condemning a person to compulsory works, arrest or imprisonment may be deferred if there exists one of the following grounds:

332.1.1. serious illness of the convicted person, preventing him from serving the conviction - until he recovers;

332.1.2. if the convicted person is pregnant - for a period of not more than 45 days before giving a birth or no longer than one year after giving a birth;

332.1.3. Impermissibility of immediate execution of the conviction due to natural disaster, other sudden catastrophe, grave illness of the only member of the family with labor capacity, or other exceptional circumstances - for a period not exceeding three months.

332.2. Execution of a decree rendered with respect to a person who has committed specially grave crime, or convicted for a crime successive times, or determined to be specially dangerous shall not be subject to deferral.

332.3. Payment of a fine may be deferred or arranged in installments for a period of up to six months if immediate payment of the fine is impossible for the convicted person.

ARTICLE 333. EARLY RELEASE FROM SERVING CONVICTION DUE TO ILLNESS

333.1. In the event that, while serving compulsory works, arrest, or imprisonment sentence, a sentenced person has contracted a mental or other severe illness preventing service of the conviction, the procurator shall have the right, upon a proposal of the organization in charge of the execution of the conviction, to appoint a commission consisting of not fewer than 3 doctors, to obtain a conclusion.

333.2. If the commission appointed in accordance with Article 333.1. of this Law issues conclusion on impossibility of serving sentence, the court upon proposal of the procurator shall apply compulsory measures of a medical character and transfer him/her to the special mental health research or other hospitals or render a ruling to relieve him from further service of the conviction.

333.3. A convicted person shall not be relieved from serving the conviction if he/she has contracted an illness due to intentional infliction of damages to his/her body or organ.

333.4. In case of rendering an order of a judge to relieve a convicted from serving of the conviction due to illness, he/she shall be freed

immediately in the court room.

333.5. Order of a judge to relieve from serving of the conviction shall not be subject to an appeal. Only a procurator may bring a protest on it.

Article 334. Early Relief From Conviction and Replacement of Non-served Part of a Conviction by Milder One

334.1. Question of early relief from conviction and replacement of the non-served part of a conviction by a milder conviction in instances provided for by Article 74, 76 and 77 of the Criminal Code, shall be decided by a judge of the court of the area where the court decision enforcement agency is located, upon a conclusion of a procurator issued on the basis of proposal of the court decision enforcement agency.

334.2. Question of early relief from conviction in the form of deprivation of the right to occupy specific official position or engage in specified activity shall be decided by a judge upon the petition of the person sentenced and of the place of occupation.

334.3. In the event that a court refuses early relief from conviction or replacement of the non-served part of a conviction with a milder conviction, a reconsideration of this question may not take place within six months after the day of rendering the ruling of refusal.

334.4. While considering the request on early relief from conviction or replacement of the non-served part of a conviction with a milder conviction, the gravity of the crime, the personality and behavioral improvements of the convicted person shall be taken into account.

334.5. Upon rendering an order on early relief from conviction or replacement of the non-served part of a conviction with a milder conviction, the convicted person shall be freed immediately.

334.6. An order on early relief from conviction or replacement of the non-served part of a conviction with a milder conviction shall not be subject to an appeal. Only a procurator may bring a protest on it.

ARTICLE 335. CHANGE OF IMPRISONMENT IN INCARCERATION TO IMPRISONMENT IN A COLONY OR IMPRISONMENT IN COLONY TO IMPRISONMENT IN INCARCERATION

335.1. As provided in Article 52.11 of the Criminal Code the change of imprisonment in incarceration to imprisonment in a colony of appropriate regime, or imprisonment in a colony to imprisonment in incarceration shall be decided by an order of a judge upon a conclusion of a procurator issued on the basis of proposal of the court decision enforcement agency.

335.2. In the event of a dismissal of the proposal to change imprisonment in incarceration to imprisonment in a colony of appropriate regime, such issue may not be reconsidered within one year after the day of rendering the order of dismissal.

ARTICLE 346. REPLACING CONVICTION OF FINE BY IMPRISONMENT SENTENCE, TERMINATING DEFERRAL OF THE EXECUTION OF DECREE AND ASSIGNING IMPRISONMENT SENTENCE

336.1. Issue of replacing conviction assigned in the form of fine by imprisonment sentence, or terminating the deferral of the execution of decree assigning imprisonment sentence and condemning the convicted to personal serving of the imprisonment sentence shall be decided by an order of a judge upon the request or proposal of the organ in charge of execution of the conviction or of carrying out supervision over such execution as well as an opinion of a procurator.

336.2. Appeal or protest on the order of a judge described in Article 336.1. of this Law may be brought through usual procedures.

ARTICLE 337. COUNTING THE TIME SPENT IN MEDICAL INSTITUTION FOR THE PERIOD OF SERVING CONVICTION

337.1. If a person serving imprisonment sentence has been committed to a medical institution, the time spent there by the convicted person shall be accounted for the period of serving conviction.

337.2. If a person serving imprisonment sentence has intentionally damaged his/her body or organ, or has been injured while committing a crime, as well has imitated an illness, the time spent in medical institution shall not be accounted for the period of serving conviction.

ARTICLE 338. CONSOLIDATED EXECUTION OF DECREE WITH OTHER UNEXECUTED DECREES

338.1. In the event that there exist several unexecuted decrees with respect to a convicted person of which the court that has issued the latest decree has not been notified, such court or a court of the same status charged with execution of the decree shall be obliged to issue an order to apply to the convicted person all sentences imposed by the, being governed in this regard by Articles 57 and 58 of the Criminal Code.

ARTICLE 339. RESOLVING QUESTIONS CONNECTED WITH EXECUTEION OF DECREE

339.1. The question of deferral of execution of decree, replacement of a conviction in the form of fine and compulsory works by other types of conviction as well as clarification of any vagueness arisen during execution of the decree shall be resolved by an order of a judge of a court which has rendered the decree.

339.2. If a decree is executed on territory not belonging to the territorial jurisdiction of court which has decreed decree, these questions shall be resolved by a court of the same kind, or, in the absence of a court of the same kind, by a court of higher instance. In such event, a copy of the order shall be delivered to the court which has issued the decree.

339.3. Questions of relief from serving conviction due to illness, early relief from conviction, replacement of the non-served part of the conviction by a milder conviction, change of service in incarceration into imprisonment in a correction unit, or change of imprisonment in a correction unit into serving in incarceration, shall be resolved by a ruling of a judge of a court at the place where the convicted person is serving conviction, regardless of which court has rendered the decree.

ARTICLE 340. PROCEDURE FOR RESOLVING QUESTIONS ARISEN WITH EXECUTEION OF DECREE

340.1. Questions arisen with the execution of a decree shall be resolved at judicial session with participation of a procurator.
340.2. The convicted person, his/her defense counsel and if the question concerns the execution of the decree is related to a civil suit, the civil plaintiff may be summoned to the judicial session. Nonappearance of the specified persons shall not hinder the consideration of the case.
340.3. When a court decides the question of early release of a convicted person due to illness or of transferring him/her to a medical institution, the presence of a representative of the doctors' commission which has issued the opinion shall be obligatory.
340.4. When a court considers the questions of early relief from conviction, replacement of the non-served part of the conviction by a milder one, change of incarceration sentence to imprisonment in a correction unit with appropriate regime, or change of imprisonment in a correction unit with appropriate regime into incarceration sentence, mandatory presence of a representative of a court decision enforcement agency shall be required.
340.5. Consideration of a case shall commence with the report of the judge, after which the court shall hear comments of the persons who have appeared at the session and the opinion of the procurator. Then the court shall retire for conference to render a ruling.

ARTICLE 341. CONSIDERATION BY COURTS OF PETITIONS TO EXPUNGE RECORD OF CONVICTION

341.1. A question concerning expunging of a record of conviction in accordance with Article 78.3 of the Criminal Law shall be decided by a judge of the court at the place of residence of the person serving the conviction, upon petition of such person or his/her defense counsel.
341.2. In reviewing the request described in Article 341.1. of this Law, a procurator, defense counsel, other relevant persons or a representative of organization may take part and their nonappearance at the judicial session shall not stop consideration of the petition.
341.3. Consideration of a petition to expunge the record of conviction shall commence with report of judge after which the court shall hear the conclusion of the procurator and the persons summoned.
341.4. In the event that the court refuses to expunge the record of conviction, a new petition to that effect may not be initiated until one year from the day of rendering the order of refusal.

CHAPTER THIRTY NINE
PROCEDURE AT THE COURT OF SUPERVISORY INSTANCE

ARTICLE 342. LODGING COMPLAINT OR PROTEST THROUGH SUPERVISORY PROCEDURE

342.1. A complaint or protest may be lodged to the court of supervisory

instance, according to provisions of Articles 303 and 304 of this Law, if it is considered that courts of first instance or appellate instance have violated the Criminal Procedure Law or have incorrectly applied the Criminal Law when reviewing and resolving a case.

ARTICLE 343. RULES TO LODGE COMPLAINT OR PROTEST TO THE COURT OF SUPERVISORY INSTANCE

343.1. Complaint or protest lodged to the court of supervisory instance shall be referred through the court that has issued the decree or ruling.

ARTICLE 344. INFORMING ON LODGING OF COMPLAINT OR PROTEST TO THE COURT OF SUPERVISORY INSTANCE

344.1. In occasions when a compliant or protest has been lodged through supervisory procedure against a decree or ruling, the court of first or appellate instance shall inform the parties on this and advise their right to give an explanation regarding the complaint or protest.

ARTICLE 345. IMPLICATIONS OF LODGING COMPLAINT OR PROTEST TO THE COURT OF SUPERVISORY INSTANCE

345.1. In the event of lodging of compliant or protest against a decree or ruling through supervisory procedure the enforcement of the decree or ruling shall be suspended.
345.2. A person who has lodged a complaint or protest may withdraw the complaint or protest before the commencement of the judicial session of the court of supervisory instance.

ARTICLE 346. TERM FOR REVIEWING AND RESOLVING A CASE AT THE COURT OF SUPERVISORY INSTANCE

346.1. After the Supreme Court has received a case with complaint or protest to the supervisory instance, the Chief Justice shall appoint the bench of judges.
346.2. The court shall review and resolve the case within 30 days after receiving the case and based on complicated nature of the case the Head Judge of the Chamber may extend the term for 14 days.
346.3. A judge shall determine the date for judicial session of the court of supervisory instance and shall inform the parties.

ARTICLE 347. BENCH OF JUDGES TO REVIEW AND RESOLVE A CASE AT THE COURT OF SUPERVISORY INSTANCE

347.1. A case shall be reviewed and resolved by a bench of 5 judges, with a decree issued and this shall be the final decision.
347.2. If the decree described by Article 347.1. of this Law is deemed to be contradictory to law in the opinion of the Procurator General, or of a judge from the Supreme Court and the Chief Justice of the Supreme Court of Mongolia issues a conclusion based on their opinions, the case shall be reviewed and heard by the whole bench of the Supreme

Court.

ARTICLE 348. CIRCUMSTANCES TO BE REVIEWED BY THE COURT OF SUPERVISORY INSTANCE

348.1. The court of supervisory instance shall review whether courts of first and appellate instances have correctly applied Criminal Law and whether they have seriously violated the Criminal Procedure Law.
348.2. If courts of first and appellate instances have seriously violated Criminal Procedure Law or incorrectly applied Criminal Law the court of supervisory instance shall annul or change the decrees or rulings.
348.3. Serious violation of Criminal Procedure Law or incorrect application of Criminal Law shall be understood in their meanings provided by Articles 320 and 321 of this Law.

ARTICLE 349. REVIEW AND RESOLUTION OF A CASE BY THE COURT OF SUPERVISORY INSTANCE

349.1. A procurator or defense counsel shall have the right to participate in judicial session that reviews and resolves a case through supervisory procedure and if such a person has submitted the request it shall be obligatory to allow them to participate.
349.2. Non-arrival of a procurator or defense counsel except in situation described by Article 349.1. of this Law shall not obstruct hearing of a case.
349.3. The case shall be reported by a judge who has reviewed the case upon appeal or protest.
349.4. The reporter shall present the circumstances of the case, the content of the decree, ruling or protest, after which questions may be asked from the reporter and a procurator or defense counsel may comment on the case.
349.5. The bench of judges shall go into the conference room to issue a decree which shall be approved by a majority vote.

ARTICLE 350. DECISION OF THE COURT OF SUPERVISORY INSTANCE

350.1. The court of the supervisory instance shall issue one of the following decisions:
350.1.1. leave the decree or ruling unchanged and dismiss the appeal or protest;
350.1.2. amend the decree or ruling;
350.1.3. annul the decree or ruling and transfer back the case for supplementary inquiry, investigation or new court litigation.

ARTICLE 351. AMENDING THE DECREE OR RULING

351.1. If it is determined that courts of first and appellate instances have applied the Criminal Law incorrectly, the court of supervisory instance may apply law with lesser conviction and mitigate the conviction due to change in classification of type of the case.
351.2. The court of supervisory instance shall not have the right to amend the

decree or ruling based on circumstances not established or evidences rejected by the courts of first and appellate instances.

ARTICLE 352. ANNULLING THE DECREE OR RULING AND TRANSFERRING BACK THE CASE FOR SUPPLEMENTARY INQUIRY, INVESTIGATION OR NEW COURT LITIGATION.

352.1. If it is determined that courts of first and appellate instances have seriously violated the Criminal Procedure Law, the court of supervisory instance shall annul the decree or ruling and shall transfer back the case for supplementary inquiry, investigation or new court litigation.

ARTICLE 353. COMPETENCE OF COURT OF SUPERVISORY INSTANCE

353.1. In reviewing and hearing of a case through supervisory procedure, a court shall review all the proceedings in the case in their entirety.
353.2. Despite the fact that several persons have been convicted in a case, but the complaint or protest is lodged with respect to only one or some of the convicts, the court shall be obliged to verify the case with respect to all the convicts.
353.3. The instructions of a court of supervisory instance shall be binding to be implemented by supplementary inquiry, investigation or new judicial investigation.
353.4. The court of supervisory instance shall not have the right to establish or consider as proved facts which have not been established, or which have been rejected by the decree or ruling of courts of first or appellate instances and to consider any evidence more significant than other evidence, to predetermine a for a court of first instance the questions of which articles or paragraphs of the Criminal Law shall be applied and what sentence shall be imposed.

ARTICLE 354. CONTENT OF DECREE

354.1. A decree of the court of supervisory instance shall meet requirements of Article 325 of this Law.
354.2. A decree of court of supervisory instance shall be signed by the bench of judges.

ARTICLE 355. RE-HEARING OF A CASE AFTER ANNULLING A DECREE OR RULING

355.1. Re-hearing of a case after annulling a decree or ruling, shall be subject to normal procedures.
355.2. A complaint or protest may be lodged with respect to decree of a court issued after re-hearing of a case.

ARTICLE 356. OBLIGATORY REVIEW AND HEARING BY THE COURT OF SUPERVISORY INSTANCE OF A CASE OF PERSON SENTENCED TO DEATH

356.1. Case of a person sentenced to death shall be obligatorily reviewed and heard through supervisory procedure by the whole bench of judges of the Supreme Court irrespective of the fact of lodging complaint or protest.

CHAPTER FORTY
REOPENING A CASE DUE TO NEWLY DISCOVERED CIRCUMSTANCES

ARTICLE 357. GROUNDS FOR REOPENING A CASE DUE TO NEWLY DISCOVERED CIRCUMSTANCES

357.1. If following circumstances are established they shall be considered as newly discovered circumstances and a previously issued decree or ruling which has taken legal effect may be annulled and the case reopened:

357.1.1. it is established that the decree or ruling has been issued based on deliberately false testimony or conclusion of a witness or an expert or deliberately false translation of a translator or interpreter as well as fraudulent physical evidence, records or documents;

357.1.2. it is established by a decree of a court which has taken legal effect that an inquiry officer, investigator, procurator or has gravely abused their power;

357.1.3. circumstances which were unknown to the court when it issued a decree or ruling and which could serve as grounds for proving that a person acquitted or whose case was dismissed is guilty or for imposing criminal responsibility on an innocent person or which could serve as grounds for application of articles, paragraphs or provisions that contains less grave or graver sentences, were discovered.

357.2. If it is impossible to issue a court decree because of the expiration of periods of limitation, the promulgation of an act of amnesty, the pardoning of individual persons, or the death of accused, the newly discovered circumstances described in Article 357.1. of this Law shall be established through an investigation set forth according to procedures provided by Article 360 of this Law.

ARTICLE 358. TERM FOR REOPENING CASE DUE TO NEWLY DISCOVERED CIRCUMSTANCES

358.1. If it become necessary to review a decree or ruling on acquittal or dismissal of a case, or to apply to a convict law with heavier sentence, it may be executed only within the periods of limitation for prosecuting with criminal charges established by Article 76 of the Criminal Law and not later than one year after the discovery of the new circumstances.

358.2. If review of a decree of conviction due to newly discovered circumstances is in favor of the convict there shall not be limitation of time.

358.3. The death of a convict shall not obstruct the reopening of a case due to newly discovered circumstances for the purpose of acquitting him/her.

ARTICLE 359. INITIATING PROCEEDINGS DUE TO NEWLY DISCOVERED CIRCUMSTANCES

359.1. Complaints or requests concerning newly discovered circumstances shall be referred to a procurator.

359.2. If there exists one of the grounds described by Article 57 of this Law, the procurator shall issue a decree to initiate proceedings due to newly discovered circumstances and shall investigate such circumstances or shall instruct an inquiry officer or investigator to do so.
359.3. When investigating the newly discovered circumstances, necessary investigative actions shall be executed in accordance with the rules provided by this Law.
359.4. If the procurator considers that there are no grounds to initiate proceedings due to newly discovered circumstances, he/she shall issue a reasoned decree and dismiss the complaint or request and if this is unacceptable a complaint may be lodged to a procurator of higher instance.
359.5. With the initiation of investigative actions to review newly discovered circumstances, rules provided by this Law for establishing and extending the term of the case shall be observed.

ARTICLE 360. ACTIONS OF PROCURATOR UPON COMPLETION OF INVESTIGATION OF NEWLY DISCOVERED CIRCUMSTANCES

360.1. If, upon completion of investigation of newly discovered circumstances, it is established that there exist any one of grounds for reopening a case described by Article 357.1. of this Law, a procurator shall refer the case to the State Supreme Court with the materials of investigation and his conclusion, being governed by provisions of Article 361 of this Law.
360.2. If grounds for reopening of the case are not established, the procurator shall terminate the proceedings by a reasoned decree and if this is unacceptable a complaint may be lodged to a procurator of higher instance.

ARTICLE 361. COURT RESOLUTION OF THE ISSUE ON REOPENING OF A CASE DUE TO NEWLY DISCOVERED CIRCUMSTANCES

361.1. The Supreme Court shall review and resolve a case and materials referred by a procurator as provided by Article 360 of this Law, by its bench of judges of supervisory instance.

ARTICLE 362. RULING OF COURT UPON CONSIDERATION OF PROCURATOR'S CONCLUSION

362.1. Court which has reviewed and heard a case due to newly discovered circumstances shall issue following decision:
362.1.1. to annul decree or ruling and to transfer back the case for new inquiry, investigation or new court litigation;
362.1.2. to annul decree or ruling and to dismiss the case;
362.1.3. to dismiss the conclusion of procurator.

ARTICLE 363. ACTIONS AFTER REOPENING CASE DUE TO NEWLY DISCOVERED CIRCUMSTANCES

363.1. Inquiry, preliminary investigation and judicial examination of a case after annulling decree or ruling due to newly discovered circumstances

and reopening of the case, as well as lodging of complaint or protest against newly issued decree shall be executed according to normal procedures provided by this Law.

363.2. If previous decree has been annulled due to newly discovered circumstances, the court of first instance shall not be bound by any provisions of the previous decree in resolving the case again.

PART TEN

CHAPTER FORTY TWO
SPECIAL RULES OF EXECUTEING CRIMINAL PROCEEDINGS IN CASES OF MINORS

ARTICLE 364. SPECIAL RULES OF EXECUTEING CRIMINAL PROCEEDINGS IN CRIMES COMMITTED BY MINORS

364.1. In addition to the general rules provided by this Law, the special rules described by this Chapter shall be guiding in executing criminal proceedings in crimes committed by minors.

364.2. The rules described by this Chapter shall be applicable to cases of persons who had not reached the full age at the moment of committing a crime.

ARTICLE 365. ADDITIONAL CIRCUMSTANCES TO BE ESTABLISHED IN CRIMES COMMITTED BY MINORS

365.1. In executing inquiry, preliminary investigation or judicial examination in cases of minors, in addition to circumstances provided by Article 80 of this Law following circumstances shall be verified:

365.1.1. age of the minor (day, month, and year of birth);

365.1.2. conditions of life and upbringing;

365.1.3. the causes and conditions facilitating commission of the crime by the minor;

365.1.4. the existence of adult instigators and other accomplices.

365.1.5. if there exist doubt concerning mental retardation of the minor not connected with mental illness, and his/her ability to completely realize the significance of his/her actions, an expert shall be appointed and a conclusion issued.

365.2. In order to establish these circumstances, the parents, guardians, supporters, educators of the minor, and other persons who may have knowledge on circumstances significant to the case shall be interrogated and necessary documents shall claimed or other inquiry, investigative and judicial actions shall be executed.

ARTICLE 366. ARREST AND CONFINEMENT UNDER GUARD OF A MINOR

366.1. A minor may be arrested or confined under guard only if the crime committed is grave or exceptionally grave crime or if there exist exceptional occasion provided in Articles 58, 62 and 68 of this Law.

366.2. Information on arrest or confinement of a minor shall be delivered to

his/her parents, other legal representatives or defense counsel within 12 hours.

366.3. Minors arrested or confined under guard shall be kept separate from adults or convicted minors.

366.4. The principal term of investigation of a minor with confinement shall be 1 month and total term of investigation with confinement shall not exceed 18 months.

ARTICLE 367. HANDING OVER A MINOR UNDER SUPERVISION

367.1. Besides the measures of restraint provided by Article 62 of this Law, minors may be handed over under the supervision of parents or other legal representatives.

367.2. In handing over a minor under supervision of parents or other legal representatives, the described persons shall undertake on themselves a written obligation to ensure the appearance of the minor before an inquiry officer, investigator and court whenever summoned, as well as his/her proper behavior.

367.3. Parents, guardians or curators who are accepting the minor under supervision shall be advised on the crime of which the minor is suspected or being accused and of their responsibilities in the event of violation of the obligation undertaken by them.

367.4. In the event that the persons who are accepting the minor under supervision violate the obligation undertaken by them, the measures provided by Article 77 of this Law shall be applied to them.

ARTICLE 368. PROCEDURE FOR SUMMONING MINOR SUSPECT, ACCUSED OR DEFENDANT

368.1. An inquiry officer, investigator, procurator and court shall summon a minor through his/her parents or other legal representatives and other procedure shall be permitted only depending on the circumstances of the case.

368.2. A minor who is confined under guard shall be summoned through the administration of the place of confinement.

ARTICLE 369. SEPARATION OF A CASE CONCERNING MINORS

369.1. If a minor has participated in the commission of a crime together with adults, the case shall be separated, when possible, at the stage of inquiry or preliminary investigation.

369.2. If separation of a minor's case is to create substantial obstacles to the thorough, complete, and objective discovery of the case, it may be left without separation.

ARTICLE 370. PROCEDURE FOR INTERROGATING MINOR SUSPECT OR ACCUSED

370.1. Interrogation of a minor suspect or accused shall not last longer than 2 hours at a time or in total 4 hours for a day and there shall be a break if the interrogation is going to last longer than 2 hours.

ARTICLE 371. PARTICIPATION OF PEDAGOGUE IN INTERROGATION OF MINOR

371.1. A pedagogue must be present at interrogation of a minor suspect or accused and if the minor is deemed to be mentally retarded.
371.2. A pedagogue participating in the interrogation of minor suspect or accused shall have the right, with the permission of an inquiry officer or investigator, to put questions to the suspect or accused.
371.3. Upon completion of the interrogation, the pedagogue who has participated therein shall have the right to be presented with the record of the interrogation and to make written remarks concerning the correctness and completeness of the entries in it.
371.4. Before commencement of the interrogation of a minor, the inquiry officer or investigator shall be obliged to inform the pedagogue of his rights and a note to such effect shall be made in the record.

ARTICLE 372. PARTICIPATION OF LEGAL REPRESENTATIVE IN INQUIRY AND INVESTIGATION

372.1. Legal representative of a minor suspect or accused shall be identified by a decree of inquiry officer or investigator and his/her rights for participating in inquiry or investigation shall be explained.
372.2. Legal representative of a minor suspect or accused shall have following rights:
372.2.1. to know for which crime the minor suspect or accused is suspected;
372.2.2. to be present at the charge of accusation;
372.2.3. with the permission of investigator, to take part in interrogation and other actions with the presence of the suspect or accused and investigator;
372.2.4. to submit, in writing, the comments on actions that were attended;
372.2.5. to request for verification of significant aspects related to evidence.

ARTICLE 373. ACQUAINTING MINOR SUSPECT OR ACCUSED OR HIS/HER PARENTS OR OTHER LEGAL REPRESENTATIVE WITH MATERIALS OF CASE

373.1. In presenting to a minor suspect or accused the materials of the case, his/her parents or other the legal representatives shall be allowed to take part.
373.2. In presenting to a minor suspect or accused the materials of the case, his/her parents or other the legal representatives may not be allowed to take part if an inquiry officer or investigator considers that this may be harmful to the interests of the minor.

ARTICLE 374. PARTICIPATION OF PARENTS OR LEGAL REPRESENTATIVES OF MINOR DEFENDANT IN JUDICIAL SESSION

374.1. Parents or other legal representatives of a minor defendant shall have the right to participate in judicial sessions, to take part in examining

evidence, to present documents with evidential significance, to submit requests and to challenge participants in the judicial session and these rights shall be explained to them at the opening of the judicial session.

374.2. If it is necessary to interrogate the parents or other legal representatives of the defendant as witnesses, their testimony shall be heard after the defendant's interrogation.

374.3. Parents or other legal representatives of the defendant shall be present during the entire judicial session.

374.4. If there is an exceptional reason whereby participation of parents or other legal representatives in the judicial session may be harmful to the interests of minor defendant, the court shall have the right to not allow the parents or other legal representative to participate in the judicial session or to limit their participation to a particular part of the judicial session by issuing a reasoned decree.

374.5. If the court does not find participation of parents or other legal representatives of the defendant in the judicial session necessary, their nonappearance to the session shall not serve as a reason for delaying the hearing of the case.

ARTICLE 375. REMOVAL FROM COURTROOM OF MINOR BROUGHT TO TRIAL

375.1. When analyzing circumstances which might have a negative influence on the minor, upon hearing the opinion of the defense counsel, the legal representative and the conclusion of the procurator, the court shall have the right by its decree or order to remove the minor from the courtroom.

ARTICLE 376. STAY OF EXECUTEION OF DECREE AGAINST MINOR

376.1. Relief from conviction of a minor convict with respect to whom the execution of decree has been stayed shall be resolved out by a court at the convict's place of residence upon the joint petition of a commission for cases of minors and the Police.

376.2. Annulling the decree on the stay of execution of the sentence to imprisonment based on grounds provided by Criminal Law and directing the convicted person to serve the sentence physically shall be resolved by a court at the place of residence of the convict upon the joint proposal of a commission for cases of minors and the Police.

ARTICLE 377. QUESTIONS RESOLVED BY COURT WHEN ISSUING DECREE AGAINST MINOR

377.1. When issuing decree against a minor the court is obliged to consider:

377.1.1. the possibility of staying the execution of decree against a minor in the instances provided for by Criminal Code;

377.1.2. the necessity of appointing a social educator for the minor in instances of conditional sentence, the application of measures of conviction not connected with deprivation of freedom, or a stay of execution of decree.

CHAPTER FORTY THREE
PROCEEDINGS FOR THE APPLICATION OF COMPULSORY MEASURES OF A MEDICAL CHARACTER

ARTICLE 378. GROUNDS FOR APPLYING COMPULSORY MEASURES OF MEDICAL CHARACTER

378.1. Compulsory measures of a medical character provided by Article 65 of the Criminal Code shall be applied by a court to a persons who have committed a crime when was mentally unable to be responsible for his/her action, or who have contracted a such mental illness after committing a crime and if such persons deem to represent a danger to a society due to character of the committed crime or state of illness.

378.2. Legal proceedings for application of compulsory measures of a medical nature shall be determined by the general grounds of this Law and, in addition, by procedures specified in this Chapter.

ARTICLE 379. PROCEDURE FOR CARRYING OUT INQUIRY OR INVESTIGATION

379.1. In cases of persons specified in article 385 of this Law, it shall be obligatory to carry out an investigation. The following circumstances must be ascertained in the investigation:

379.1.1. whether such person has been mentally ill in the past, the character and progress of the mental illness at the moment of committing the crime and at the time of the investigation of the case ;

379.1.2. the behavior of the person who has committed the crime both before and after its commission;

379.2. Referral of the person for examination by a forensic psychiatric expert shall be permitted only if there exist sufficient data to indicate that person specified in Article 379.1. of this Law has committed the crime regarding which the criminal case has been initiated and the investigation is being carried out.

379.3. If the participation of the person who has committed the socially dangerous act in inquiry or investigation is impossible by virtue of state of mental illness, the inquiry officer or investigator shall draw up a record to this effect.

ARTICLE 380. PARTICIPATION OF DEFENSE COUNSEL

380.1. In cases of persons specified in article 378 of this Law the participation of defense counsel shall be obligatory.

ARTICLE 381. COMPLETION OF AN INQUIRY OR INVESTIGATION

381.1. Upon completion of an inquiry or investigation, one of the following decisions shall be issued:

381.1.1. to terminate proceedings in the case, in instances provided for by Article 208 of this Law;

381.1.2. to transfer the case to a procurator rendering a decree to refer a case to court, if grounds have been established for applying

compulsory measures of a medical character to the person who has committed the crime;

381.2. The decree must set forth all the circumstances of the case established by the inquiry or investigation and the grounds for application of compulsory measures of a medical character.

381.3. If a procurator considers appropriate to apply compulsory measures of a medical character, he/she shall transfer the case to court, or if he is not in agreement, shall terminate the case or return for supplementary inquiry or investigation.

ARTICLE 382. PREPARATORY ACTIONS FOR JUDICIAL SESSION

382.1. Upon receipt of the case a court shall set date for consideration by an order of a judge and shall notify the procurator, defense counsel, and legal representatives of the person who has committed a crime, and shall summon the victims, witnesses, when necessary experts.

382.2. The court may summon the person who has committed a crime to the judicial session considering the character of his/her illness.

ARTICLE 383. CONSIDERATION OF THE CASE AT JUDICIAL SESSION

383.1. The consideration of a case received in court under the procedure of Article 381 of this Law shall proceed in judicial session in accordance with the rules of Chapters Thirty One through Chapter Thirty Five of this Law with obligatory participation of a citizen's representative, the state prosecutor and defense counsel.

383.2. In the judicial session, evidence tending to establish or negate the commission by the given person of a crime must be verified, the opinion of experts on mental illness of such person must be heard, and other circumstances which are of substantial significance for deciding the question of the application of compulsory measures of a medical character must be reviewed.

383.3. Upon completion of the court litigation, the court shall hear the citizens' representative, the state prosecutor and the defense counsel.

ARTICLE 384. RESOLUTION OF CASE BY COURT

384.1. A court shall resolve a case by its ruling, which shall be rendered in the conference room. When rendering a ruling, the court must resolve the following questions:

384.1.1. whether there has taken place a crime provided for by the criminal law;

384.1.2. whether the person concerning whom the case is being considered has committed that act;

384.1.3. whether the given person has committed the crime while was mentally ill, or has contracted a mental illness after committing a crime;

384.1.4. whether application of compulsory measure of a medical character is required if so what kind of measures shall be applied.

ARTICLE 385. DECREE OF COURT

385.1. If it deems proved that a given person has, committed a crime while being mentally unable to be responsible for his/her action, or has contracted a chronic mental illness after committing a crime a court shall release such person from criminal responsibility or conviction, apply to him/her a compulsory measures of medical character.
385.2. If the person described in Article 385.1. of this Law is no longer dangerous to the society and the crime and damages caused by it are not grave court may terminate the case without applying compulsory measures of medical character and may inform medical institution to such effect.
385.3. If it is not established that a person who has committed a crime was mentally ill, or has contracted such an illness after committing a crime or if he/she is ill but there is no ground to release from conviction the court shall return the case for inquiry or investigation and the case shall be investigated and resolved through usual procedure.
385.4. If participation of the person, described in paragraph Article 385.1. of this Law, in the commission of the crime has not been proved or if the circumstances provided for by article 24 of this Law have been established the case shall be terminated regardless of the person's illness.
385.5. In the decree the court the questions indicated in Article 298 of this Law shall be resolved.

ARTICLE 386. CANCELLATION OR CHANGE OF COMPULSORY MEASURE OF MEDICAL CHARACTER

386.1. If a person is recovered or there is a better change in the state of his/her health, court shall consider, in accordance with the procedure established by Articles 340.1., and 340.5. of this Law, the question of canceling or changing the compulsory measure of a medical character, upon proposal of the administration of the medical institution in which the given person is being treated and based on the conclusion of a commission of doctors.
386.2. Relatives of the person and other interested persons may initiate a petition to cancel or change the compulsory measures of a medical character, and in such instances, the court shall inquire of the appropriate agencies of public health concerning the state of health of the person in question.
386.3. The questions stated in this article shall be resolved by the court which has rendered the ruling to apply a compulsory measure of a medical character or by a court at the place of application of such a measure, with the obligatory participation of a procurator.

ARTICLE 387. REOPENING OF THE CASE WITH RESPECT TO PERSON TO WHOM COMPULSORY MEASURE OF MEDICAL CHARACTER HAS BEEN APPLIED

387.1. If a person to whom a compulsory measure of a medical character has been applied because of a mental illness contracted by him after

commission of the crime is deemed by a doctor's commission to have recovered, a court shall cancel the compulsory measure of a medical character in accordance with the rules of Article 340 of this Law and shall transfer the case to agencies of inquiry, investigation or to court.

387.2. Inquiry, investigation or judicial investigation for the cases transferred in conformity with Article 387.1. of this Law shall be carried out in usual manner.

387.3. The time spent in the medical institution shall be included in the time of being kept under guard.

PART XI
MISCELLENIOUS

CHAPTER FORTY FOUR
COMPENSATION OF DAMAGES CAUSED DUE TO UNLAWFUL ACTIONS OF INQUIRY OR INVESTIGATION AGENCY, PROCURATOR'S OFFICE OR COURT DURING CRIMINAL PROCEEDINGS

ARTICLE 388. THE RIGHT FOR COMPENSATION OF DAMAGES

388.1. Citizen of Mongolia, foreign citizen, stateless person shall have the right for compensation of property damages, mental consequences caused due to unlawful actions of inquiry officer, investigator, procurator or a judge and to have restored the right for pension, benefits, possession of dwelling and other rights.

ARTICLE 389. GROUNDS FOR COMPENSATION OF DAMAGES

389.1. Damages caused to a citizen because of unlawful sentencing, arrest, confinement under guard, unlawful termination of his/her professional duties, keeping in medical institution, or compelled treatment shall be the responsibility of the State and compensated by the State irrespective of degree of guilt of the inquiry officer, investigator, procurator or court.

389.2. In following situations the right for compensation shall commence:

389.2.1. if a arrested or confined under guard person has been released because his/her perpetration of a crime was not proved;

389.2.2. if court decree on acquittal has been issued;

389.2.3. if the case was dismissed because the crime does not have elements of crime, or the person's perpetration of the crime was not proved;

389.2.4. if unlawful decree of court on taking compulsory measures of medical nature was annulled.

389.3. Provision of Article 389.1. of this Law shall not be applicable if a person was released under amnesty law from criminal charge, conviction, and other responsibilities, or because the review of his/her case was terminated, or he/she was pardoned, or the statute of limitation has been expired, or he/she has not reached the age to be charged with criminal responsibilities, or the case was dismissed because of

adoption of a law that does not impose or changes criminal responsibilities for the particular crime or reduces penalty.

389.4. The State shall not be responsible for non- direct damages caused by illegal activities.

389.5. Inquiry officer, investigator, procurator and judge shall be imposed responsibilities provided by law for illegally causing damages to a person.

389.6. If action or inaction of the official described in Article 389.5. of this Law that illegally caused damages to a person is proved, according to a proper procedure, to be a crime the property damages shall be fully compensated by the guilty person.

ARTICLE 390. COMPENSATION OF PROPERTY DAMAGES

390.1. Following property damages shall be compensated:

390.1.1. an average wage or other labor incomes that served as the main source of living for a citizen who did not get them due to unlawful actions;

390.1.2. pensions and benefits terminated to unlawful imprisonment sentence;

390.1.3. property confiscated and appropriated to the state budget by a court decision, or allocated to an inquiry or investigation agency;

390.1.4. fine paid in enforcement of court sentencing decree, and costs of investigative actions or other costs reimbursed by a citizen;

390.1.5. fee for legal assistance.

390.2. Damages described in Articles 390.1.1., 390.1.4., and 390.1.5. of this Law shall be reimbursed from the state budget.

390.3. The amount of damages to be compensated shall be determined by deducting the citizen's wage received during service of the sentence or wage and fees for other jobs after being dismissed from the previous job.

390.4. Pensions and benefits terminated due to sentencing shall be paid by social insurance agency or other relevant agencies.

390.5. Property described in Article 390.1.3. of this Law shall be returned back physically by inquiry or investigation agency, or procurator's office or court and if this is not possible, its initial value shall be determined and paid from the state budget.

390.6. Value of a property shall be determined by the value existing at the time of making decision for compensation.

390.7. If a property is damaged, the damages shall be fully compensated.

ARTICLE 391. ELIMINATION OF CONSEQUENCES OF MENTAL DAMAGES

391.1. Non property damages shall be compensated according to rules provided by Civil Law.

391.2. Amount of non property damages shall be determined taking in view the circumstances of the case and according to rules provided by Civil Law.

391.3. Claim for cash compensation of damages caused mentally shall be lodged according to rules provided by Law on Resolving Civil Cases in

Court.

ARTICLE 392. RESTORATION OF TITLE AND AWARD

392.1. If court establishes that military or other titles and awards were abolished unlawfully, the institution that granted the title or award shall restore it based on the court decision.

ARTICLE 393. COMPENSATION OF DAMAGES TO LEGAL ENTITY

393.1. Damages caused to a legal entity due to unlawful actions of inquiry or investigation agency, or procurator's office or court shall be the responsibility of the State as provided in this Chapter.

ARTICLE 394. GIVING OUT A WRIT ON VIOLATION OF LAW

394.1. If a criminal case is dismissed because a decree of acquittal is issued, the crime is not committed or the elements of the crime or participation in the crime was not proved, court and procurator shall be obliged to explain the citizen on rules of restoration of violated rights and compensation for other damages and, if requested by the citizen, to give out a writ to the organization where he/she works on their decision within 1 month.

394.2. If sentencing, arrest, confinement under guard of a citizen, or temporary suspension of his/her official duties or keeping him/her in a medical institution are proved to be unlawful after the media has published on such actions, relevant judicial institution or law enforcement agency shall inform and make correction through the media tools within 10 days.

ARTICLE 395. EXPLANATION OF RIGHTS FOR COMPENSATION OF DAMAGES

395.1. Copy of decree on acquittal or on dismissing a criminal case or on annulling and changing other unlawful decisions shall be handed over to an interested party or shall be sent by mail.

395.2. An explanation note on the rules for compensation of damages shall be sent together with the copy of decree described in Article 395.1. of this Law and the note shall mention the right to claim with respect to actions in violation of law, the time limit for approaching court and the court jurisdiction.

ARTICLE 396. SUBMISSION OF CLAIM FOR COMPENSATION OF DAMAGES

396.1. Submission letter on compensation of damages caused due to unlawful actions may brought in by the citizen him/herself or his/her legal representative or authorized representative of the citizen or an defense counsel.

396.2. If a minor person who has not reached adult age is acquitted, the submission letter on compensation of damages shall be brought in by his/her legal representative.

396.3. Submission letter on compensation of property damages shall be brought in within 3 days after receiving a decree of acquittal, decree or ruling on dismissal of a case.
396.4. Submission letter for restoring of other rights may be brought within 1 year after the note explaining the citizen's rights was handed over to /him/her.
396.5. If the time limits described in Articles 396.3., and 396.4. of this Law was exceeded due to respectful reasons an inquiry officer, investigator, procurator and court may renew it based upon a submission letter of an interested party.
396.6. Victim shall bring in his/her claim to the court of area where he/she resides.
396.7. In situations where a citizen has died, his/her right for compensation of property damages shall pass to his/her heir and terminated pension and benefits shall pass to a family member who has the right for pension due to loss a of a breadwinner.
396.8. Claim for compensation, by faulty officials, of property damages caused to the State due to actions of inquiry or investigation agencies, procurator's office and court shall be lodged to a court by relevant organization and according to rules provided by Law on Resolving Civil Cases in Court.
396.9. The plaintiff who brings in claims for compensation of damages described in this Chapter, shall be relieved from paying court costs.

ARTICLE 397. REVIEWING AND RESOLVING SUBMISSION LETTER ON ELIMINATING DAMAGES

397.1. Submission letter on eliminating damages caused due to actions in violation of law shall be reviewed and resolved through procedure of special action provided by Law on Resolving Civil Cases in Court.

CHAPTER FORTY FIVE
MUTUAL LEGAL ASSSISTANCE WITH RESPECT TO CRIMINAL CASES BETWEEN COURT, PROCURATOR'S OFFICE, INVESTIGATION AND INQUIRY AGENCIES OF MONGOLIA AND RELEVANT FOREIGN INSTITUTIONS

ARTICLE 398. GIVING INSTRUCTION ON EXECUTEION OF PROCEDURAL ACTIONS

398.1. If it is necessary to execute, on the territory of foreign country, interrogation, examination, search, experiment, seizure of property or other actions of inquiry, investigation and judicial hearing provided in this Law, the issue shall be carried out according to mutual or other international agreements on rendering legal assistance.
398.2. Instruction on executing certain procedural action shall be sent through an organization provided for by the international agreements.
398.3. If not otherwise provided by international agreements, the instruction shall be made in the language of country where it is being sent.

ARTICLE 399. CONTENT OF INSTRUCTION ON EXECUTEING PROCEDURAL ACTIONS

399.1. Instruction on executing certain procedural action shall be made in writing and following items shall be included:

399.1.1. name of the organization giving instruction;

399.1.2. name and address of the organization receiving the instruction;

399.1.3. content of the instruction and the case;

399.1.4. citizenship of the person with respect to whom the instruction is made, his/her occupation, information on place where he/she resides or stays, if it is a legal entity, - its name and address;

399.1.5. physical and other evidence;

399.1.6. information on classification of the crime, and if necessary, -amount of damage.

399.2. The instruction, attached documents and evidence shall be translated into official language of the receiving country and authorized official shall sign the instruction and if necessary shall be confirmed by a stamp.

ARTICLE 400. SUBPOENA AND INTERROGATION OF WITNESS, CIVIL PLAINTIFF, CIVIL DEFENDANT, HIS/HER REPRESENTATIVE OR EXPERT

400.1. Witness, civil plaintiff, civil defendant, their representatives or expert who are Mongolian citizens and reside in foreign country permanently or temporarily may be subpoenaed through Mongolian diplomatic or consular organizations placed in the country, if not otherwise provided by international agreements.

400.2. Witness, civil plaintiff, civil defendant, their defense counsels, representatives or expert who are citizens of foreign country may be subpoenaed through central organ of public administration in charge of foreign relations or through authorized organization of the country.

400.3. Procedural actions with respect to witness, victim and other participants described in paragraph 1 of this Article shall be executed according to rules provided by this Law, except in following situations:

400.3.1. compelled arrival;

400.3.2. imposing monetary fine;

400.3.3. imposing criminal responsibilities for refusal or avoidance to give testimony, or for false testimony or conclusion.

ARTICLE 401. IMPLEMENTATION OF INSTRUCTION BY AUTHORIZED ORGANIZATION OF FOREIGN COUNTRY ON EXECUTEION OF PROCEDURAL ACTIONS

401.1. Instructions of authorized organization or official of foreign country on execution of procedural actions shall be implemented by inquiry officer, investigator, procurator and court according to normal rules provided by this Law.

401.2. In implementing the instruction, norms and provisions of foreign procedural actions may be applied if international agreements provide so.

401.3. If international agreements provide so, a representative of relevant

organization from the foreign country may participate in implementing the instruction.

401.4. If it is not possible to implement the instruction and if international agreements do not provide otherwise, the received documents shall be returned to the foreign organization who gave the instruction through the Procurator General's Office or central organ of public administration in charge of legal affairs stating the reason for non-implementation.

401.5. If implementation of an instruction is to contradict sovereignty and security of Mongolia or to violate legislation, it shall be returned.

ARTICLE 402. SENDING MATERIALS OF A CASE IN ORDER TO CONTINUE INQUIRY OR INVESTIGATION

402.1. If foreign citizen has left Mongolia after committing a crime on the territory of Mongolia, all materials collected during inquiry or investigation shall be delivered to a relevant foreign organization according to rules provided by law and international agreements.

ARTICLE 403. IMPLEMENTATION OF REQUEST TO CONTINUE CRIMINAL INVESTIGATION OR TO INITIATE A CRIMINAL CASE

403.1. If Mongolian citizen has returned to Mongolia after committing a crime on the territory of foreign country, and an authorized foreign organization has sent a request to investigate the case, procedural actions shall be executed according to rules provided by this Law.

403.2. Investigation materials of the case collected by authorized organization of a foreign country with respect to the person described Article 403.1. of this Law shall be retrieved according to rules provided by law and international agreements and these shall be evaluated as evidence.

CHAPTER FORTY SIX
TRANSFER OF GUILTY PERSON FOR PURPOSES OF CHARGING WITH CRIMINAL RESPONSIBILITIES AND ENFORCING DECREE OF SENTENCING

ARTICLE 404. REQUEST TO TRANSFER CITIZEN OF MONGOLIA

404.1. Request to transfer a citizen of Mongolia who has left for a foreign country after committing a crime on the territory of Mongolia shall be made before an authorized organization of the foreign country according to rules provided by law and international agreements.

404.2. The request shall specify following:

404.2.1. his/her name, parents names and family name, his/her date of birth;

404.2.2. country of citizenship, description and a photo;

404.2.3. short summary of the crimes committed by the person, provision of law applicable, sentence imposed by court if convicted;

404.2.4. date of decree on conviction or on charge as accused;

404.2.5. certified copies of documents attached to the request.

ARTICLE 405. IMPLEMENTING THE REQUIREMENT TO TRANSFER FOREIGN CITIZEN

405.1. Request made by an authorized organization of a foreign country to transfer a foreign citizen, or stateless person who has committed a crime or has been sentenced on the territory of the foreign country shall be implemented according to rules provided by law and international agreements.

405.2. If the person described by Article 405.1. of this Law and to be transferred is serving an imprisonment sentence on the territory of Mongolia the transfer may be postponed until the person finishes serving the sentence or is released from serving the sentence.

405.3. If such postponement of the transfer allows the time limit for prosecuting the crime to be expired or hinders investigation of the crime, the person may be transferred.

ARTICLE 406. REFUSAL TO TRANSFER

406.1. In following occasions a transfer of a criminal shall not take place:

406.1.1. if the person is a citizen of Mongolia;

406.1.2. if the criminal has been awarded asylum in Mongolia;

406.1.3. if the grounds for the request to transfer are not considered to be a crime in Mongolia;

406.1.4. if the statute of limitation for the particular crime has been expired according to legislation of Mongolia or there are circumstances based on other grounds excluding initiating of criminal case or sentencing.

ARTICLE 407. TRANSFER OF A PERSON WITH DUAL CITIZENSHIP OR STATELESS PERSON

407.1. Transfer of a person with dual citizenship or stateless person shall be resolved as provided by this Law.

ARTICLE 408. CONFINEMENT UNDER GUARD FOR THE PURPOSE OF TRANSFER

408.1. If there is ground for satisfaction of the request of authorized organization of foreign country and for transfer of a criminal, he/she shall be arrested and confined under guard until the transfer and the requesting organization shall be informed immediately on date and place of the transfer.

408.2. If the person confined under guard as provided by Article 408.1. of this Law is not received within 30 days, he/she shall be released by an decree of procurator.

408.3. The person released as provided by Article 408.2. of this Law may be again confined under guard if new request has been made.

ARTICLE 409. TRANSFER OF PROPERTY AND OTHER EVIDENCE

409.1. In transferring a foreign citizen or stateless person to a foreign country according to rules provided by this Law, the tools and other items used in perpetrating of crime and other property bearing signs of the crime or

obtained through criminal activities and other necessary evidence shall be transferred.

409.2. If the evidence described in Article 409.1. of this Law is required for resolution of other cases it may be refused to transfer it.

409.3. The property described in Article 409.1. of this Law shall be transferred when the relevant organization of foreign country issues a guarantee to return the property upon resolution of the case.

CHAPTER FORTY SEVEN
TRANSFERRING A PERSON SENTENCED TO IMPRISONMENT TO THE COUNTRY OF HIS/HER JURISDICTION

ARTICLE 410. GROUNDS FOR TRANSFERRING CONVICT SENTENCED TO IMPRISONMENT TO COUNTRY OF HIS/HER JURISDICTION

410.1. Issues of transferring a convict sentenced to imprisonment by a court of Mongolia to the country of his/her jurisdiction or transferring a citizen of Mongolia sentenced to imprisonment by a foreign court to Mongolia shall be resolved according to conditions and rules provided by international agreements of Mongolia established with the respective country.

410.2. Decision on transferring a person sentenced to imprisonment by a court of Mongolia to the country of his/her jurisdiction shall be made by the Procurator General of Mongolia and this shall be informed to the court that has issued the sentence and the court decision enforcement agency if not provided otherwise by law or international agreement of Mongolia.

ARTICLE 411. REFUSING TO TRANSFER CONVICT SENTENCED TO IMPRISONMENT TO COUNTRY OF HIS/HER JURISDICTION

411.1. In following occasions it may be refused to transfer a person sentenced to imprisonment by a court of Mongolia to his/her country of jurisdiction:

411.1.1. if no action, for which the person has been sentenced, is considered to be a crime by legislation of the person's country of jurisdiction;

411.1.2. if it is not possible to enforce the sentence in the country of jurisdiction due to fact that time limit for prosecuting the crime has expired by legislation of the person's country of jurisdiction or for other reasons;

411.1.3. if the convict or the country that has requested to transfer has not implemented a provision of the decree with respect to civil claim or has not submitted such a guarantee;

411.1.4. if agreement has not been reached on transferring the convict based on conditions provided by international agreements;

411.1.5. if the convict was a permanent resident in Mongolia.

ARTICLE 412. REVIEWING AND RESOLVING A REQUEST TO TRANSFER A MONGOLIAN CITIZEN FOR PURPOSES OF ENFORCING A SENTENCE

412.1. If not otherwise provided by law or international agreement of

Mongolia, a citizen of Mongolia sentenced to imprisonment by a foreign court shall be presented to the Procurator General of Mongolia by the convict, his/her lawful representative or relatives, or with the permission of the convict by the diplomatic representative of Mongolia residing in the respective country or by an authorized organization of the country.

412.2. The Procurator General of Mongolia shall review the request and decide whether to satisfy the request or not.

412.3. If the Procurator General of Mongolia has satisfied the request the convict shall be transferred according to agreements established with the respective country.

ARTICLE 413. PROCEDURES FOR RESOLVING THROUGH COURTS THE ISSUE RELATED WITH IMPLEMENTING DECREES OF FOREIGN COURTS

413.1. A judge of soum or district court by issuing an order shall resolve the issue of serving a sentence in Mongolia by a person transferred as provided in Article 418 of this Law, based on the submission of the Procurator General and according to jurisdiction established by the Chief Justice of Supreme Court.

413.2. An order of judge shall contain following provisions:

413.2.1. name of the foreign court, place and date of issuing the decree;

413.2.2. place of last residence or last employment in Mongolia;

413.2.3. the crime committed by the convict and articles, paragraphs and provisions of law applied by the foreign court on him;

413.2.4. articles, paragraphs and provisions of Criminal Law of Mongolia to be applied on the actions of the convict.

413.2.5. Term of sentence imposed by the foreign court on the convict, type of prison unit, term to be served in Mongolia, type of prison unit and procedures for compensating damages.

413.3. If the term of sentence imposed by the foreign court is greater than the maximum term to be imposed by Criminal Law on the particular crime, the term to be served in Mongolia shall be established as equal to the maximum term to be imposed by Criminal Law on the particular crime.

413.4. If, according to law of Mongolia, it is not allowable to impose imprisonment sentence on the crime, despite the fact that an imprisonment sentence has been imposed by a foreign court, court shall resolve this by imposing other type of sentence analogous to that of foreign court in type and term.

413.5. If, despite the fact that an convict was sentenced by a foreign court for committing several crimes, but according to law of Mongolia, the crimes are not considered to be crimes, court shall terminate the case and release the convict from criminal responsibilities and convictions.

413.6. An order of judge shall enter into force from the moment of issuance and a procurator may protest the order.

413.7. An order of judge shall be delivered to a procurator for enforcement.

413.8. All issues of enforcing court decisions such early release, replacement of a sentence with lighter sentence, giving amnesty or pardoning of a sentence for a person who is transferred from abroad to serve the sentence in Mongolia as provided in this Article shall be regulated by

law and legislation of Mongolia.

413.9. If an amnesty law is adopted in a foreign country, the law shall be applicable to a person who has been sentenced there and transferred and a decision to such effect shall be made by a judge of court of the first instance in jurisdiction of which the sentence enforcement unit is located.

CHAPTER FORTY EIGHT
MISCELLENIOUS

ARTICLE 420. ENTERING INTO FORCE OF THE LAW

420.1 This law shall be observed starting from September 1, 2002.

Chairman of the State Great Hural S. Tumur-Ochir