

**REGULATION OF THE MONGOLIAN
JUDGES' ASSOCIATION[1]**

**RESOLUTION OF THE
COUNCIL OF JUDGES' OF MONGOLIA**

May 15, 2011

No ...

Ulaanbaatar city

Re: Adopting Regulation of the Mongolian Judges' Association

Since newly formed Managing Board of Mongolian Judges' Association drafted the "Regulation of Mongolian Judges' Association" and comments of the members of the Council were taken in; 31 or 77.5 percent out of 40 members of the Council of Judges' voted in favor of adoption of newly drafted "Regulation of Mongolian Judges' Association".

According to 16.1 of article 16 of the Regulation of the Association /approved by resolution No1 dated January 1st, 2006/ authority given to this Council hereby it is RESOLVED TO:

1. Adopt the "Regulation of Mongolian Judges' Association" as it's attached here.
2. Invalidate the regulation approved by the resolution No. 1 dated January 1st, 2006 by Judges Association.
3. Advice the Managing Board /Head B.Battseren/ of Mongolian Judges' Association to organize required activities by the new regulation.

CHIEF JUSTICE OF THE
SUPREME COURT

TS.ZORIG

Attachment to Resolution
No. 8 dated May 13th, 2011 by the
Council of Judges' of Mongolia

REGULATION OF THE MONGOLIAN JUDGES' ASSOCIATION

One. General provision

1.1. Mongolian Judges' Association (hereinafter referred to as Association) is a professional, nongovernmental, non profitable organization that is independent, secures independence of judges, represents and protects legal rights and interests of the judges, supports to strengthen qualification, knowledge, skills in judicial proceedings and morality and is aimed to cooperate with International Association, foreign judges and organizations with unity of purpose.

1.2. Legal name of the association is: **"Mongolian Judges' Association"**, official address is **Mongolia, 15170, Ulaanbaatar, 40 and 50 myangat – 1, J.Sambu Street, Supreme Court Building.**

1.3. The association shall run its activity within the Constitution of Mongolia, laws on Non – governmental organizations, legal status and activities of the judicial organizations, "Common Declaration of Judges" by the International Judges' Association, Bangalore's principles on judicial codes and legislations in compliance with the law.

1.4. The association shall have its own symbol and use official letter head and seal.

Two. Basic principles of the activity of the association

2.1. Structure of the association shall be united and its activity shall be based on democratic, open, transparent, and independent on the government organizations, professional, voluntary and self governing principles.

2.2. The association shall endeavor to enter as a member to international organizations having unity of purpose and expand its cooperation with foreign and domestic organizations.

2.3. The association shall not substitute, execute and involve in judicial proceedings and other kinds of activities, run profitable and political activities and shall not discriminate the members by age, sex, religion, point of view and positions.

Three. Main direction of the activity of the association

3.1. The association shall run its activity in following directions in order to achieve its aim set forth in 1.1 of this regulation, including:

3.1.1. To organize discussion among the judges on issues required for independence of the court and judges, making jurisdiction system more advanced ensuring guarantee for the judges to implement jurisdiction of the judges set forth in laws on legal status

and activities of the judges and judicial organizations, unite proposals and submit to law maker and legislative body;

3.1.2. To extent knowledge, education and skills in judicial proceedings of the judges, to form ability to regularize moral measures, to organize trainings, meetings and discussion aimed to support members to exchange knowledge and experiences and publish handbooks and books;

3.1.3. To organize scientific conferences, trainings, discussion and press conferences on issues to ensure independence of the court and judges;

3.1.4. To establish relationship and cooperate with foreign and domestic organizations with unity of purpose, mutually organize trainings and visits of the judges moreover support judges to set relationship, mutually exchange experiences and cooperate as said above;

3.1.5. To introduce an activity of its members through the media, establish relations with the press in this direction and support to cooperate;

3.1.6. To support and assist judges to have opportunity to upgrade their education and knowledge and make reference and represent them to the relevant organizations if required;

3.1.7. To organize a work to protect legal rights and interest of the judges in accordance with the law, study information about the members in timely basis if required and provide response based on the request of that member;

3.1.8. To uphold and provide material assistance to the members;

3.1.9. Other kinds of activities set forth in the legislation and accepted for the non government organizations;

Four. Forum of the Association

4.1. Supreme power of the association will be carried out by the Forum of the Association.

4.2. The forum shall have regular and special sessions and regular forum shall be summoned every three years.

4.3. The regular and special forums shall be summoned by the decision of the Managing Board of the Association. The Forum can be organized in the form of electron session (electron vote).

4.4. Head of the Association, member of the Managing Board, Executive Director and member of Controlling Council shall attend the session and the Managing Board shall determine number of members from each branch committee.

4.5. The Forum of the Association /regular and special/ shall implement following authorities:

4.5.1. To approve and amend main direction and plan of the regulation and activity of the Association;

4.5.2. To discuss work report of the Managing Board of the Association and request information;

4.5.3. To discuss work report of the Controlling Council and request information;

4.5.4. To choose composition of the Managing Board and Controlling Council of the Association;

4.5.5. To choose head of the Judges Association;

4.5.6. To restructure the Association, set and withdraw its structure and organizing;

4.5.7. To set tax amount of the members of the Association;

4.5.8. Other authorities set forth in the regulation.

4.6. The Forum of the Association shall be considered to be valid by participation at least one third of the total selected representatives in accordance with setting forth in 4.4 of this regulation and the issue that belongs to the authority shall be decided by majority votes of the participants and resolution shall be made;

In case of conducting the forum in the electronic session it shall be valid by participation at least 50 percent of total members and it shall be resolved by the majority vote of the participants of the session.

4.7. Head and secretary of the forum shall sign and confirm the resolution of the Forum;

4.8. Forum of the Association shall set its order.

Five. Managing Board of the Association

5.1. The Managing Board shall carry out the management of the Association during free time of the Forum of the Association;

5.2. The Managing Board shall consist of head and 9 members and they are non vacant positions;

5.3. The Forum of the Association shall appoint the head and other members of the Managing Board for three years;

5.4. The head shall govern the meeting of the Managing Board and it shall be summoned at least twice a year;

5.5. The Meeting of the Managing Board shall be considered to be valid by participation at least two third of its members and the issue that belongs to the authority shall be decided by majority votes of the participants and resolution and decision shall be made;

5.6. Head of the Association shall sign and confirm the resolution of the Managing Board meeting sealing with the stamp;

5.7. The Managing Board shall execute following authorities:

- 5.7.1. To put proposal on amending the regulation, changing the structure and organizing and withdrawing to the Forum of the Association;
- 5.7.2. To approve and control annual work plan and budget of the Association;
- 5.7.3. To determine rights and duties of the head of the Association related to allocation of the capital of the Association;
- 5.7.4. To summon the Forum of the Association;
- 5.7.5. To appoint and dismiss Executive Director of the Association and discuss his/her report;
- 5.7.6. To decide issues to promote and award the member and approve procedure to create and issue awards named after the Association;
- 5.7.7. To approve structure and charter of the work office and its budget;
- 5.7.8. To establish and change structural unit in operational directions such as foreign relations;
- 5.7.9. To discuss and decide request for tax allowance and exemption by serious reason;
- 5.7.10. Other authorities set forth in the regulation.

Six. Head of the Association

- 6.1. Head of the Association shall be non vacant position;
- 6.2. Head of the Association shall carry out following authorities:
 - 6.2.1. To represent the Association internally and externally;
 - 6.2.2. To summon the meeting of the Managing Board and leads the meeting;
 - 6.2.3. To approve work plan of the Association and control its implementation;
 - 6.2.4. To expend monetary capital from tax and donations of the members of the Association within own authority;
 - 6.2.5. To appoint to the Executive Director, conclude agreement with the Executive Director appointed by the Managing Board and control on the implementation;
 - 6.2.6. Other authorities set forth in the regulation.
- 6.3. Head of the Association shall make ordinance within own authority. In case if the head fails to execute the authority (sick for a long time etc) a member selected from the Managing Board shall execute the authority and shall cover responsibility caused by it;
- 6.4. May decide to employ qualified officers as officer in charge of finance /accountant/, secretary, officer in charge of media etc.by directive by Head of the Federation on a contract basis

Seven. Monitoring Council of the Association

- 7.1. Controlling Council shall monitor activity and financial expenditure of the Association.

7.2. Head of the Association, member of the Managing Board, Executive director and employee subject to the employment contract shall not be appointed to the member of the Monitoring Council.

7.3. Monitoring Council shall summon at least twice per year. It can be summoned anytime in case if necessary.

7.4. Monitoring Council shall have a right to obtain any information and documents related to its activity from head of the Association and the Executive director without any delay and involve relevant professional in its monitoring activity.

7.5. Monitoring Council shall have 3 members. The Forum of the Association shall appoint the member of the Monitoring Council for 3 years.

7.6. Monitoring Council shall notify revealed breach to the Forum and the Managing Board on time and have required measures taken.

Eight. Branch committee of the Association

8.1. The Association shall have one branch committee consisting of the judges of first instance court(s), appellate court and administrative court in each province, Supreme Court, Administrative court of appeals, Capital City appellate court, Capital city administrative court and each district court of Capital city.

8.2. Head of the branch committee shall be appointed by majority vote of the members of that branch committee for three years.

8.3. Each branch committee shall have a right to nominate to the head of the Association, Managing Board and Monitoring council from its members. Failure to nominate by the branch committee shall not be a basis to limit the right set forth in 10.2.7 of this regulation.

8.4. The branch committee and its head shall organize a work to implement decision and recommendation of the Association and the Managing Board among its members, take united management and recommendations of the Association and report.

Nine. Executive Director of the Association and its office

9.1. Executive Director of the Association shall have a duty to ensure continual daily activity of the association and may be full time basis staff.

9.2. Executive Director of the Association shall have following authorities:

9.2.1. To develop work plan of the association and organize and control its implementation;

9.2.2. To organize preparatory work of the meeting of the Managing Board;

9.2.3. To be responsible on and implement daily activity of the Association;

9.2.4. To develop proposal to compile and expend members tax and donations from international organizations;

9.2.5. To conduct united registration of the members of the association, compile and keep other relevant documents and make required movement in the member's registration;

9.2.6. To be responsible on and keep official letterhead and seal of the Association;

9.2.7. To communicate directly with the heads of the branch committees and ensure organizational management;

9.2.8. Other authorities set forth in the regulation;

9.3. The Association shall have its office and may have staff and assistants in charge of structural unit established in accountant, secretary, press media and operational directions managed by the Executive director. The Managing Board shall determine the structure of the office.

Ten. Membership of the Association

10.1. The Association shall have membership. Judges of all courts in Mongolia shall have a right to implement their rights set forth in 77.1 of article 77 of the Law on Courts and make a request to acquire membership to the Association on voluntary basis.

Executive director shall receive request /in accordance with form/ to be registered as the member, inspect whether requirements set forth in the regulation is met and in case of meeting the requirements register to the member of the Association thus the judge shall become the member of the Association and membership right will be allowed.

10.2. Member of the Association shall have following rights:

10.2.1. To vote and be elected to the supreme body of the Association;

10.2.2. To express own opinions freely in discussing activity of the supreme body and officials of the Association and urgent issues of the judges;

10.2.3. To make request for protecting own rights and support in accordance with setting forth in the legislation and this regulation;

10.2.4. To refuse membership of the Association by own request;

10.2.5. To get introduced with the report of the Association;

10.2.6. To unite as a club in order to support an activity of the Association and organize purpose met certain activity;

10.2.7. To nominate own name to the head of the Association, member of the Managing Board and member of Monitoring council and nominate other members;

10.3. Member of the Association shall have following duties:

10.3.1. To follow and fulfill law on non government organization and this regulation;

10.3.2. To pay tax annually in accordance with the established procedure;

10.3.3. To implement decision made by the Supreme body of the Association.

10.4. In case of non employment as position of judge or refusal in written by own request, failure to pay membership tax for three months without serious reason and serious breach of this regulation several times /2 and more/ shall cause to deduct from the united

registration of the members of the Association and shall be considered to be dismissed from the membership. In these cases, previously-paid membership tax during the membership period shall not be refunded.

10.5. Non member of the Association shall not have a right to make request and requirement to the Association and involve in the activity.

Eleven. Financing of the Association

11.1. The Association shall have own monetary and other assets.

11.2. The asset of the Association shall compose of following sources:

11.2.1. Tax and donations of the members;

11.2.2. Income gained related to fulfilling aim of the regulation;

11.2.3. Capital issued by government and non government organizations in order to loan, savings interest, heritage and project implementation;

11.2.4. Donations from foreign judge's organizations and international organizations.

11.3. The Managing Board of the Association shall spend monetary capital and asset of the association for implementing its aim set forth in the regulation, Executive director shall sign first signature and accountant shall sign the second signature.

11.4. Head and accountant of the Association shall be prohibited to run following activities:

11.4.1. To distribute profit from the income of the association and make asset guarantee for citizen and entities;

11.4.2. To run financial or economic activities in order to gain private profit from the Managing Board member and employee of the association;

11.4.3. To provide donations to election, party, coalition and candidates.

11.5. The Association shall have annual balance on its financial activity and submit to the subordinate Tax department within 15th February of next year and operational report to Legal party registration department of General state registration department.

Twelve. Others/Miscellaneous

12.1. The Association may be liquidated by decision of the Forum and in accordance with the basis set forth in the law and procedure.

12.2. In this case the capital of the Association shall be expended for the aim set forth in this regulation and finish report shall be made.

12.3. The Association shall not have responsibility property and other liabilities related to illegal activity of its member and person elected of the association.

12.4. The Association shall have own webpage to communicate with its members, provide them information, exchange information with foreign and international similar

organizations /introduction in foreign language and contact address/ and possible to conduct voting in electronic form during the non regular/special sessions.

12.5. This regulation shall be effective from the date of approval. Executive director shall be responsible on registering to the State registration department in accordance with the procedure set forth in the legislation.

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