



THE PERMANENT MISSION  
OF MONGOLIA TO THE UNITED  
NATIONS OFFICE, WORLD TRADE  
ORGANIZATION AND OTHER  
INTERNATIONAL ORGANIZATIONS  
IN GENEVA

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The Permanent Mission of Mongolia to the United Nations Office, World Trade Organization and other international organizations in Geneva presents its compliments to the Special Procedures Branch of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and, in reference to the latter's letter AL MNG 1/2024 of 21 February 2024, has the honour to transmit herewith the response (unofficial translation) provided by the General Judicial Council of Mongolia.

The Permanent Mission of Mongolia to the United Nations Office, World Trade Organization and other international organizations in Geneva avails itself of this opportunity to renew to the Special Procedures Branch of the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, 25 April 2024

*[Handwritten signature]*

Special Procedures Branch  
Office of the UN High Commissioner for Human Rights  
Geneva

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UNOFFICIAL TRANSLATION

**Response to the letter AL MNG1/2024 dated 21 February 2024 from Ms. Margaret Satterthwaite, Special Rapporteur on the independence of judges and lawyers.**

**GENERAL JUDICIAL COUNCIL**

The General Judicial Council herewith submits the following clarifications and information on the issue of the 3 individuals /former judges/:

The President of Mongolia appoints and dismisses judges at all level of courts in accordance with the law, within the framework of his powers specified in the Constitution of Mongolia, the Law on the President of Mongolia, and the Law on the Courts of Mongolia.

In accordance with the functions stipulated in the Constitution of Mongolia and the Law on the Courts of Mongolia, the Judicial Disciplinary Committee, based on the petitions and information submitted by citizens and case participants, reviews disciplinary cases related to judges and imposes suspension, dismissal and other disciplinary punishments on judges.

As Gerelmaa L. who was mentioned in the letter, sentenced the named citizen to 3 months imprisonment while the statute of limitations for the case proceeding had expired by violating provision 72.1.1 /six months passed after the event of a minor case/, Article 72 /Exemption from criminal liability in case of expiry of the period of criminal responsibility/ of the Criminal law 2002 and provision 24.1.2 /expiration of the statute of limitations/, Article 24 /Cases in which criminal proceedings cannot be conducted/ of the Criminal Procedure Law, the Judicial Disciplinary Committee of Mongolia imposed her to disciplinary punishment of reducing the judge's rank for a period of 1 year by its Resolution No.05 in 2012 and upheld by the Committee's Resolution No.02 of 2012.

According to the adoption of newly amended Law on Courts of Mongolia, she was dismissed from the position of judge by the Decree No.198 of the President of Mongolia in 2013.

As of Bulgan R. who was mentioned in the letter, she, while supervising the criminal case related to 4 people as assigned to her, missed files No.1 and No.6 of the case filing and caused serious harm by disrupting the judicial process and the normal functioning of the official organization violating Provision 272.2, Article 272 of the Criminal Law of 2002 "Neglect of official duties", she was investigated for her mentioned action. In accordance with the respective clauses in Article 57 of the Law on Courts of 2002 /Suspension of powers of a judge/ 57.1.5 "to be held criminally liable.", and according above legislations the Judicial General Council submitted its proposal by Resolution No12 in 2013 to the President of Mongolia to dismiss Bulgan R. from her position as a judge, and she was dismissed from the position of judge by the Decree No. 198 of the President of Mongolia in 2013.

And judge power of Tuyat P. was suspended by the Decree No. 120 of the President of Mongolia dated in 2019 in accordance with Provision 17.1.8, Article 17 of the Law on the Legal Status of the Judge of 2012 "Recommendation of the National Security Council has been issued.", and in connection with the criminal case No. 1741000140031 with involvement of 8 accused including Tuyat P., the Prosecutor's Office in Capital city filed an indictment to the Criminal Court of First Instance of Bayangol District in accordance with the Provision 22.5 /Giving bribes/ and 22.4 /Accepting bribes by public officials/ of Article 22 of the Criminal Law on February 2, 2024 and the case is under investigation.

Disciplinary, ethical, and criminal offenses of judges subjected to the above-mentioned citizens have been resolved by the responsible authorities within the scope of their respective functions and powers specified in the law, and accordingly the judges has been dismissed and suspended. The Law on Courts of 2002, the Criminal Law of 2002, the Criminal Procedure Law of 2002, the Law on the President of Mongolia, the Law on the Legal Status of Judges of 2012, the Criminal Law of 2015, and the Law on Court of Mongolia of 2021 are the laws which were adopted based on compliance to the Constitution of Mongolia and and the international treaties and legal principles and norms generally recognized and accepted by Mongolia including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights.

The content of appendix is as follows:

1. Comprehensive information on issues related to Gerelmaa L., Bulgan R. and Tuyat P.;

2. Information related to actions implemented to ensure the independence, impartiality and safety of judges, and terms of mandate of judges, remuneration, retirement age and pensions in order to fulfil implementation of international legal norms and the Law on Courts of Mongolia;

3. Information related to actions implemented in regard to the term of mandate, remuneration, retirement age of judge and issues on providing pension.

Appendix: 6 pages in total.

**One. Comprehensive information on issues related to Gerelmaa L.,  
Bulgan R. and Tuyat P.**

1. On the issue related to Gerelmaa L.:

Gerelmaa L. was appointed to the position of judge by Decree No.63 of the President of Mongolia dated in 2007.

In the evidence of the disciplinary case related to Gerelmaa L. which was taken to the archive, "The case submitted by the Prosecutor's Office of Hovd Province adjudicated to the defendant Ts.Batsogt in accordance with Provision 181.3 /Assault with Aggravating Circumstances/ of the Article 181 of the Criminal Law of 2002 was resolved by her as changed to the Provision 99.1 /Others Intentional infliction of minor bodily harm/ and punished the responsible individual to be sentenced to 3 months' imprisonment for this minor case when the case statute limitation has expired, and the following legal provisions: Provision 24.1.2 /expiration of the statute of limitations/, Article 24 /Cases in which criminal proceedings cannot be conducted/ of the Criminal Procedure Law of 2002; Provision 72.1.1 /six months passed after the event of a minor case/, Article 72 /Exemption from criminal liability in case of expiry of the period of criminal responsibility/ were found to be violated respectively. Therefore, the disciplinary punishment of reducing the judge's rank for a period of 1 year by Resolution No.05 of the Judicial Disciplinary Committee of Mongolia in 2012 was imposed and upheld by the Committee's Resolution No.02 of 2012.

In regard to the newly approved Law on the Establishment of Courts, the Judicial General Council submitted its proposal to the President of Mongolia to dismiss Chief Judge and judges of the Appeal and First Instance Courts within its Resolution No.41 and to appoint judges of the Appeal and First Instance Courts within its Resolution No.42 in 2013.

According to the adoption of newly amended Law on Courts of Mongolia, Gerelmaa L. was dismissed from the position of judge by the Decree No.198 of the President of Mongolia in 2013.

Gerelmaa L. found that the inaction of the Judicial General Council which did not submit for her appointment as a judge was illegal, and filed a claim with the First Instance Court for Administrative Cases in Capital city to oblige the Judicial General Council to submit to the President of Mongolia to appoint her as a judge of the First Instance Court of Civil Cases in Khovd Province, and according to the court decisions No. 0070 of 2022, decision No. 0074 of 2023 by the First Instance Court for Administrative Cases in Capital city, and court decision No. 221/MA2023/0206 by the Appeal Court of Administrative cases in 2023, it was obliged that the Judicial General Council submit the proposal to the President of Mongolia to appoint the plaintiff Gerelmaa L. as a judge of the First Instance Court of Civil Cases in Khovd Province.

The Judicial General Council submitted its proposal to the President of Mongolia to appoint Gerelmaa L. as a judge by its resolutions No.74, 98 in 2022, and No.186 in 2023, and the President of Mongolia returned by the official letters of No. E/04, E/05 in 2022, and E/12 in 2023 that she is not qualified and competent as stated in Provision

31.1.5, Article 31 of the Law on the Courts of Mongolia "To have proper knowledge, ability and ethics to work as a judge".

In Decision No.08 of the Constitutional Court of Mongolia in 2015, it is concluded that "...not re-appointing of named citizens as judges by Decree No.199 of the President of Mongolia in 2013 does not constitute grounds for dismissing them from the position of judges..." and decided to refuse to initiate a constitutional dispute.

Citizen Gerelmaa L. was filed a claim "Total of 370,188,519MNT as damages caused to me, Gerelmaa L. within the period from January 1<sup>st</sup>, 2014 to June 23<sup>rd</sup>, 2023 to have paid to me by the Judicial General Council of Mongolia upon its the illegal and inaction" to the First Instance Court of Civil Cases in Chingeltei District on October 11<sup>th</sup>, 2023, and by the court's decision No. 182/SHSH2024/00591 dated February 5<sup>th</sup>, 2024, the Judicial General Council to be obliged to pay total of 215,879,050MNT to Gerelmaa L., and from the claim total of 154,309,469MNT was dismissed.

The authorized representative of the defendant disagreed with the above decision and filed an appeal to the Appeal Court of Civil cases of the Capital city, and for the referred case related to Gerelmaa L.'s claim to the Judicial General Council the Appeal Court of Civil cases of the Capital city decided by decision No. 110/MA2024/00675 dated on April 3<sup>rd</sup>, 2024 that the judgment of the first instance court was annulled in its entirety and the case was dismissed.

## 2.On the issue related to Bulgan R.:

Bulgan R. was appointed to the position of judge by Decree No.07 of the President of Mongolia dated in 2005.

During her tenure as a judge, Bulgan R., while supervising the criminal case related to 4 people including G and as assigned to her, missed files No.1 and No.6 of the case filing and caused serious harm by disrupting the judicial process and the normal functioning of the official organization and in accordance with Provision 272.2, Article 272 of the Criminal Law of 2002 "Neglect of official duties", she was investigated for her mentioned action. In accordance with the respective clauses in Article 57 of the Law on Courts of 2002 /Suspension of powers of a judge/ 57.1.5 "to be held criminally liable."; 57.2 "On the grounds specified in Articles 57.1.4 and 57.1.5 of this Law, the President, 57.1.1-57.1.3 of this Law The Judicial General Council shall suspend the power of the judge" and provision 78.3 of Article 78: "If there is a legal basis for bringing a judge to criminal responsibility, the General Council shall submit a request for permission to the President within five days.", the Prosecutor's office submitted a proposal to the Judicial General Council to suspend the judge's power.

Based on the proposal of the Prosecutor's office, a proposal to suspend the power of the judge was submitted to the President of Mongolia by the Judicial General Council within its Resolution No.12 of 2013.

Also, in regard to the newly approved Law on the Establishment of Courts, the Judicial General Council submitted its proposal to the President of Mongolia to dismiss Chief Judge and judges of the Appeal and First Instance Courts within its Resolution No.41 and to appoint judges of the Appeal and First Instance Courts within its Resolution No.42 in 2013.

According to the adoption of newly amended Law on Courts of Mongolia, Bulgan R. was dismissed from the position of judge by the Decree No. 198 of the President of Mongolia in 2013.

Bulgan R. found that the inaction of the Judicial General Council which did not submit for her appointment as a judge was illegal, and filed a claim with the First Instance Court for Administrative Cases in Capital city to oblige the Judicial General Council to submit to the President of Mongolia to appoint her as a judge of the First Instance Inter-Soum Court of Criminal Cases in Khentii Province, and according to the court decisions No. 0070 of 2022, decision No. 0110 of 2023 by the First Instance Court for Administrative Cases in Capital city, and court decision No. 221/MA2023/0253 by the Appeal Court of Administrative cases in 2023, it was obliged that the Judicial General Council submit the proposal to the President of Mongolia to appoint the plaintiff Gerelmaa L. as a judge of the First Instance Inter-Soum Court of Criminal Cases in Khentii Province.

The Judicial General Council submitted its proposal to the President of Mongolia to appoint Bulgan R. as a judge by its resolutions No.74, 96 in 2022, and No.187 in 2023, and the President of Mongolia returned by the official letters of No. E/04, E/05 in 2022, and E/12 in 2023 that she is not qualified and competent as stated in Provision 31.1.5, Article 31 of the Law on the Courts of Mongolia "To have proper knowledge, ability and ethics to work as a judge".

In Decision No.08 of the Constitutional Court of Mongolia in 2015, it is concluded that "...not re-appointing of named citizens as judges by Decree No.199 of the President of Mongolia in 2013 does not constitute grounds for dismissing them from the position of judges..." and decided to refuse to initiate a constitutional dispute.

Citizen Bulgan R. has not claimed damages for her unemployed time period in connection with the Judicial General Council.

### 3.On the issue related to Tuyat P.:

Tuyat P. was appointed to the position of judge by Decree No.72 of the President of Mongolia dated in 2006.

According to Decree No. 120 dated in 2019 of the President of Mongolia, as stated "Recommendation of the National Security Council has been issued." in the Provision 17.1.8, Article 17 of the Law on the Legal Status of the Judge of 2012, the judge's power was suspended.

In connection with the criminal case No. 1741000140031 with involvement of 8 accused including Tuyat P., the Prosecutor's Office in Capital city filed an indictment to the Criminal Court of First Instance of Bayangol District in accordance with the Provision 22.5 /Giving bribes/ and 22.4 /Accepting bribes by public officials/ of Article 22 of the Criminal Law on February 2, 2024 and the case is under investigation.

According to Provision 39.5 /a judge whose mandate is suspended on the basis of Article 39.4<sup>1</sup> of this law shall be paid 90 percent of the salary during that period./ of the Article 39 /to suspend a judge's mandate and a judge's mandate to be suspected/ of the Law on Court of Mongolia in 2021, Tuyat P. is being provided with the amount upon estimation equal to 90 percent of the judge salary.

**Two. Information related to actions implemented to fulfil implementation of international legal norms and the Law on Courts of Mongolia;**

**2.1. The following regulations and procedures were developed and enacted in lies of maintaining legal framework to ensure the independence, impartiality and safety of judges:**

1. "Regulation for maintaining, recording, and resolving influence statements" was approved by Resolution No. 49 of the Judicial General Council in 2021.
2. "Regulation for receiving and resolving complaints and requests regarding violation of the rights and legal interests of judges and impairment of impartiality" was approved by Resolution No. 331 of the Judicial General Council in 2022.
  - The following regulations were approved by the joint order A/116 and No.65 of the Minister of Justice and Internal Affairs and the Chair of the Judicial General Council in 2021:
3. "Regulation for maintaining order in court hearing, ensuring the safety of courts, judges, panel of judges, and other courtroom participants in court hearing process".
4. "Regulation for escorting the accused and the defendant, forcing the appearance of the accused, defendant, witness, and participant in the case who do not appear when summoned by the court, and searching for the accused, defendant, and convict who have escaped from the court."
  - The following regulation was approved by the joint order No. A/301, No. 186 of the Minister of Justice and Internal Affairs and the Chair of the Judicial General Council:
5. "Regulation for the implementation of protective measures in the event of a threat to the life and health of a judge or his/her family member".
  - By the joint order No. 213, A/394 of the Chair of the Judicial General Council and the Director of the National Police Agency in 2023:
6. "Instruction for the use and storage of special personal protective equipment for judges"

**2.2. Review and resolving of influence statements provided by judges:**

In 2021-2023, a total of 37 influence statements were submitted by judges, and discussed at the session of the Judicial General Council, and transferred to relevant authorities to investigate the actions mentioned in the statements.

Measures taken:

- A fine was imposed to the influencer – 9
- Disciplinary action has been taken by an authorized official – 1
- Decided to refuse to open a case filing on the grounds of non-criminality – 14
- Complaints were rejected on grounds of non-infringement state– 6
- Case dismissed by amnesty law – 1
- Returned due to unclear jurisdiction to investigate infringement – 5

- Investigation is on process – 1

### **2.3. Measures aimed at stopping and protecting the activities that attack the impartiality of judges:**

In 2021-2023, the Judicial General Council discussed 14 issues of alleged activities that attack on the impartiality of judges by any individual/legal entities and took the necessary measures to stop those activities within the scope of its mandate, and 7 cases of which were filed as a complaint to the responsible authorities and as for other 7 cases were delivered with "Notice" to individual and legal entities.

### **2.4. The resolution of the request submitted by the judge:**

In 2021-2023, the Judicial General Council received the requests submitted by 13 judges regarding the impairment of the impartiality of them judges, discussed accordingly, submitted complaints/requests to the relevant authorities on behalf of the judges, protected their right and legal interests by participating in the case filing, investigation, and adjudication proceedings as a legal representative and victim.

### **2.5.Regarding protection of live and health of judges:**

According to the Law on the Courts of Mongolia and the Law on Police, the Council exercises its functions of ensuring the safety of courts and judges under cooperation with the Police.

In accordance with Article 5, Provision 5.11 of the Law on the Courts of Mongolia, the draft "Judiciary Development Policy of Mongolia" has been developed by the Council and submitted to the State Great Hural /Parliament/, and is being prepared for discussion at the Parliament Session. The draft policy document includes measures to create an independent organization with a specialized structure to ensure the safety of courts and judges.

In 2021-2023, requests from 3 judges to be taken security protection measures for them were received, and in accordance with the relevant regulations under cooperation with the Police, the security measures, "Pre-warning" and "Physical", were implemented, and 8 actions considered as "disseminated news and information that may endanger, threaten or call for violence to the life and health, to the judge in connection with the performance of official duties, as well as to his/her family member through mass media and social networks" were notified to the relevant authorities to delete news and information distributed online, prevented potential threats, and investigated and decided accordingly by law in accordance with the "Procedures for implementing protective measures in the event of a threat to the life or health of a judge or his family member".

Also, in connection with the incident that alleged assault on the bodies of two judges, the Judicial General Council promptly notified the police and promptly took measures to protect their life and health in accordance with the relevant law.

### **2.6. Regarding the term of the mandate of Judge:**

In compliance with the international norms and acts related to the mandate of judge, the legislation in relative to mandate of a judge beginning with the swearing-in and

ending when the judge's termination or dismissal comes into force was specified in the Law on Courts of Mongolia. The mandate of a judge shall be terminated and dismissed in the following cases and if the ground is not verified, it is impossible to terminate the mandate of judge:

- the judge submitted a written request to be resigned;
- the judge is unable to exercise his/her powers of a judge due to health reasons;
- the judge was transferred, appointed or elected to a position other than being elected as a member of the General Council or Disciplinary Committee;
- Renounced the citizenship of Mongolia, or obtained a permanent residence grant and permit within territory of a foreign country;
- the judge has become a candidate for the elections of the President and State Great Khural /Parliament/, as well as Citizen Representatives Khural of aimag, sums, capital and districts;
- a court decision restricting the civil legal capability of a judge, or considering a judge to be incompetent was come into effect by law;
- the judge has died or the court decision to deem him as dead has entered into force by law;
- the court decision on him/her to take coercive medical measures has entered into force by law;
- has reached the terminal limit of the retirement age of a judge.

As of 12<sup>th</sup> of April, 2024, a total of 526 judges of the first instance, appeal, and supreme courts have been appointed and are exercising their powers.

According to Article 43, Provision 43.1 and Article 72, Provision 72.1.1 of the Law on the Courts of Mongolia, the Council works aiming to implement the procedure for the transfer of a judge to other court under a legal basis and a detailed regulation of the process upon the request and permission by the judge.

### **2.7. Remuneration for judges:**

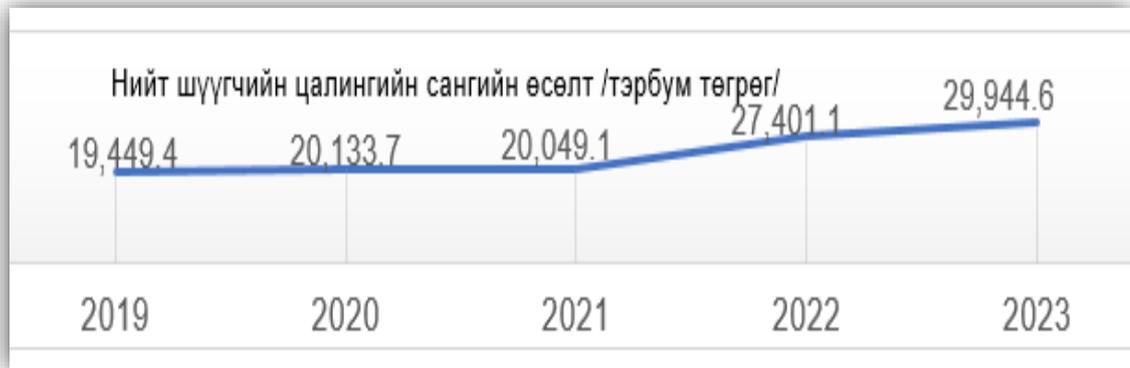
In Provision 46.1, Article 46 of the Law on Court of Mongolia, it is stated that “The amount of salary for the position of a judge shall be sufficient and secure to work and live impartially from others economically.”, in Provision 46.2, it is stated that “The remuneration of a judge consists of the salary of the position and allowances for the special working conditions, the length of public service, academic degrees and others.”, and in Provision 46.4, it is stated that “When approving the court budget, the composition and amount of the judge's remuneration shall not be reduced.”

According to Resolution No 117 of the State Great Khural /Parliament/ dated in 2023, the salary of the judge was increased as to 4,266,000-5,214,000 MNT.

In past 5 years, the court budget has been approved with increase of the the salary fund for judges.

Also, the Judicial General Council submitted the draft bill and its concept to the Minister of Justice and Internal Affairs with its official letter No.01/690 dated April 11<sup>th</sup>, 2024 to include the Court Law of Mongolia the section with the contents: "The General

Council shall determine the amount of salaries and allowances for the position of judges within its allocated budget and approve the procedure for providing allowances. The upper limit of the number of judges of courts other than the Supreme Court shall be determined by the State Great Khural /Parliament/ upon the submission by the Judicial General Council."



## 2.8. Retirement age of judge and issues on providing pension:

In Provision 40.1 of the Law on the Courts of Mongolia, it is stated that "If a judge has reached the age of retirement as per law, or has worked as a judge for 25 years, he/she can be issued an retirement pension and dismissed at his own request.", and Provision 47.6 of Article 47 states the maximum retirement age for judges is 60, and a judge who has reached the age of 55, or who has worked as a judge for total of 25 years, he/she can set an retirement if he/she wishes. A judge who has worked as a judge for 30 years or more and reach the age of 55, he/she will receive an old-age pension".

For the legislation, "...If a judge has worked for 30 years or more and reaches the age of 55, old-age pension will be determined and provided, in case of the request submitted by the judge by himself/herself, it is used for as beneficial for judges by submitting the proposal for dismissal of the judge.

A total of 57 judges dismissed in the last three years on the basis of the above legislation, in which 51 of them who have reached the retirement age, and 6 of them who have been dismissed from their mandates at their own request.

According to Provision 47.9 of Article 47 of the Law on the Courts of Mongolia which states "When a judge retires, the amount equals to 36 months estimated based on average monthly salary he/she received shall be provided once as an allowance.", the specifically estimated allowance is paid once.

When calculating the amount of the above allowance, the average monthly salary is estimated as all additions to be added to the basic salary in accordance with the Provision 46.2: "The remuneration of a judge consists of official salary and other additions including special conditions of position, period of public service and doctoral degree." Of the Article 46 of the Law on the Courts of Mongolia, which is to be beneficial for the judges.

And issues related to paying pensions for the retired judges are regulated by the detailed legislation governing social insurance/security.

**GENEREL PROSECUTOR'S OFFICE:**

The General Prosecutor's Office herewith submits the following information on the issue of the 3 individuals /former judges/.

Article 10 of the Universal Declaration of Human Rights says "Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him".

The principle is confirmed

in Section 1, Article 14 of the Constitution of Mongolia by stipulating that "All persons lawfully residing within Mongolia are equal before the law and the courts", in Section 1, Article 49 "Judges shall be independent and subject only to the law.",

in Section 1, Article 1.6 of the Criminal Procedure Code: "...shall strictly comply with the Constitution of Mongolia, this law, and regulations of other relevant laws.",

in Section 1, Article 1.7 of the Criminal Procedure Code: "Investigator and prosecutor shall be obliged to establish the facts of a case by carefully checking and examining evidence fully and objectively from all available aspects",

in Section 1, Article 1.12: "Everyone in Mongolia ... shall be equal before the law without discrimination based on occupation, position, opinion, or education."

In particular, the fundamental rights stipulated in Section 3, Article 14 of the International Covenant on Civil and Political Rights are reflected and implemented in the Criminal Procedure Code of Mongolia.

1. According to Section 4, Article 22.4 of the Special Part of the Criminal Code of Mongolia, P. Tuyat was charged by the decision of the Metropolitan Prosecutor's Office on May 13, 2021, for his criminal conduct as "received a bribe for abusing his power to adjudicate in the interest of the bribe giver and not properly performing his official duties while working as a public official or judge of the First Instance Criminal Court of Khan-Uul District" and the case against him was investigated by the Investigation Department of the Independent Agency Anti-Corruption of Mongolia.

The Metropolitan Prosecutor's Office reviewed the case against the 8 defendants, including P. Tuyat, and transferred it to the First Instance Criminal Court of Bayangol District on February 20, 2024, after making an indictment.

Section 6, Article 49 of the Constitution of Mongolia states that "The Court Disciplinary Committee shall work with function to suspend and dismiss from the position of judge and impose other disciplinary sanctions under the procedure and the grounds specified in the law, and its power, organization, operational procedure, the requirements for its members, and the procedure of appointment shall be determined by law."

The Law on the Courts of Mongolia defines the grounds for suspending a judge's powers, and the Court Disciplinary Committee is obliged to review and resolve proposals submitted by the competent authorities on suspending a judge's powers due to the investigation against him/her.

After considering as a defendant, the Prosecutor's Office has not submitted a proposal to the Court Disciplinary Committee on whether to suspend Judge P. Tuyat's power.

Since Clause 17.1.8, Article 17 of the Law on the Legal Status of Judges /which was in force at the time, and is now invalidated/ stipulates a justification that says "Recommendation of the National Security Council has been issued", Judge P. Tuyat's authority was suspended due to Decree No. 120 of the President of Mongolia dated June 26, 2019. Consequently, an investigator or prosecutor did not issue a proposal and decision on suspending his authority during the criminal procedure.

According to Decree No. 120 of the President of Mongolia dated June 26, 2019, Judge P. Tuyat's powers were suspended based on a "Recommendation of the National Security Council" as stipulated in Article 17, Clause 17.1.8 of the Law on the Legal Status of Judges /which was in force at the time and is now defunct/, so the detective and prosecutor did not issue a proposal or decision on suspending his authority during the review of the criminal case.

2. The Court Disciplinary Committee of Mongolia submitted a letter with reference No. 99 dated October 11, 2012, to the Investigation Unit under the Prosecutor General of Mongolia, which informed about the crime as "Criminal files reviewed by Judge R. Bulgan of the 1st Inter-Soum Court of Khentii Province have been lost". Based on this information, a criminal investigation was initiated against him on October 20 of the same year due to Section 272.2, Article 272 of the Special Part of the Criminal Code of 2002.

Based on Section 57.1.5 of Article 57 of the Law on Courts, the Judicial General Council of Mongolia released a resolution No.12 dated March 29, 2013, that allowed to charge Rashzeveg Bulgan who is a judge of the 1st Inter-Soum Court of Khentii Province. Plus, a proposal, to suspend the judge's powers until an appropriate decision of the competent authority due to the Criminal Procedure Code, was submitted to the President of Mongolia.

During the process of dismissing and appointing judges of all levels due to the establishment of the courts, R. Bulgan was dismissed from the position of the judge of the 1st Inter-Soum Court of Khentii Province by the Decree No. 198 of the President of Mongolia dated December 18, 2013.

On January 20, 2014, the Metropolitan Prosecutor's Office reviewed the criminal case against R. Bulgan and decided to dismiss the case on the grounds of "no elements of a crime".

3. L. Gerelmaa and R. Bulgan, who were mentioned in the letter of the Special Rapporteur, were dismissed from their positions as judges in 2013 during the dismissal and appointment of judges at all levels due to the establishment of the courts.

The prosecution service of Mongolia is not available to provide information about whether those judges were reappointed or not.