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MONGOLIA

**DRAFT LAW ON THE PROCEDURE OF
THE CONSTITUTIONAL COURT OF MONGOLIA**

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Ulaanbaatar

THE LAW OF MONGOLIA ON THE CONSTITUTIONAL COURT PROCEDURE

/Revised edition/

**CHAPTER ONE
GENERAL PROVISIONS****Article 1. Purpose of the law**

1.1. The purpose of this law is to regulate relations concerning the adjudication of disputes by the Constitutional Court regarding violations of the Constitution of Mongolia (hereinafter referred to as the "Constitution") on its own initiative or upon requests from authorized organizations and officials, based on citizen petitions and information.

Article 2. Legislation

2.1. The legislation governing the Constitutional Court (hereinafter referred to as the "Court") Procedure shall consist of the Constitution¹ of Mongolia, the Law on Constitutional Court, this law, and other legislative acts enacted in conformity with these laws.

2.2. Any matters related to dispute adjudication not explicitly regulated by this law shall be governed by the Rules of Procedure of the Constitutional Court of Mongolia (hereinafter referred to as the "Rules of Procedure"), approved in accordance with the Law on the Constitutional Court of Mongolia and this law through a Deliberation of the Court.

Article 3. Definition of terms

3.1. The terms used in this law shall have the following meanings:

- 3.1.1. "citizen" refers to any individual who is a citizen of Mongolia, a foreign national, or a stateless person;
- 3.1.2. "plaintiff" refers to an individual who submits a petition, information, or request to the Court in accordance with the provisions of this law;
- 3.1.3. "respondent" refers to any organization or official responsible for issuing the decision or act that is alleged to violate the Constitution, as indicated in the petition, information, or request;
- 3.1.4. "dispute" refers to any contested issue or fundamental rights-related conflict;
- 3.1.5. "contested issue" pertains to matters falling within the jurisdiction of the Court as stipulated in Article 66.2 of the Constitution;
- 3.1.6. "fundamental rights dispute" refers to a disagreement regarding whether the decisions or actions of legislative, executive, or judicial bodies and officials infringe upon the fundamental rights of the petitioner;
- 3.1.7. "request" refers to a formal inquiry submitted to the Court by an authorized body or official, within the scope of their official duties, concerning a contested issue as specified in Article 66.1 of the Constitution and in compliance with this law;
- 3.1.8. "information" denotes a submission made by a citizen to the Court regarding a contested issue in accordance with the provisions of this law, with the intent of safeguarding the public interest;
- 3.1.9. "petition" signifies a formal submission by a citizen to the Court alleging that decisions or acts of legislative, executive, or judicial

¹ The Constitution of Mongolia was published in Issue 01, 1992 of the "State Bulletin".

bodies and officials have infringed upon their fundamental rights, as prescribed by this law;

3.1.10. “act” refers to a legal instrument, decision, action, or omission that is based on or derived from legal norms;

3.1.11. “hearing” refers to a discussion held in the Court’s Session Hall where the Court, either in Medium or Full benches, deliberates on a dispute and involves the relevant parties in person;

3.1.12. “deliberation” designates the process by which the Court resolves disputes or related matters without convening a formal hearing. This process involves the examination and determination of issues in a deliberation room, based on the review of collected written and other forms of evidence.

Article 4. Scope of Dispute Adjudication

4.1. The Court shall have the authority to adjudicate disputes exclusively concerning alleged violations of the Constitution. The Court shall not accept petitions, information, or requests pertaining to violations of other laws.

4.2. The Court shall review and adjudicate disputes within its jurisdiction that relate to laws, decisions, or acts of officials that are currently in force.

Article 5. Timeframe for Dispute Adjudication

5.1. Unless otherwise provided by this law, the Court shall adjudicate disputes within 90 days from the date of initiation. In cases deemed complex or challenging by the panel of Justices, this period may be extended once for a maximum of 90 additional days.

5.2. Preparatory measures for the adjudication of disputes concerning the following decisions shall be undertaken without delay:

5.2.1. declaration of a state of emergency, war, or military mobilization;

5.2.2. shift to an elevated or nationwide state of preparedness for disaster management and protection.

5.3. In the circumstances outlined in Article 5.2 of this law, the appointment of multiple rapporteur Justices may be permitted.

Article 6. Determining and Counting Time

6.1. The timeframe for dispute adjudication shall be calculated according to the calendar year, month, day, 24-hour period, working day, and hour.

6.2. When calculating time, the count shall begin from the specified year, month, and day, or from the day and time immediately following the expiration of the designated period or the occurrence of the event.

6.3. If the final day of the period falls on a weekend or public holiday, the deadline shall be extended to the next working day.

6.4. If an assignment must be completed, it shall be done within the working day as prescribed, by the end of the established working hours.

6.5. If a document is submitted to the post office or communication service provider within 24 hours of the final day of the set deadline, it shall be deemed to have been submitted within the prescribed timeframe.

6.6. In calculating time, the calendar year consists of twelve months, a half-year consists of six months, a quarter consists of three months, and a day consists of twenty-four hours.

6.7. In case of an extension of a deadline, the new period shall be counted starting from the day following the expiration of the previous deadline.

6.8. A deadline established by the year, half-year, quarter, or month shall end on the corresponding day of the month in which the period expires. If the last day of the month does not exist (for example, in February), the period shall end on the last day of that month.

6.9. The calendar year shall commence on January 1st and conclude on December 31st.

6.10. A deadline set by week or day shall expire at the exact time on the last day of the period; a deadline set by weekday shall expire at the last hour of the specified day; and a deadline set by hour shall expire at the precise minute and second as specified.

Article 7. Costs Related to Dispute Adjudication

7.1. The following costs related to dispute adjudication in the Court shall be financed from the state budget:

7.1.1. transportation, accommodation, and meal expenses for experts, specialists, translators, and interpreters, as well as remuneration for assignments performed outside of their core duties, as determined by the Court's decision;

7.1.2. transportation, accommodation, meal expenses, and salary or wages for witnesses;

7.1.3. costs associated with the participation of individuals with disabilities in the dispute adjudication process;

7.1.4. costs for performing other necessary operations related to the dispute adjudication process.

7.2. The costs of dispute adjudication shall be calculated as follows:

7.2.1. transportation, accommodation, and meal expenses for experts, specialists, translators, interpreters, and witnesses shall be reimbursed in accordance with the official travel cost rates applicable to organizations financed by the state budget;

7.2.2. work-related remuneration for experts, specialists, translators, and interpreters shall be determined based on established rates, considering standard evaluation criteria;

7.2.3. if a witness is required to attend the Court and suffers a loss of salary or wages during the period of attendance, the average salary or wage for that period shall be compensated;

7.2.4. payment for any necessary tools, devices, or accommodations required for the involvement of participants with disabilities in the dispute adjudication process;

7.2.5. other necessary costs shall be reimbursed in accordance with applicable regulations.

7.3. The detailed procedure for calculating and reimbursing the costs outlined in Articles 7.1 and 7.2 of this law shall be established through appropriate regulations.

CHAPTER TWO PRINCIPLES OF DISPUTE ADJUDICATION

Article 8. Impartiality

8.1. Each Justice shall exercise their duties impartially, without influence from any organization, official, or citizen, and shall render their decisions based solely on the Constitution.

8.2. No organization, official, or citizen shall interfere with, exert pressure on, or otherwise influence a Justice in the performance of their duties related to dispute adjudication.

Article 9. Collective Principle

9.1. The Court shall deliberate on any issue or dispute based on collective principles. Unless otherwise specified by law, decisions shall be made by the majority vote of the Justices.

9.2. A Justice shall attend hearings, participate in deliberations, vote, and fulfill other duties related to dispute adjudication as prescribed by law. Refusal or avoidance of these duties is prohibited, except in cases specified by law.

Article 10. Transparency

10.1. Unless otherwise stipulated by law, the Court shall conduct dispute reviews in a transparent manner and make its decisions available to the public.

10.2. Hearings shall generally be open to the public, except in cases specified in Article 10.4 of this law.

10.3. Citizens have the right to attend open hearings as observers. Admission of observers shall be on a first-come, first-served basis, subject to the seating capacity of the Session Hall.

10.4. If a party in a dispute or a Justice of the panel requests a closed hearing to protect state and official secrets, organizational confidentiality, sensitive personal information (hereinafter referred to as "legally protected secrets and information"), or to ensure individual safety, and if the panel deems the request justified, the hearing may be held partially or fully in private.

10.5. During closed hearings, Justices, parties in a dispute, and other individuals are prohibited from disclosing legally protected secrets and information. Confidentiality agreements may be required as necessary and in accordance with the law.

10.6. The panel may authorize specific individuals to attend closed hearings.

10.7. Unless otherwise specified by law, hearing proceedings shall be officially documented through audio and/or video recordings, which will be stored in the Court's archive.

10.8. The panel may decide to broadcast open hearings live through the Court's website, media outlets, public social networks, or share them with the public through audio or video recordings.

10.9. If an open hearing is broadcast live or shared via audio or video recording, no alterations, omissions, or edits shall be made, except for parts deemed necessary to be closed by the panel. The broadcast shall include the following information:

10.9.1. the names of the parties participating in the hearing;

- 10.9.2. the issues and disputes under review;
- 10.9.3. the names of the member Justices of the panel;
- 10.9.4. the date of the hearing.

10.10. The procedures for broadcasting or recording open hearings and uploading recordings to the Court's website or other public platforms shall be determined in accordance with the Rules of Procedure.

10.11. Parties in a dispute and other individuals have the right to obtain copies of the Court's decisions and minute records of the open hearing at their own expense.

10.12. Petitions, information, requests, complaints, and statistical data related to decisions rendered by the Court shall be summarized quarterly, semi-annually, and annually. These summaries shall be shared with all Justices and published on the Court's website.

Article 11. Ensuring Equal Rights

11.1. The Court shall ensure equal rights in the adjudication of disputes and shall not discriminate against individuals based on nationality, race, language, skin color, age, gender, social origin, status, wealth, profession, official position, religion, sexual orientation, gender identity, disability, opinion, education, or any other characteristic.

11.2. The Court shall provide necessary support to citizens with disabilities to ensure their ability to exercise their rights under this law while participating in the dispute adjudication procedure.

Article 12. Principle of Evidence

12.1. The Court shall undertake all necessary procedures to thoroughly and accurately resolve disputes, including the collection and evaluation of relevant and significant evidence.

12.2. Courts of all instances, state authorities, officials, and relevant parties are required to provide the Court with requested explanations, research, references, conclusions, and other documents in a timely manner to support the adjudication procedure.

12.3. The principal party in a dispute shall submit relevant and truthful evidence, obtained through lawful methods, to the Court.

12.4. The Court may render its decisions based on facts established by legally binding court decisions.

Article 13. Language and Writing for Adjudication

13.1. The Court shall adjudicate disputes in the Mongolian language and ensure that all official documentation related to the adjudication process is conducted in the state official language.

13.2. If a party in a dispute does not speak Mongolian, they may provide explanations and evidence in their native language or a language they understand. In cases where a person with a disability is unable to communicate in the state's official language, they have the right to use sign language, gestures, or special symbols to present their evidence and explanations.

13.3. Any explanations or documents provided to the Court by the parties under Article 13.2 shall be communicated to the panel and other participants in the dispute. Additionally, the hearing proceedings, along with other explanations and documents, shall be presented to the parties using appropriate communication tools or through an interpreter.

Article 14. In-Person Proceedings

14.1. The Full bench, as well as the Small and Medium benches appointed in accordance with the procedures outlined in Article 32 of this law, shall conduct the hearings and deliberations of the Court in person from start to finish.

14.2. If a member Justice of the panel withdraws based on the grounds provided in Article 30.1 of this law, or is unable to continue due to health or other justifiable reasons, a replacement shall be appointed in accordance with the procedure specified in Article 32 of this law.

14.3. In the event described in Article 14.2, the panel shall decide whether to continue or restart the dispute adjudication process, hearing, or deliberation from the beginning.

Article 15. Continuous Proceedings

15.1. The Court shall conduct its hearings and deliberations without interruption, except when a break is deemed absolutely necessary.

15.2. If a dispute cannot be resolved during a hearing or deliberation, the panel may postpone the proceedings for a reasonable period until the issue is resolved.

**CHAPTER THREE
PROCEDURE AND TIME LIMITS FOR ADDRESSING THE COURT**

Article 16. Procedure for Addressing the Court

16.1. A citizen may submit a petition to the Court if they believe that a decision or act made by the legislative, executive, judicial authorities, or officials violates their fundamental rights.

16.2. A citizen may submit information to the Court concerning contested issues outlined in Article 66.2 of the Constitution, with the objective of safeguarding the public interest.

16.3. Regarding contested issues outlined in Article 66.2 of the Constitution, the following authorized bodies or officials may submit a request to the Court within the scope of their primary functions in accordance with Articles 50, 51, and 52 of this law:

- 16.3.1. the State Great Hural (the Parliament);
- 16.3.2. the President;
- 16.3.3. the Prime Minister;
- 16.3.4. the Supreme Court;
- 16.3.5. the Prosecutor General.

16.4. Petitions, information, and requests must be submitted in writing or electronically.

16.5. A petition regarding the violation of the fundamental rights of a citizen who lacks full legal capacity, or who has partial or restricted legal capacity, may be submitted to the Court by their legal representative.

16.6. When submitting a petition or information to the Court regarding a decision or act, other than legislative acts, which is alleged to violate the Constitution, the petitioner shall first exhaust all available legal remedies, including but not limited to appealing to the organization or official that issued the decision, to an authority empowered to annul the decision, or to a court.

Article 17. Time Limits for Addressing the Court

17.1. A citizen must submit a petition to the Court within 30 days from the date of receiving a court decision or other act that they believe violates their fundamental rights.

17.2. A citizen must submit information within the following time limits:

17.2.1. within one year from the date a law, decree, or decision by the State Great Hural, the President, or the Cabinet becomes effective;

17.2.2. regarding whether an international treaty to be ratified or joined by Mongolia complies with the Constitution, information must be submitted before the adoption of the law on such ratification or accession;

17.2.3. within two months from the date of a decision made by the central election authority concerning a public referendum, the State Great Hural election, or the Presidential election;

17.2.4. regarding matters specified in Clauses 3 and 4 of Article 66.2 of the Constitution, within the term of office of the relevant official.

17.3. If the time limits specified in this law are exceeded due to a justifiable reason, the plaintiff may submit a request to the Court, along with supporting documents, to restore the time limit.

Article 18. Requirements for Petitions, Information, and Requests

18.1. Petitions, information, and requests submitted to the Court must include the following:

18.1.1. the plaintiff's surname, given name, permanent address, or the name, official position, and address of the person submitting the request; contact phone number, and email address;

18.1.2. the name, official position, address, contact phone number, and email address of the plaintiff's legal representative or attorney;

18.1.3. information about the law, act, or provision of the Constitution that the plaintiff believes to be unconstitutional, the name of an official alleged to have violated the Constitution and who should be removed or recalled, information on laws or other acts considered non-compliant with the Constitution;

18.1.4. the relevant provision(s) of the Constitution;

18.1.5. the rationale demonstrating the necessity for the Court's adjudication;

18.1.6. the plaintiff's regular or electronic signature, and the date.

18.2. The following should be enclosed with the submitted petition, information, or request:

18.2.1. in cases where a representative or attorney acts on behalf of a party in the adjudication procedure, an official document delineating the scope of authority and expressly granting such authority must be included;

18.2.2. a copy of the law, act, or provision that the petitioner alleges to be unconstitutional, or documentation pertaining to the decision or act that the petitioner asserts as violation of Constitution, or justification for the removal or recall of an official;

18.2.3. an official translation of any documents drafted in a language other than Mongolian.

18.3. In addition to the requirements set forth in Articles 18.1 and 18.2 of this law, the petition must specify the grounds upon which the plaintiff asserts that their fundamental rights continue to be violated, despite having exhausted all legal remedies prescribed by law for the protection of such rights under Article 16.6 of this law. Relevant decisions and supporting documents shall be enclosed.

18.4. In addition to the requirements set forth in Articles 18.1 and 18.2 of this law, the information submitted must clearly articulate the objective of appealing to the Court to protect public interests. The submission shall include the grounds upon which the plaintiff asserts that the constitutional violation persists despite the exhaustion of all legal remedies prescribed by law under Article 16.6. Relevant decisions and supporting documents shall be enclosed.

Article 19. Receiving and Processing Petitions, Information, and Requests

19.1. The General Registrar shall receive petitions, information, and requests submitted to the Court.

19.2. Within 30 days of receiving an application, information, or request, the General Registrar shall assess whether the requirements established in Articles 16, 17, and 18 of this law have been fulfilled and whether the Court has previously rendered a decision on the matter. The General Registrar shall provide a reasoned response to the plaintiff concerning the registration of the case for review.

19.3. The General Registrar shall return the petition, information, or request to the plaintiff in the following circumstances:

19.3.1. the requirements specified in Articles 16, 17, and 18 of this law have not been satisfied;

19.3.2. the plaintiff has submitted a new application, information, or request pertaining to a matter previously adjudicated by the Court, and there exists no valid basis for reconsideration.

19.4. If the plaintiff disagrees with the response provided by the General Registrar under Article 19.3 of this law, the plaintiff may resubmit the petition, information, or request to the Court within 30 days from the date of receipt of the response.

19.5. If the petition, information, or request complies with the requirements set forth in this law, or if it is resubmitted in accordance with Article 19.4 of this law, the General Registrar shall, within 3 working days of receiving it, forward the matter to the Small bench panel appointed in accordance with the procedure outlined in Article 32 of this law and shall register it for review.

Article 20. Electronic Information System and its Transparency

20.1. Petitions, information, and requests shall be registered in accordance with official record-keeping procedures, and an electronic database (hereinafter referred to as the "electronic database") shall be established to store the relevant materials pertaining to the application, information, request, or dispute.

20.2. Throughout the adjudication procedure, petitions, information, requests, complaints, explanations provided by the principal parties, resolutions of the State Great Hural regarding the acceptance of the Medium bench's conclusion, and decisions of the Court shall be uploaded to the electronic database. This information shall be made accessible to interested parties, with the procedures for such access to be established by the Rules of Procedure.

20.3. The decision rendered following an open hearing shall be uploaded to the electronic database within 10 working days from the date it is delivered to the principal parties. Any other decisions made during the adjudication procedure shall be uploaded to the electronic database within 10 working days from the date they are formalized.

20.4. Interested parties, as well as media personnel and organizations, are required to cite the source and disseminate the information specified in Articles 20.2 and 20.3 of this law accurately and without distortion when sharing it with others.

20.5. The Court shall archive and store the petitions, information, requests, complaints, explanations, resolutions, and decisions specified in Articles 20.2 and 20.3 of this law in the electronic database, categorizing them and retaining them for the duration of the official record retention period. The recordings of the hearings shall be preserved for the duration outlined in the Rules of Procedure.

20.6. The procedures for the operation of the Court's website and electronic database, including the uploading and posting of information, live streaming of hearings, broadcasting them to the public through audio-visual recordings, and the dissemination of information regarding the Court's activities, shall be defined by the Rules of Procedure.

20.7. The Court shall ensure that parties in a dispute, their representatives, and attorneys have access to the electronic platform for reviewing case materials, petitions, information, requests, explanations, opinions, related documents, expert conclusions, professional assessments, and decisions rendered during the adjudication process. The Court shall also facilitate the receipt and submission of information and documents through the legal information system. In this manner, the Court guarantees that its operations are open and transparent in an electronic format.

20.8. A copy of the Court's decision or relevant documents pertaining to the case shall be delivered to the parties in a dispute electronically.

20.9. If a party in a dispute requests to receive the Court's decision and relevant documents in writing, or if electronic services are unavailable, the decision and documents shall be sent by postal mail.

CHAPTER FOUR LEGAL STATUS OF PARTIES IN A DISPUTE

Article 21. Parties in a Dispute

21.1. The plaintiff and the respondent are the principal parties involved in a dispute.

21.2. Witnesses, experts, professionals, translators, interpreters, and the court secretary of the Court are considered other participants.

21.3. Representatives and attorneys are not independent participants in a dispute; rather, they act on behalf of the individuals whose rights and legal interests they are defending, within the scope of the authority granted to them.

Article 22. Rights and Duties of the Principal Parties

22.1. The principal party in a dispute adjudication shall have the following rights:

22.1.1. to express their position, provide explanations, submit evidence, and request the submission of additional evidence concerning the contested issue;

22.1.2. to request the participation of witnesses, the appointment of experts, specialists, translators, or interpreters, and to propose the postponement of hearings as provided by this law;

22.1.3. to review, copy, and take notes on petitions, information, requests, relevant explanations, and collected evidence, and to provide responses;

22.1.4. to be informed of and obtain copies of decisions rendered by the Court in relation to the dispute adjudication;

22.1.5. to participate in hearings in person or through a representative and to question other participants in accordance with this law;

- 22.1.6. to submit a request to disqualify the member Justices of the panel or other participants on the grounds established by this law;
- 22.1.7. to receive legal assistance from an attorney;
- 22.1.8. to exercise other rights provided under this law.

22.2. The principal party in a dispute adjudication shall have the following obligations:

- 22.2.1. to appear at the time scheduled by the Court;
- 22.2.2. to submit the required documents within the period specified by the Court
- 22.2.3. to ensure that the petition, information, request, and explanations submitted to the Court are truthful and accurately reflect the actual circumstances;
- 22.2.4. not to disclose legally protected confidential information obtained during the dispute adjudication process;
- 22.2.5. to adhere to the Rules of Procedure during the hearing;
- 22.2.6. to fulfill other obligations as prescribed by this law.

22.3. The plaintiff may propose to increase, reduce, or fully or partially withdraw their claim within 30 days following the notification of the feasibility opinion on whether to initiate a dispute as outlined in Article 40.3 of this law. If the proposed increase, reduction, or withdrawal of the claim is deemed contrary to public interest, the Justice or panel may reject the proposal.

22.4. After the decision of the Small bench has been rendered, the plaintiff shall be prohibited from increasing, reducing, or withdrawing their claim.

22.5. If citizens submit a joint petition or information, they shall designate one representative to participate in the hearing, who shall exercise the rights and obligations of the principal party.

22.6. The Court shall inform the principal parties of their rights and obligations and ensure equal opportunities for participation in the proceedings.

Article 23. Representation in Dispute Adjudication Procedure

23.1. Unless otherwise provided by this law, a principal party may be represented in the adjudication procedure by an individual granted authority through a power of attorney.

23.2. The following organizations and officials shall participate in the adjudication procedure:

- 23.2.1. A member of the State Great Hural (Parliament), appointed in accordance with the procedures set forth in the Law on Rules of Procedure of the State Great Hural, shall represent the State Great Hural;
- 23.2.2. The President or an authorized representative appointed by the President shall represent the President;
- 23.2.3. The Prime Minister, or a member of the Government appointed by the Prime Minister, shall represent the Government;
- 23.2.4. The Chief Justice of the Supreme Court, or a judge appointed by the Full panel of the Supreme Court, shall represent the Supreme Court;
- 23.2.5. The Prosecutor General, or one of the deputies appointed by the Prosecutor General, shall represent the Office of the Prosecutor General.

23.3. An individual may represent an organization without a power of attorney, or the organization's attorney may act as its representative.

23.4. An individual representing an organization without a power of attorney must submit evidence to the Court verifying their official position and the authority conferred by the organization.

23.5. A power of attorney must meet the following requirements:

- 23.5.1. it must bear the signature, name, identification number, and phone number of the principal. In the case of an organization, an individual must sign it and affix the organization's seal and stamp without requiring further authorization;
- 23.5.2. the date of issuance;
- 23.5.3. a clear description of the matter in which the representative is authorized to act;
- 23.5.4. if the power of attorney is granted for a specific period, the duration must be explicitly stated.

23.6. The parties in a dispute or their representatives shall participate in the adjudication procedure.

23.7. The representative shall exercise the rights and duties of the principal, as granted by the power of attorney, within the framework of this law.

23.8. The following individuals are prohibited from participating as representatives in the adjudication process:

- 23.8.1. those who participate as a witness, expert, or specialist;
- 23.8.2. judges and prosecutors, except when participating in the dispute adjudication process as parents, guardians, supporters, or as representatives of the organization in which they are employed.

23.9. The representation shall terminate for the following reasons:

- 23.9.1. the representative refuses the power of attorney;
- 23.9.2. the principal revokes the power of attorney;
- 23.9.3. the representative dies or becomes legally incapacitated, unless otherwise specified by law or contract;
- 23.9.4. the organization represented by the representative is dissolved.

23.10. A principal granting the power of attorney has the right to revoke it, and the representative has the right to refuse the power of attorney. In such cases, the Court must be promptly notified. Failure to notify the Court shall result in the principal bearing responsibility for any ensuing consequences.

Article 24. ATTORNEY

24.1. A party in a dispute may obtain legal assistance from an attorney during the adjudication procedure.

24.2. The rights of the attorney participating in the adjudication procedure shall be determined by the agreement between the attorney and the party receiving legal assistance.

Article 25. Witness

25.1. An individual possessing knowledge of important circumstances or facts related to the dispute may be selected as a witness by the designated Rapporteur Justice or by the panel of Justices.

25.2. The witness must appear at the appointed time and is obligated to provide truthful information concerning the issues related to the dispute. The witness may reference necessary notes, documents, and evidence.

25.3. If the witness knowingly provides false testimony, unlawfully avoids giving testimony, or refuses to testify, they shall be reminded of the legal consequences prescribed by law, and such notification shall be documented.

Article 26. Expert

26.1. Upon the request of the principal party, or at the initiative of the designated Rapporteur Justice or the panel of Justices, an expert with no conflict of interest may be appointed to provide an opinion on matters requiring specialized knowledge and expertise.

26.2. The issue requiring an expert opinion shall be clearly specified in the decision rendered pursuant to Article 26.1 of this law.

26.3. The expert must appear at the appointed time and provide a truthful, comprehensive, and reasoned opinion within the specified period.

26.4. If the expert knowingly provides a false opinion, unlawfully avoids rendering an opinion, or refuses to provide an opinion, they shall be reminded of the legal consequences prescribed by law, and such notification shall be formally documented.

26.5. The expert may refuse to provide an opinion if their qualifications or knowledge are deemed unsuitable or if there exists a conflict of interest.

26.6. The expert may submit a request to the Justice for the review of dispute materials and the collection of additional evidence, if necessary.

26.7. The expert shall submit a written conclusion detailing the analysis conducted and the findings derived therefrom, including clear and substantiated responses to each question posed by the Court.

26.8. Should the expert identify circumstances not initially encompassed by the Court's questions but deemed critical to the adjudication, such information may be included in their conclusion.

26.9. If multiple individuals are appointed as a group of experts, a unified opinion shall be issued if consensus is reached, with all experts signing the document. In the event of dissent, the dissenting expert(s) shall issue a separate opinion.

Article 27. Specialist

27.1. If the designated Rapporteur Justice or the panel of Justices determines that a professional opinion on a specific issue is necessary, a non-participant specialist (an individual or organization with expertise in the relevant field) may be appointed for a specified period through a written task order issued by the designated Rapporteur Justice.

27.2. The professional opinion shall be relevant, well-reasoned, and based on factual analysis pertinent to the adjudication.

27.3. Within 30 days of the public announcement of the case pursuant to Article 39.3, the specialist may submit a professional opinion to the Court concerning the issue underlying the dispute. If the designated Rapporteur Justice determines that the opinion satisfies the requirements set forth in Article 27.2, it shall be accepted, enclosed with the dispute materials, and disseminated to the panel of Justices and the principal party.

27.4. In appointing a specialist to provide a professional opinion, the provisions of Articles 26.3, 26.5, 26.6, 26.7, 26.8, and 26.9 of this law shall apply.

Article 28. Translator and Interpreter

28.1. If a principal party is not proficient in the Mongolian language or is unable to communicate in the official language, whether orally or in writing, due to a disability, an interpreter or translator may be appointed by the designated Rapporteur Justice or the panel of Justices, upon the request of the principal party, to assist in the proceedings.

28.2. The interpreter or translator shall appear at the appointed time and bear the responsibility of accurately and comprehensively translating and interpreting petitions, information, requests, explanations, statements, and evidence, as well as the content of the proceedings and the decisions of the Court.

28.3. The interpreter or translator may seek clarification by posing questions.

28.4. A participant in the dispute is prohibited from acting simultaneously as both interpreter and translator.

28.5. If the interpreter or translator knowingly provides false or misleading translations or interpretations, or unlawfully refuses to perform their duties, they shall be reminded of the legal consequences prescribed by law, and such notification shall be formally documented.

Article 29. Secretary of the Hearing

29.1. The Secretary of the hearing (hereinafter referred to as the "Secretary") shall be responsible for informing the participants of their rights and obligations in the proceedings, ensuring the necessary conditions for holding the hearing, notifying participants of the schedule, registering their attendance, preparing and signing the minutes of the hearing, and ensuring the minutes are certified by the chair and attached to the case materials. The Secretary shall also perform any other necessary tasks as required by the proceedings.

29.2. A sufficient number of secretaries shall be assigned to carry out the duties outlined in Article 29.1.

Article 30. Grounds and Procedure for Recusal

30.1. A Justice is required to recuse themselves from being included in the panel of Justices if any of the following grounds apply:

30.1.1. they have participated in the dispute as part of an administrative body or a court, in the course of their official duties or professional capacity;

30.1.2. they themselves, or someone with whom they are associated, is a principal party in a dispute.

30.2. A principal party has the right to propose the recusal of a Justice on the grounds specified in Article 30.1. The proposal must be submitted in writing, clearly stating the reasons for the recusal.

30.3. The panel of Justices shall decide on the proposal for recusal without the participation of the Justice in question. If the decision results in a tie, the Justice shall not be recused.

30.4. If the recusal of a Justice results in an insufficient number of Justices to form a quorum for the Small, Medium, or Full benches, the proposal for recusal shall not be accepted. The

Justice shall continue to perform their duties, regardless of whether the grounds for recusal in Article 30.1 are present.

30.5. A Justice cannot be recused for any reason other than those specified in Article 30.1. Involvement in the development or approval of legislation, or the expression of a scholarly opinion on legal issues related to the dispute, does not constitute grounds for recusal as defined in Article 30.1.1.

30.6. If an interpreter, translator, expert, specialist, or secretary finds that they have any conflict of interest or other grounds for recusal as specified in Article 30.1, they are required to recuse themselves. The panel shall decide on the proposal for recusal.

30.7. If any of the individuals mentioned in Articles 30.1 or 30.6 have grounds for recusal, they must inform the presiding Chair in writing before the deliberations begin. If the grounds for recusal become apparent during the hearing, they must notify the presiding Chair immediately and recuse themselves.

30.8. If a designated Rapporteur Justice recuses themselves or is recused, another Justice shall be appointed to continue the proceedings, and if necessary, some procedures may be restarted.

30.9. If any Justices of the panel, other than the rapporteur Justice, recuse themselves, or if their recusal is accepted, another Justice will be appointed to replace them.

Note: The term "associated" in this article refers to an individual as defined in Article 3.1.5 of the Law on Regulation of Public and Private Interests and Prevention of Conflict of Interest in Civil Service².

CHAPTER SEVEN GENERAL PROCEDURE FOR ADJUDICATION

Article 31. Grounds for Adjudication

31.1. The Court shall adjudicate a dispute solely based on the petitions, information, or requests filed in accordance with this law.

31.2. Unless otherwise provided by special procedures, the dispute shall be adjudicated following the general procedures set forth in this law.

Article 32. Distribution of Petitions, Information, Requests, and Disputes, and Related Procedures

32.1. The procedure for the assignment of petitions, information, requests, and disputes to the Rapporteur Justice, as well as the appointment of member Justices to the Small and Medium benches and their respective presiding Chairs, shall ensure a random and unbiased allocation, utilizing software that meets the following requirements:

32.1.1. Upon receipt, the Court shall immediately assign petitions, information, and requests. These assignments shall not be altered except by a decision of the Deliberation of all Justices. A record detailing the time and manner of assignment must be made available to the involved parties.

32.1.2. The electronic distribution of petitions, information, requests, and disputes shall be irreversible unless a substantiated objection is raised or modifications are

² Law on Regulation of Public and Private Interests and Prevention of Conflict of Interest in Civil Service was published in Issue 08, 2012 of the "State Bulletin".

necessary due to changes in the composition of the panel, as per this law. Any amendments shall be transparent, documented, and devoid of human influence.

32.2. The Chief Justice shall preside over the Full bench. If the Chief Justice is not part of the Full bench or is serving as the designated Rapporteur Justice, one of the Justices appointed in accordance with the procedure outlined in Article 32.1 shall assume the chairmanship.

32.3. In accordance with the procedures specified in Articles 32.1 and 32.2, petitions, information, requests, and disputes shall be allocated to the designated Rapporteur Justice. Additionally, the composition of the Small and Medium benches, along with the appointment of their respective presiding Chairs, shall be determined.

Article 33. Suspension of Adjudication Procedure

33.1. If a decision from another court is deemed essential for the resolution of the matter under adjudication, the panel shall suspend the adjudication procedure until such decision is rendered.

33.2. The suspension of the adjudication procedure for any reason other than those specified in Article 33.1 is strictly prohibited.

33.3. If the grounds for suspension are resolved or removed, the panel shall promptly resume the adjudication procedure.

33.4. A principal party or a member Justice of the panel may propose the suspension or resumption of the adjudication procedure in accordance with the provisions of this Article.

Article 34. Dismissal of a Dispute

34.1. The panel shall have the jurisdiction to dismiss a dispute in the following instances:

- 34.1.1. in the event of the death of the petitioner;
- 34.1.2. if the plaintiff has withdrawn from the proceedings;
- 34.1.3. the law, regulation, or other legal instrument relevant to the dispute has been declared null, or the factual or legal circumstances that gave rise to the dispute have been eradicated.

34.2. Nevertheless the fulfillment of any of the conditions set forth in Article 34.1, where the matter in question is deemed to be of significant public interest, the panel shall proceed with the adjudication of the dispute.

Article 35. Minutes of the Hearing

35.1. The proceedings of the hearing shall be comprehensively recorded and documented using appropriate information technology tools and shall include the following details:

- 35.1.1. the title of the minutes, the date and location of the hearing, and the precise start and end times of the hearing, recorded to the exact minute;
- 35.1.2. the full names and titles of the presiding Chair, the member Justices of the panel, and the secretary of the hearing;
- 35.1.3. a concise description of the subject matter of the dispute under adjudication;
- 35.1.4. the names, occupations, and other pertinent identifying information of the participants in the dispute;

35.1.5. a comprehensive record of the requests, explanations, testimonies, expert opinions, professional conclusions, questions, answers, and any other documents submitted by the participants, their legal representatives, or attorneys, as well as any developments relevant to the dispute during the course of the proceedings.

35.1.6. the feasibility on resolution of any issues arising during the hearing and a record of the content of the final conclusion rendered.

35.2. Any explanation or testimony provided in a foreign language during the hearing may be appended to the minutes.

35.3. The minutes of the hearing shall be drafted in writing within five (5) working days following the conclusion of the hearing. The minutes shall be signed by the presiding Chair and the secretary and subsequently included in the official dispute file.

CHAPTER SIX ORGANIZATION OF ADJUDICATION PROCEDURE

Article 36. Organization of Adjudication Procedure

36.1. Disputes shall be adjudicated by the Court in the Small, Medium, and Full benches.

36.2. The Small bench shall consist of three (3) Justices, the Medium bench shall consist of six (6) Justices, and the Full bench shall consist of the total number of Justices as prescribed by law.

36.3. In the event that a Justice recuses themselves or is recused pursuant to the provisions of Article 30.1, or in circumstances where a Justice is unable to participate due to health or other justifiable reasons, the Full bench may proceed with at least seven (7) Justices.

Article 37. Forms of Adjudication

37.1. The dispute shall be adjudicated through deliberation.

37.2. The panel may decide to hold a full hearing if it deems it necessary to fully and substantively resolve the dispute. This includes personally hearing the explanation of the principal party, reviewing the oral statements of witnesses or other participants, examining their testimonies, and obtaining clarifications in the Session Hall.

37.3. The hearing or deliberation may be conducted electronically upon the proposal of a participant to the dispute, a member Justice of the panel, or in cases of necessity. In such cases, a certain member of Justices of the panel or specific participants may be permitted to participate electronically.

Article 38. Small Bench

38.1. Based on the petition or information, the Small bench shall decide through deliberation whether to initiate a dispute on its own initiative or upon request.

38.2. The Small bench shall determine whether to initiate the dispute before the Court and shall issue a feasibility opinion in this regard. Such an opinion shall constitute the final decision on the matter of initiating the dispute.

38.3. The Small bench shall render a decision within thirty (30) days of receiving the proposal to restore the time limit for the submission of a petition, information, or request, as provided in

Article 17.3 of this law. In such cases, the Chief Registrar shall provide a written explanation of the decision.

38.4. The Small bench shall deliberate within thirty (30) days following the receipt of a petition, information, or request, as specified in Article 19.5 of this law. If deemed necessary, the Small bench may extend this period by an additional thirty (30) days, once.

38.5. The presiding Chair, in consultation with the other member Justices of the Small bench, shall schedule the deliberation.

Article 39. Decision on Whether to Initiate a Dispute

39.1. The Small bench shall reject the initiation of a dispute if any of the following grounds are present:

- 39.1.1. the petition, information, or request has not been submitted by an authorized official, or was submitted by an individual who does not possess full authority to represent the relevant party;
- 39.1.2. the subject matter of the dispute is outside the jurisdiction of the Court;
- 39.1.3. the subject matter of the dispute lacks fundamental constitutional significance;
- 39.1.4. the requirements set forth in Article 16 of this law are not satisfied;
- 39.1.5. the time limit specified in Articles 17 or 19.4 of this law has expired.

39.2. The Small bench may also refuse to initiate a dispute if any of the following grounds are present:

- 39.2.1. the petition, information, or request fails to meet the requirements set forth in Article 18 of this law;
- 39.2.2. a valid decision has already been rendered by the Court on the specific issue in question;
- 39.2.3. the plaintiff has withdrawn from the case.

39.3. If a dispute is initiated, it shall be publicly announced within five (5) working days through the Court's website and other official communication channels.

39.4. Upon the initiation of a dispute, the following actions shall be taken immediately, in accordance with the procedures set forth in Article 32.1 of this law:

- 39.4.1. assignment of a designated Rapporteur Justice to the dispute;
- 39.4.2. appointment of the member Justices of the Medium bench.

39.5. In cases where a specific issue is to be decided by the panel during the dispute adjudication process, as stipulated by this law, the panel appointed pursuant to Article 39.4 of this law – whether the Medium or the Full benches – shall be deemed to be considered as the adjudicating panel for that particular issue.

Article 40. Medium Bench

40.1. Unless otherwise provided in this law, the Medium bench shall review and issue a conclusion on contested issues, as well as on disputes concerning fundamental rights as outlined in Clauses 1 and 2 of Article 66.2 of the Constitution.

40.2. The designated Rapporteur Justice shall carry out the procedures prescribed by this law and prepare the dispute for adjudication by the Medium bench.

40.3. Within five (5) working days of being appointed, the designated Rapporteur Justice shall submit a feasibility opinion regarding the initiation of the dispute to the principal parties. Along with the feasibility opinion, the designated Rapporteur Justice shall provide copies of the petition, information, or request to the respondent, granting them the opportunity to submit their responses within the prescribed timeframe. Upon receipt of the responses, a copy shall be forwarded to the plaintiff, and their rights and obligations shall be duly communicated.

40.4 If deemed necessary, the designated Rapporteur Justice may undertake the following actions:

- 40.4.1. request relevant explanations, research, references, or other documents from relevant organizations, officials, or other parties deemed significant for the adjudication of the dispute;
- 40.4.2. summon witnesses to testify;
- 40.4.3. obtain expert opinions as required;
- 40.4.4. solicit and accept professional opinions;
- 40.4.5. request additional explanations or clarifications from the principal party;
- 40.4.6. review and consolidate petitions, information, or requests with similar description, and propose their separation if they cannot be resolved collectively;
- 40.4.7. propose the suspension of the dispute adjudication on the grounds specified in Article 33.1 of this law, or propose its resumption in accordance with Article 33.3 of this law;
- 40.4.8. propose the dismissal of the dispute based on the grounds outlined in Article 34.1 of this law;
- 40.4.9. propose an extension of the adjudication period pursuant to the grounds set forth in Article 5.1 of this law;
- 40.4.10. undertake any other necessary actions

40.5. The panel shall deliberate and decide on the designated Rapporteur Justice's proposals regarding the actions outlined in Articles 40.4.6, 40.4.7, 40.4.8, and 40.4.9. The principal parties shall have the right to submit proposals to the panel concerning these actions.

40.6. The principal parties shall have the right to propose actions, as outlined in Articles 40.4.1, 40.4.2, 40.4.3, 40.4.4, 40.4.5, and 40.4.10, to the designated Rapporteur Justice.

40.7. Unless otherwise specified in Article 5.2 of this law, the designated Rapporteur Justice shall distribute copies of the dispute materials to the member Justices of the panel at least twenty-one (21) days prior to the decision to be rendered by the Medium bench. The member Justices of the panel shall have the right to review the dispute materials in advance and to familiarize themselves with the original documents.

40.8. Within five (5) working days of receiving the dispute materials, the member Justices of the panel may propose additional procedural actions. If such a proposal is accepted, the panel may extend the period for adjudication in accordance with the provisions of this law.

40.9. If preparations are made for the dispute to be adjudicated by the Medium bench, the designated Rapporteur Justice shall solicit the opinions of the other member Justices of the panel and determine whether the matter should be discussed in a hearing, as well as set the date for such hearing. If at least two (2) member Justices of the panel propose that the dispute be discussed in a hearing, the matter shall be scheduled for discussion during the hearing.

40.10. If it is decided to discuss the dispute in a hearing, the location, date, and time of the hearing, as well as whether the hearing shall be open or closed, shall be determined.

40.11. At least ten (10) working days prior to the hearing, the participants in the dispute shall be notified of the location, date, and time of the hearing. This information shall also be publicly posted on the Court's website and other official communication channels.

40.12. In the cases specified in Article 5.2 of this law, notice shall be given and information shall be provided to the public at least five (5) working days before the hearing, in accordance with the provisions of Article 40.11 of this law.

40.13. If it is decided not to discuss the dispute in a hearing, the location, date, and time of the deliberation shall be determined, and the schedule shall be set.

Article 41. The Conduct of Hearing of the Court

41.1. The hearing shall be convened in a hall duly designated and equipped for deliberative proceedings, prominently adorned with the State Emblem and the National Flag of Mongolia.

41.2. All participants in the hearing shall be bound by a duty to observe the established Rules of Procedure and comply with the directives issued by the presiding Chair.

41.3. The presiding Chair shall formally open the hearing, verify the presence of participants in coordination with the secretary, and announce the subject matter of the dispute under consideration.

41.4. The presiding Chair shall ensure that the participants in a dispute are apprised of their rights and obligations and shall provide a clear explanation of their respective responsibilities.

41.5. The presiding Chair shall declare the composition of the panel, introduce other participants, and inform the principal parties of their right to recuse any participant.

41.6. The presiding Chair shall outline the applicable Rules of Procedure and issue a reminder to all participants and attendees in the Session Hall of their obligation to comply with these rules and follow the directives of the presiding Chair.

41.7. A designated Rapporteur Justice shall provide a concise explanation of the content of the petition, information, or request, as well as the preparatory measures undertaken for adjudicating the dispute.

41.8. During the hearing, the member Justices of the panel shall have the right to pose questions to the participants and to receive responses thereto.

41.9. The principal party shall provide statements and justifications elucidating their positions with respect to the dispute.

41.10. The principal party may submit statements or pose questions solely in relation to the matter of dispute.

41.11. In cases where experts or specialists participate in the hearing, they shall personally present their findings.

41.12. With the presiding Chair's approval, the principal party may direct questions to the experts or specialists concerning their findings, to which the experts or specialists shall be obligated to respond.

41.13. Witnesses shall remain sequestered from the Session Hall prior to rendering their testimony.

41.14. Witnesses shall be required to respond truthfully to all questions posed by the member Justices of the panel and the participants in a dispute.

41.15. All evidence deemed material to the adjudication of the dispute shall be subject to examination and analysis during the hearing.

41.16. Upon the conclusion of the hearing, the principal party may address the Court, but they shall not cite documents or evidence not previously examined during the hearing.

41.17. The presiding Chair shall be responsible for ensuring the lawful conduct of proceedings, the comprehensive and objective adjudication of the dispute, the equitable exercise of rights and obligations by participants, and the adherence to the Rules of Procedure.

41.18. Security for the hearing and the maintenance of order shall be ensured by officers of the State Special Security Service, acting in accordance with the instructions of the presiding Chair.

41.19. In case of a breach of the hearing's Rules and Procedures, the presiding Chair shall issue a preliminary warning. For repeated violations, the presiding Chair shall possess the authority to expel the offending individual from the Session Hall, document the incident in the official hearing minutes, and impose liability as prescribed by law.

Article 42. Consequences of Absence at the Hearing

42.1. The failure of a participant in a dispute to attend a hearing, nevertheless proper notification of the hearing schedule, shall not serve as a basis for postponement of the hearing, except as explicitly provided in Article 42.2 of this law.

42.2. If a participant in a dispute is unable to attend the hearing due to valid and substantiated reasons and submits a written request for personal participation no later than three (3) working days prior to the scheduled hearing, the panel may exercise its discretion to postpone the hearing.

42.3. In case of the absence of a witness, expert, or specialist, the panel shall deliberate on the matter and determine whether the hearing may proceed.

42.4. Should a translator or interpreter fail to attend the hearing, the panel may resolve to postpone the hearing.

Article 43. Submission of the Court's Conclusion to the State Great Hural (Parliament)

43.1. The conclusion rendered by the Medium bench following the adjudication of disputes specified in Clauses 1 and 2 of Article 66.2 of the Constitution shall be submitted to the State Great Hural (Parliament) for its consideration.

43.2. Upon resolution of a contested issue and the public proclamation of the decision, as provided in Article 45.9 of this law, the enforcement of laws, other decisions, or provisions thereof deemed unconstitutional shall be suspended pending the issuance of the Court's final decision. The duration of such suspension shall be explicitly stipulated in the Court's conclusion.

43.3. Within 24 hours of the suspension specified in Article 43.2, the Court shall deliver a written notification to the State Great Hural, including the resolving part of its conclusion and details regarding the suspended law, decision, or provisions.

43.4. The reinstatement of the effectiveness of any law, decision, or provision suspended pursuant to Article 43.2 is strictly prohibited.

43.5. The State Great Hural shall discuss upon and resolve the Court's conclusion within 14 days of its receipt during a parliamentary session. If the conclusion is received during a parliamentary recess, the matter shall be reviewed and resolved within 14 days from the commencement of the next session, in accordance with the Law on Rules of Procedure of Sessions of the State Great Hural of Mongolia.

43.6. Conclusions issued by the Court regarding matters specified in Article 5.2 of this law shall be reviewed by the State Great Hural on an expedited basis. The timeframe established in Article 43.5 shall not apply in such cases.

43.7. Should the State Great Hural, after discussion, decide not to accept the conclusion of the Court, it shall issue a resolution clearly articulating the grounds for such non-acceptance.

43.8. The resolution referenced in Article 43.7 shall be submitted to the Court within 10 days of its effective date. An authorized representative of the State Great Hural may also provide an explanation to the Court detailing the grounds for non-acceptance.

Article 44. Full Bench

44.1. The Full bench shall deliberate and resolve the following disputes:

44.1.1. the failure of the State Great Hural to review and accept the Court's conclusion within the timeframes established in Articles 43.5 and 43.6, or its failure to adopt the requisite decision within the designated timeframe, or its failure to submit its decision to the Court within the period specified in Article 43.8 of this law;

44.1.2. the Small bench has initiated a dispute upon the receipt of petitions, information, or requests concerning whether the provisions or articles of laws and other decisions, which were annulled by a decision of the Court, have been reinstated, either directly or substantively;

44.1.3. situations where three or more member Justices of the panel believe that, during the review of a dispute by the Medium bench, there arises a need to amend or establish a new legal position regarding a specific provision or article of the Constitution;

44.1.4. contested issues related to matters specified in Clauses 3 and 4 of Article 66.2 of the Constitution.

44.2. The Full bench shall reconsider and issue a final decision on disputes outlined in Article 44.1.1. The decision shall take the form of a resolution. If the Full bench rules that a law is unconstitutional, the decision of the State Great Hural rejecting the Court's conclusion shall be rendered void. If the Full bench finds the law to be in accordance with the Constitution, the Court's conclusion shall be annulled.

44.3. The Full bench shall issue a final resolution on disputes as specified in Articles 44.1.2 and 44.1.3.

44.4. The Full bench shall render a conclusion on the dispute described in Article 44.1.4 and submit the same to the State Great Hural.

44.5. Upon the occurrence of the conditions set forth in Article 44.1 of this law, the date for the Full bench's hearing shall be scheduled.

44.6. The designated Rapporteur Justice shall deliver the resolution of the State Great Hural rejecting the Medium bench's conclusion to the principal parties within five (5) working days

from the date of receipt, as outlined in Article 32 of this law. The participants shall be allowed to submit their explanations within the prescribed period.

44.7. The procedures for preparing a dispute for adjudication by the Full bench, as well as for conducting the hearing, shall adhere to the relevant procedural rules established in Articles 40, 41, and 42 of this law as applied to the Medium bench.

CHAPTER 17

ISSUANCE OF COURT DECISIONS

Article 45. Resolving Disputes through Deliberation

45.1. The decision regarding the dispute shall be rendered in the deliberation room, where deliberation and decision-making will be confined to the member Justices of the panel. The secretary, participants in the dispute, and other parties shall not be involved in the deliberation process.

45.2. Each member Justices of the panel shall have equal rights in making a decision on the matter under deliberation. The member Justices may pose questions to the designated Rapporteur Justice and receive responses and are obligated to provide their opinions on the matter being discussed.

45.3. The designated Rapporteur Justice shall first articulate their opinion and reasoning. Subsequently, the member Justices of the panel shall express their opinions and reasoning in order of their length of service in the Court, beginning with the longest-serving Justice. The presiding Chair shall deliver their statement last. A member Justice of the panel may express their opinion again if deemed necessary.

45.4. After all member Justices of the panel have expressed their opinions, a vote shall be conducted as follows:

45.4.1. the presiding Chair shall summarize and formulate the content of the decision's conclusion. If any member Justice disagrees with the formulation, a vote shall be conducted based on the formulation supported by the majority.

45.4.2. following the initial vote, the member Justices of the minority may present their reasoning and speak again. If deemed necessary, the majority may respond.

45.4.3. after all member Justices have expressed their opinions, a second vote shall be conducted based on the formulation from the first vote, without modification. If the majority supports the formulation, it shall become the content of the decision's conclusion.

45.4.4. if the minority from the first vote becomes the majority in the second vote, the member Justices may express their reasoning again. A third vote shall then be conducted, and the decision shall be based on the opinion supported by the majority.

45.5. If the State Great Hural has decided not to accept the Court's conclusion, the Full bench shall reconsider the dispute and vote on whether the law or other decisions, along with their relevant provisions, violate the Constitution.

45.6. If the votes of the member Justices in the Medium or Full benches result in a tie, the decision or act shall be considered as not violating the Constitution.

45.7. Votes during the deliberation shall be conducted openly. However, the words, explanations, reasoning, and opinions expressed by Justices during the deliberation shall be kept confidential. Such confidentiality must not be disclosed or disseminated to any third parties.

45.8. Each member Justice of the panel is required to sign the conclusion section of the decision.

45.9. If a hearing is convened, the content of the resolving section of the Court's decision shall be presented to the participants in the dispute and made public. If the decision is rendered without a hearing through deliberation, the content of the conclusion section of the Court's decision shall be promptly made public.

45.10. The decision of the Court shall become effective once it is made public, in accordance with the provisions of Article 45.9.

Note: The term "longest-serving Justice of the Constitutional Court" refers to the Justices as defined in the explanatory note of Article 10 of the Law on the Constitutional Court of Mongolia.

Article 46. Determining the Grounds of the Court's Decision through Deliberation

46.1. The draft of the reasoning section of the Court's decision shall be prepared by one or several Justices appointed by the panel. This draft shall be based on the content supported by the majority of the panel and must be completed within 14 days from the date of the deliberation, as specified in Article 45 of this Law. During this period, other member Justices of the panel may submit written comments.

46.2. Each member Justice of the panel is required to provide written comments on the drafted reasoning section as outlined in Article 46.1 of this Law.

46.3. Within 14 days from receiving the draft, as specified in Article 46.1 of this Law, the reasoning section of the Court's decision shall be finalized through deliberation.

46.4. If at least one member Justice of the panel who has received and reviewed the draft suggests revising the reasoning section, conducting additional research, or making fundamental changes to the reasoning, the deliberation may be postponed for up to 7 days.

46.5. Unless otherwise specified in this Law, the content of the reasoning section of the Court's decision shall be determined by the majority opinion of the member Justices of the panel.

46.6. The member Justice appointed under Article 46.1 of this Law shall finalize the Court's decision by incorporating the comments of other member Justices and drafting the decision in full, as discussed during the deliberation.

46.7. The decision made by the Medium or Full benches shall be formalized and issued within 45 days from the date of deliberation, as specified in Article 45 of this Law. The decision shall become effective immediately upon issuance.

46.8. Each member Justice of the panel is required to sign the Court's decision to formalize it.

46.9. If any member Justice of the panel disagrees with the reasoning or conclusion sections of the Court's decision, either fully or partially, they have the right to submit a special opinion in writing. The special opinion shall be appended to the dispute materials.

Article 47. Structure of the Court's Decision

47.1. The Court's conclusion and resolution shall be based on the Constitution, based on research, and justified. The necessary preparatory procedures to fulfill these requirements shall be established by the Rules of Procedure.

47.2. The Court's conclusion shall consist of introduction, clarification, reasoning, and resolving sections with the following content:

47.2.1. Introduction: This section shall include the name, number, and date of the decision, the place of the hearing or deliberation, the member of Justices of the panel, the names of the parties in a dispute, and a brief description of the matter of dispute;

47.2.2. Clarification: This section shall contain a summary of the petition, information, and requests that led to the dispute initiation, explanations from the participants, and other necessary information and evidence;

47.2.3. Reasoning: This section shall indicate the constitutional provisions used as the basis for the decision, explain their meanings, and demonstrate how they were violated, employing legal methods. It shall also outline the relevance of the evidence, information, and arguments provided by the principal parties;

47.2.4. Resolving: This section shall determine whether the Constitution was violated and shall clearly specify, without ambiguity, the law, its provisions and the decision made regarding the dispute. If the Constitution was found to be violated, the start date for suspending the application of the law and related decisions shall be included.

47.3. The Court's resolution shall also consist of introduction, clarification, reasoning, and resolving sections with the following content:

47.3.1. Introduction: In addition to the information outlined in 47.2.1, if there is a decision by the State Great Hural (Parliament) not to accept the Court's conclusion, the name, number, and a brief summary of the dispute discussed by the State Great Hural shall also be included.

47.3.2. Clarification: In addition to the content specified in 47.2.2, if there is a decision by the State Great Hural not to accept the Court's conclusion, the content and key reasons for the decision shall also be included.

47.3.3. Reasoning: In addition to the content specified in 47.2.3, if there is a decision by the State Great Hural rejecting the Court's conclusion, the written reasoning for whether that decision is considered well-founded or unfounded shall be included.

47.3.4. Resolving: In the decision section, it shall be determined whether the Constitution has been violated, with a specification of the name of the law, its provisions, and articles that served as the basis for the ruling. In cases where there is a decision from the State Great Hural regarding the Court's resolution, or other decisions, the ruling shall clearly state whether such decisions are to be annulled, specifying whether the entire law or only the specific provisions found to be in conflict with the Constitution are to be annulled.

47.4. If technical errors, such as incorrect words, letters, or numbers, are identified in a decision within one year of its formal issuance, the panel that issued the decision may make the necessary corrections.

47.5. The feasibility opinion rendered by the Small Bench on whether to initiate a dispute shall not include a reasoning section.

47.6. If the Medium or Full benches decide to dismiss a case, a feasibility opinion shall be issued regarding this decision. The structure of this opinion shall meet the requirements outlined in Article 47.1 of this law.

47.7. The Panel shall address and resolve matters pertaining to the adjudication of disputes, with the exception of those explicitly enumerated in Articles 40.1 and 44.1 of this law, through deliberation, and shall issue a feasibility opinion in accordance therewith.

Article 48. Publication and Distribution of the Court's Decision

48.1. The conclusion, and resolution of the Court, shall be published on the official website within five working days from the date of formal adoption of the feasibility opinion as specified in Article 47.6 of this law. Should a Justice deem it necessary, their dissenting or concurring opinion may also be published alongside these decisions.

48.2. By the conclusion of January each year, the decisions and special opinions referenced in Article 48.1, rendered during the preceding year, shall be published in both print and electronic formats as part of the Court's annual compilation of decisions.

48.3. Within five working days from the formal adoption of the Court's decision, the principal parties in a dispute, along with the State Great Hural, the President, the Government, the Supreme Court, the state authority responsible for legal affairs, and the Unified Legal Information System, shall be provided with the Court's decision. Furthermore, the decisions concerning fundamental rights shall be forwarded to the National Human Rights Commission.

48.4. The Court may, at its discretion, schedule a day for the public presentation of the substance of its decision, should it be deemed necessary.

48.5. In accordance with Article 46.1 of this law, the appointed Justice of the panel shall, within ten working days of the formal adoption of the Court's conclusion or resolution, prepare and publish a summary of the decision. If necessary, information regarding the dispute adjudication process shall also be included. This summary shall be published on the Court's official website in a clear and publicly accessible manner.

48.6. When deemed essential to achieve following specific objectives, the panel may present, inform, or publish the decisions and special opinions referenced in Article 48.1 orally, ensuring that no information is disclosed:

48.6.1. protect legally protected confidentiality or privileged information;

48.6.2. protect the interests of the concerned parties.

Article 49. Consequences of the Court's Decision

49.1. The decision of the Court shall be binding and shall be adhered to by all organizations, officials, and individuals without exception.

49.2. Unless otherwise explicitly provided in the decision that resolves the dispute, the decision shall render unconstitutional laws, decisions, and their respective articles and clauses null and void upon its effectiveness. The specific time of invalidation shall be determined within the decision.

49.3. Taking into consideration the legal, economic, and organizational implications, the time of invalidation for laws, decisions, and their relevant articles and clauses may be deferred for a specified period following the Court's decision. Alternatively, the method and procedure for the implementation of the Court's decision may be outlined within the decision itself.

49.4. If the Court invalidates specific articles or provisions of a law or other decision that serve as the foundation for an administrative act, such administrative act or its relevant articles and provisions shall also be rendered void.

49.5. Where the Court determines that a law or other decision and its relevant articles or provisions violate the Constitution, and as a result, social relations may remain unregulated, the competent authority or official shall be obliged to amend or regulate those social relations in accordance with the Constitution and the Court's decision. The Court may prescribe a time limit for this corrective action and designate the responsible authority or official.

49.6. If the Court's decision establishes that a law or its relevant articles and provisions violate the Constitution in a manner that affects the legal foundation for reducing liability under the Criminal Code or the Law on Infringement, the case shall be reconsidered in accordance with the Court's decision.

49.7. In cases where the Court's decision determines that the fundamental rights of the petitioner have been violated, such decision shall serve as the basis for restoring those rights. The authority or official responsible for the violation of these fundamental rights shall be required to bring their actions and decisions into compliance with the Court's decision and the protection of the fundamental rights

CHAPTER EIGHT SPECIAL PROCEDURES

Article 50. Disputes Related to Laws and Other Decisions

50.1. The following competent authorities may submit a request to the Court regarding disputes within the scope of their respective duties:

50.1.1. The President or the Prime Minister may request the Court to ascertain whether a law or other decisions of the State Great Hural are in violation of the Constitution;

50.1.2. The State Great Hural or the Prime Minister may request the Court to ascertain whether decrees or other decisions of the President are in violation of the Constitution;

50.1.3. The State Great Hural or the President may request the Court to ascertain whether the decisions of the Government are in violation of the Constitution;

50.1.4. The State Great Hural or the President may request the Court to determine whether international treaties, which Mongolia intends to accede to or ratify, are in compliance with the Constitution, prior to the passage of the law on ratification or accession;

50.1.5. The State Great Hural, the President, or the Prime Minister may request the Court to ascertain whether the decisions of the Election Commission regarding a referendum or the State Great Hural or Presidential elections violate the Constitution.

50.2. Prior to the Court's resolution of the disputes referred to in Article 50.1 of this law, the State Great Hural, the Government, the President, and the National Human Rights Commission may issue clarifications regarding the issues in dispute.

50.3. Disputes referred to in Article 50.1 of this law shall be adjudicated by the Medium or Full benches, in accordance with the procedures established by this law.

Article 51. Disputes Arising from Requests of the Supreme Court and the Prosecutor General

51.1. If a court determines that the law or international treaty of Mongolia applicable to a case or dispute is inconsistent with the Constitution, it shall suspend the adjudication of the dispute and submit its opinion to the relevant panel of the Supreme Court. If at least one-third of the panel judges concur with the opinion, a request shall be made to the Constitutional Court.

51.2. If the appellate instance of the Supreme Court, while reviewing a case on appeal, considers that the law or international treaty of Mongolia to be applied is inconsistent with the Constitution, it shall suspend the adjudication and submit a request to the Constitutional Court regarding the law or treaty.

51.3. In accordance with Article 73.2 of the Law on the Courts of Mongolia, the Judicial General Council may submit its opinion to the Supreme Court. Should the opinion be deemed well-

founded by a full judges panel of the Supreme Court, a request shall be made to the Constitutional Court.

51.4. If a request is not made to the Constitutional Court under Articles 51.1 or 51.2 of this law, the Prosecutor General, upon the request of the defendant in a criminal case, may submit a request to the Constitutional Court to determine whether the law or international treaty is consistent with the Constitution.

51.5. The opinions and requests set forth in Articles 51.1, 51.2, and 51.4 of this law shall clearly outline the grounds upon which it is contended that the law or treaty violates the Constitution, based on the factual circumstances of the case. A certified copy of the case materials shall be appended to the request.

51.6. The procedures outlined in Articles 50.2 and 50.3 of this law shall be followed in resolving disputes arising from the requests specified in Articles 51.1, 51.2, 51.3, and 51.4 of this law.

51.7. Nevertheless whether a citizen has submitted a petition or information to the Constitutional Court asserting that a legal provision or clause violates the Constitution, a request may still be made in accordance with Articles 51.1, 51.2, 51.3, and 51.4 of this law.

51.8. The Constitutional Court shall permit the relevant panel of the Supreme Court or the parties involved in the adjudicatory process to provide an explanation regarding the case.

51.9. Any party involved in a case under review by the court may submit a request to the court as provided in Article 51.1 or to the appellate court panel as provided in Article 51.2 of this law.

Article 52. Disputes Relating to Public Officials

52.1. Requests and information may be submitted to the Court regarding the following contested issues:

52.1.1. whether the President, Chairman of the State Great Hural, members of the State Great Hural, Prime Minister, members of the Government, Chief Justice of the Supreme Court, or the Prosecutor General have violated the Constitution;

52.1.2. whether a constitutional violation by the President, Chairman of the State Great Hural, or Prime Minister constitutes grounds for the removal of the President, Chairman of the State Great Hural, or Prime Minister from office, or the recall of a member of the State Great Hural.

52.2. The request or information referred to in Article 52.1 of this law shall specify the grounds and evidence supporting the claim of a constitutional violation, or the grounds for dismissal or recall.

52.3. The Full bench shall review the dispute raised by the request or information outlined in Article 52.1 of this law in a hearing, and render a conclusion regarding whether a constitutional violation has occurred or whether there are grounds for dismissal or recall. The conclusion shall be submitted to the State Great Hural.

52.4. The public officials listed in Articles 52.1.1 and 52.1.2 of this law shall attend the Court's hearing in person. If the official is unable to attend, the Court may authorize a representative to attend on their behalf or may decide to postpone the hearing once.

52.5. In its conclusion, the Court shall clearly state the grounds for the following issues:

52.5.1. whether the President, Chairman of the State Great Hural, members of the State Great Hural, Prime Minister, members of the Government, Chief Justice of the Supreme Court, or Prosecutor General have violated the Constitution;

52.5.2. whether the violation of the Constitution by the President, Chairman of the State Great Hural, or Prime Minister constitutes grounds for their removal from office, or for the recall of a member of the State Great Hural.

Article 53. Disputes Regarding Fundamental Rights

53.1. Disputes regarding fundamental rights shall be reviewed by the Medium Bench, which shall render a conclusion.

53.2. Parties with a vested interest in the dispute regarding fundamental rights may submit their explanations within the time frame determined by the Court.

53.3. In the case where the petition concerns the constitutionality of legislation, the State Great Hural or the Government may submit their explanations within the time frame established by the Court.

53.4. The National Human Rights Commission may submit its explanation on the dispute regarding fundamental rights within the time frame established by the Court.

53.5. If the panel of Justices decides to review the dispute regarding fundamental rights in a hearing, the parties referred to in Articles 53.3, 53.4, and 53.2 may be invited to participate in the hearing.

53.6. If the Medium bench concludes that the petition is justified, it shall specify in its conclusion which decisions or other acts of legislative, executive, and judicial bodies, or public officials, violate the fundamental rights protected by the Constitution.

53.7. The effects of decisions found to violate fundamental rights may be suspended, as provided in Article 45.9 of this law, and the relevant authorities or officials shall be instructed to bring the decision into compliance with fundamental rights in accordance with the Court's conclusion. Should the Court suspend the effects of a judicial decision, the matter of protecting fundamental rights shall be referred to the Supreme Court under Clause 3 of Article 5.1 of the Constitution.

53.8. Courts, other bodies, and officials, within the scope of their authority, shall resolve the matter in compliance with fundamental rights in accordance with the Constitutional Court's conclusion.

53.9. If the petition concerning the constitutionality of legislation is determined to be justified, the legislation shall be suspended pending the Court's final decision. The conclusion shall be forwarded to the State Great Hural, which will consider and issue a resolution in accordance with Articles 43.5, 43.6, and 43.7 of this law.

53.10. If the State Great Hural fails to consider or accept the Court's conclusion within the time frame specified in Articles 43.5 and 43.6 of this law, or fails to issue the relevant decision within the time frame specified in Article 43.7, the Full bench shall review the matter again and issue a final decision.

53.11. If the decision referred to in Article 53.7 of this law is based on unconstitutional legislation, such legislation shall also be suspended, and the matter shall be resolved in accordance with Articles 53.9 and 53.10 of this law.

CHAPTER 10 MISCELLANEOUS

Article 54. Responsibility for Legal Violations

54.1. Individuals or legal entities who violate this law shall be held accountable in accordance with the provisions of the Criminal Code or the Law on Infringement.

54.2. If an official's actions violating this law do not constitute a crime or an offense, such official shall be held accountable in accordance with the Law on Civil Service.

54.3. Any actions or omissions that have the nature of a crime or are related to the dispute adjudication process shall be reported to the appropriate authorities.

Article 55. Entry into force

55.1. This law shall enter into force on ..., 2025. Sign