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A. EXECUTIVE SUMMARY

In 2007, the JRP again made considerable progress in achieving its objectives and those of USAID with the strong, continuous support from Mongolian stakeholders. The JRP had several successes during this reporting period highlighted by amendments to the criminal procedure codes that focus on improving human rights, improved case management procedures that increase efficiency and transparency, creation of a Prosecutor Ethic's Council to ensure accused prosecutors receive due process, greatly enhanced selection and review processes for prosecutors, new laws requiring mandatory continuing legal education aiming at improving the quality of the legal profession, public education for herders and the creation of a legal clinic as well as the first ever practical skills course at a Mongolian law school. In addition, the project continued and stepped up its focus on creating sustainable changes through training and especially a focus on effective budget development and management processes and effective inter-branch communications that would ultimately lead to budget allocations that reflect the needs of the judiciary and prosecuting agencies. In 2007, after significant assistance in the areas, the courts and prosecutor's offices managed their budgets within projected estimates while almost all other budget centers in the executive and legislative branch accumulated significant debt. Equally important, the early 2008 budget allocation, for the first time ever, grants the judiciary the budget it requested – no cuts were made. This is a significant achievement for the judicial branch which had always been significantly underfunded and been controlled by the other branches via the budget process (and other more direct efforts to apply undue influence). It is a significant achievement for the JRP and essential for sustainability of the project's key implementation efforts.

Other highlights for 2007 include:

Human rights protection and greater access to justice

Following JRP recommendations, amendments to the Criminal Procedure Code were passed that improve human rights protection by dramatically decreasing the amount of time the accused can be held in pre-trial detention, by requiring earlier defense involvement in the process and full judicial review of arrest and detention requests by the prosecution. Other JRP recommendations that were reflected in the new code provide special considerations for juvenile offenders. The JRP also conducted training for police officers to improve human rights during the arrest and warrant process.

A JRP supported Legal clinic provided free legal advice to indigenous citizens and practical training for law students; greatly increasing access to justice as well as improving basic legal education. The clinic provided advice to 226 citizens, 167 of which reside in rural areas, and free information such as copies of legislation to 35 citizens.

Improved management in key justice sector institutions

Sweeping management changes were implemented in the courts with new caseflow management procedures, modern performance evaluation systems and greater attention to serving the public that enhance efficiency, transparency and accessibility to the courts, provide for greater accountability and introduce review processes that measure quality rather than quantity and encourage ethics and innovation.

Major changes in the management of the General Prosecutor's Office were also implemented, including a new certification process and the creation of an ethics council. Mirroring changes in the courts, the GPO's new internal policies focus on selection, promotion, and review on quality, ethics

and merit that allow for greater transparency and provide for processes that encourage team work and constructive supervision to improve decisions and professionalism.

Enhanced legal education

Amendments to the Law on the Selection of Lawyers based on JRP recommendations were passed to raise the quality of the legal profession by introducing mandatory continuing legal education for all members of the Bar. Lawyer's that have passed the Bar Examination will be required to take courses that enhance the lawyer's knowledge and skill level, keep Bar members up to date on legal reforms and the development of judicial institutions, and instill professional ethics.

The JRP, in cooperation with Otgontenger University, created a groundbreaking trials skill course that has become a mandatory part of Otgontenger's curriculum and focuses on developing the practical skills of law students. The JRP also supported Otgontenger to develop a legal clinic as referenced above. Both of these projects provide opportunities for training focused on legal analysis and problem solving skills as well as understanding trial procedures that will prepare students to effectively represent their clients.

Public education

The JRP continued its highly effective public education programming including "Legal Hour", "Life", and "Blue Notebook". The success of the "Legal Hour" has also drawn the attention of the German media and the German government. An article about "Legal Hour" was featured in the German political weekly "Der Spiegel", the German television channel ZDF has indicated its interest in doing a feature on "Legal Hour" later this year, and the German Ministry for Development (BMZ) wants to prominently present "Legal Hour" during its annual "Open House" and particularly bring it to the attention of the German Chancellor. Additionally, more than two-thirds of listeners to the radio series "Life" reported that the program helped them to better understand and navigate the legal system and 85% of those that watched "Blue notebook" said that the program had to some degree helped them to understand the Mongolian legal system.

The JRP developed and distributed the booklet "Contracts for Herders" that explains to herders the benefits of utilizing written contracts, explains how to use contracts and contains pull-out contract samples that can be used by herders during commercial transactions. The manuals were the first public education products targeted at herders on these topics and are extremely popular among herders. For example, at the request of the Chief Judge of the Baganuur District Court, 100 copies of the JRP booklet "Benefits of Written Contracts" was delivered to the court. The booklets were distributed to the district's herders at the request of the herders (the Chief Judge, who is a JRP trainer, showcased the booklet at one of her trainings attended by herders). The JRP also provided another 150 copies of the booklet to the Gobi Initiative for distribution to herders through its aimag representatives due to high demand from the herders.

B. TASK-SPECIFIC PROJECT ACTIVITIES

Over the years, the JRP and other donors assisted the Mongolian government in continuously improving the legislative framework for justice system operations in Mongolia. While some adjustments to the laws are still needed, the primary focus of assistance shifted to supporting the implementation of the new laws. From the start, the JRP focused on creating a sustainable infrastructure to support modern court and justice sector institutions and developing skills and fundamental understanding of what is needed to modernize the justice sector, promote the rule of law and good governance. Building on these foundations, the focus in 2007 was particularly on strengthening management structures and staff capacities in key justice sector institutions to successfully institutionalize the many and often fundamental changes aimed at creating a more ethical and professional corps of justice sector employees and lawyers and further developing the public's understanding of its rights and the role of the justice system in protecting these rights. The focus also expanded in 2007 to include work with the police focusing on processes where improved oversight by the courts and prosecutors are essential for protection of human and individual rights.

OBJECTIVE 1: STRENGTHENING THE INDEPENDENCE OF JUSTICE SECTOR INSTITUTIONS THROUGH IMPROVED MANAGEMENT STRUCTURE

To achieve the first objective, the JRP implemented nine activities in 2007 targeting the main stakeholder organizations, i.e. the judiciary and the public prosecution service, as well as supporting related agencies and organizations, including the Ministry of Justice and Home Affairs (MOJHA), the National Legal Center (NLC), the Special Investigative Unit (SIU) and the Mongolian Advocates Association (MAA). The focus was on:

- *Better integrated management of the key justice sector agencies*
- *Improved human resources management within the judiciary*
- *More efficient caseload management*
- *More effective information management*
- *Solid court budgeting and supply and support services*
- *Greater justice sector efficiency through structural and procedural optimization within and across agencies*
- *Upgrading priority elements of the substantive legal environment*

The below sections outline the JRP progress and results related to objective 1.

Activity 1.1: Strengthening capacity for integrated management of the key justice sector agencies

The JRP worked with all key stakeholder organizations to enhance their capacities for improved operations, activities focused on increasing transparency in the courts, creating more transparent procedures in the prosecutors' offices, improved management structures across justice sector institutions to increase efficiency and accountability, and stronger capabilities of the Special Investigative Unit to investigate corruption and abuse of power by the police.

Assistance to the General Council of Courts (GCC)

To promote efficiency and transparency in the courts, the JRP funded the development of a groundbreaking publication containing a compilation of all rules related to court management and administration. This publication was designed for daily use by judges and employees of court

administration divisions to ensure uniform application of new management and administrative processes. The publication has already had an impact on the day-to-day functions of courts as court administrators are now able to implement resolutions that had never reached their offices. The book was printed in 800 copies with 120 copies being distributed for training during the Judge's Annual Meeting and 680 copies were distributed to court personnel and the public.

The JRP, in collaboration with the GCC, also organized computer training for regional court IT staff and judicial officers in charge of the court equipment. More than 40 people were trained on the application system of MS Windows Server 2003, MS SQL that monitors the information database of the case tracking *Judge 2005* software, principles of internal computer networks and its sharing system, Internet connection service, websites, anti-virus software, and operation of the Judge software. The training was organized based on needs observed during assessments of the courts.

Results and implications: The courts are better prepared to implement new caseflow management standards and related resolutions governing court operations. The GCC now has the training to maintain equipment, networks and operating systems to ensure the smooth operation of court functions.

Assistance to the General Prosecutor's Office (GPO)

Following a 2006 study tour of eleven management level officers, including the Prosecutor General, to Australia, the participants drafted an action plan for management reform. The plan was approved by the Prosecutor General in April 2006, and several working groups were established to address specific tasks outlined in the plan. In 2007, the GPO continued to move forward in completing the tasks outlined in the plan, especially:

- The GPO undertook the first-ever certification process of all prosecutors. The certification process consists of a written examination, interview, and reporting of activities for last three years and is aimed at setting performance standards to ensure staff and prosecutors in various positions are qualified to perform at the level desired. The certification process will be carried out every 3 years for all prosecutors. Additionally, the first annual performance evaluation of prosecutors was conducted in December and February, focusing on new performance measures.
- The Prosecutor General approved new procedures governing the activities of the Public Relations Department of the GPO. These new procedures require senior prosecutors to provide information to the public to avoid misinformation regarding high profile cases.
- Amendments to the Law on Prosecutor's Office introduced for the first time a Prosecutor's Ethics Council that creates a more transparent and fair system of reviewing ethical complaints against prosecutors (please see Activity 2.3 for more details).
- The JRP funded the first ever publication of the annual report of the GPO. The report provides information on trainings, management, foreign relations, procedures, public relations and the prosecutor's association. By providing public access to this information, the GPO is improving transparency and accountability. In future years, the GPO will publish the report without JRP financial assistance.

In order to advance support for crime victims, the JRP continued to work with the MoJHA working group that is developing a Draft Law on Compensation to the Victims of Crime to enhance justice sector capabilities to better respond to needs of victims. The JRP delivered to the GPO a copy of the

booklet “International Survey of the Legal Framework for and Implementation of Victim Services by Prosecutors’ Offices” (English and Russian versions) to provide some guidance for enhancing internal processes and procedures for working with victims. Significant follow-up work with the GPO has to happen to ensure that internal processes are adjusted to reflect international standards and best practices in handling and responding to victims and witnesses of crime. The JRP will continue to work with the GPO in this area in 2008.

Results and implications: The GPO has taken action and implemented significant reform processes. These changes were not only designed to make the GPO and all prosecutors’ offices more efficient, accountable, and open to the public but also to reduce the almost unrestricted power of the Prosecutor General and provide for a more balanced and democratic office. This is an unprecedented step taken by an organization that, while constitutionally created as an accountable, independent office, was born out of a post-Soviet procurator’s office. This is a dramatic shift that requires not only new and different organizational and management processes but also a significant change in attitude which will require some time to be fully institutionalized.

Assistance to the Special Investigative Unit (SIU)

The JRP has provided the SIU with technical assistance, training and equipment since its establishment in September 2002. Prior to the creation of the ACA, the establishment of the SIU was the only concrete step by the Government of Mongolia to combat crime and corruption within the justice sector. Despite the advent of the ACA, the SIU’s responsibility to combat abuse of power cases within the justice sector, especially cases involving police officers, remains.

The JRP provided audio and video equipment for an interrogation room that will allow for recording of suspect and witness statements during interviews in order to secure evidentiary viability. The interrogation room was formally launched on September 14th during the celebration of the 5th anniversary of the Unit and was attended by the leadership of all relevant legal institutions. Prior to the construction of the interrogation room, the SIU investigators recorded suspect and witness statements only in writing during interviews thereby leaving the door open for suspects and witnesses to dispute those statements during testimony at trial.

In view of the fact that most of the cases investigated by the SIU are crimes committed by police officers, the Unit conducted a study on police crime (causes, circumstances, etc.) to develop recommendations for elimination and prevention thereof. The study was conducted in cooperation with the Police Academy. The JRP provided reference material for the study upon request of the Deputy Chief of the SIU. The results of the study revealed that there has been an increase in serious, grave and organized crime by police officers, i.e. obstruction of justice, falsification of evidence, bribery, abuse of authority, excessive force, etc. The report identifies the main factors instigating police crime as follows: inadequacy of professional knowledge and skills of police officers, flaws in management, administration and monitoring systems within the organization, and deficiencies in the selection, qualification and training processes. It also provides recommendations for dealing with the above shortcomings such as establishing standard operating procedures, reviewing the selection, qualification, performance evaluation and training processes, improving the internal and prosecutorial supervision over investigations and enhancing public relations and public education activities (please see Attachment A). The JRP will take the results and recommendations into consideration in planning its 2008 activities for improving police practices to carry out investigative and forensic functions under judicial and prosecutorial control.

As part of the JRP’s capacity strengthening activities, a number of model evidence collection kits for the SIU were purchased. The kits were designed to the specifications of the SIU with the aim to

enhance and standardize crime scene evidence collection that is of high quality and protects the chain of evidence. The kits arrived in December and will be part of a JRP sponsored training on investigation of acts of torture and crime scene investigation, including collecting and safeguarding evidence.

Training was also provided on protection of rights of juveniles/minors in criminal proceedings. This topic was included in the ToT course for police officers on “Human Dignity in Policing” (April 23-26). The JRP coordinated with the General Police Department to allow 5 SIU investigators to attend the ToT course. The JRP-funded police expert also conducted a one and a half hour session on investigation of crimes against juveniles for the Unit investigators on April 20, 2007.

Results and implications: SIU statistics for 2007 indicate significant improvements in its operations despite operational difficulties the Unit is facing due to as high staff turnover (some investigators have been promoted to prosecutorial and judicial positions, others joined the newly established anti-corruption agency which pays salaries five times higher than what the SIU can pay) and continually limited funding (the government’s financial support is still limited). Nevertheless, the Unit is still gaining in public recognition and is strengthening its operations. The positive results are largely due to the JRP support with equipment, training and technical assistance. As a result of more effective processing the Unit was able to review and decide on a course of action on 91.3% of the complaints within the required 5 days. The remaining complaints were reviewed within the allowable 14 day extension period. The Unit also was able to decrease the number of cases returned by the prosecutor’s office due to insufficient investigation by 2.5 times. For the year 2007, the SIU received 877 complaints, accepted 614 of those complaints for review, and investigated 268 cases. The SIU submitted 110 cases to the prosecutors for indictment but has not provided the numbers of convictions related to those cases.

Activity 1.2: Strengthening human resources management within the judiciary

Strengthening the performance evaluation system for the judiciary

To develop more comprehensive and transparent review processes for the judiciary, the JRP recommended the development of a more formal and systematic evaluation program for judges and courts. At the current time, the GCC Qualifications Committee and the Supreme Court Research Center each review some aspects of judges’ performances, but they do not coordinate their efforts and their reviews are not comprehensive nor are they transparent. The JRP recommendations included transferring the mandate to evaluate courts and judges from the GCC and the Supreme Court to the Judicial Professional Committee (JPC), setting appropriate criteria, enhancing coordination and streamlining of the data collection needed for the evaluation at the GCC and the Supreme Court Research Center. The recommendations also focused on revising the type of information and data used for performance reviews and adopting more objective performance standards.

Earlier suggestions for changes submitted in 2006 by the Supreme Court Research Center had been placed on hold for further review to ensure that any new system is applicable within the Mongolian context. In June of 2007, the GCC office submitted another revision to the judicial performance evaluation procedures to the JRP for comments. Dr. Gramckow advised the GCC officers working on the development of new performance evaluation procedures to review the criteria and categories for outstanding performance and to apply the caseload standards being developed with the assistance of the JRP as performance indicators. In October of 2007, the GCC adopted changes to the performance evaluation system reflecting JRP recommendations.

Results and implications: Performance measures for judges prior to late 2007 were still a reflection of the old Soviet-style system. A large number of simple measures such as the quantity of cases processed without regard to case complexity or quality of decisions were at the heart of the evaluation system. The GCC's desire to radically change this system to truly measure judicial performance in terms of overall court goals is a huge step forward towards modern court management and performance that is driven by goals, is transparent and provides for accountability. The JRP recommendations were only partially incorporated in the new evaluation procedures adopted by the GCC in October 2007 as some of the recommendations required legislative changes. Nevertheless, the new evaluation system has included more quality measures, specifically the ABA criteria for evaluating judges as well as international best practices that are used by innovative courts, such as Singapore.¹

Strengthening merit-based selection of judges

The JRP recommended that the criteria for evaluating judicial candidates be expanded to include knowledge of ethics, legal reasoning, and communication skills. In addition, the selection process should be made more transparent by, among other things, making the test scores, and other aspects of the testing and grading available to the public immediately after the candidates receive their results, and providing the candidates with more information about the grading process, including the criteria and relative weight of each part.

Results and implications: The JRP recommendations in this area require legislative changes and are still under review by the GCC. The JRP will engage the courts and stakeholders in a dialogue to promote this legislative agenda, with a focus on increasing appreciation for transparent, objective selection and promotion methods and their impact, not only on the quality of judicial candidates, but also on the trust the public has in the selection process and ultimately the judiciary.

Strengthening merit-based promotion of judges

The new performance evaluation procedures, in addition to quality measures, have introduced clauses indicating that a judge who was disciplined and/or demoted during the given year shall not be eligible for awards, promotions and/or state decorations. This is apparently the result of continuous and consistent efforts of the JRP to improve the judicial selection, evaluation and disciplinary procedures, as improvements in these processes prompted adjustments to the promotion system.

Defining behavioral standards for judges

The JRP is providing technical assistance to develop written behavioral standards and a legislative proposal for strengthening the Judicial Code of Ethics. Already in December 2005, the JRP developed recommendations, based on consultant input, that were incorporated into draft amendments to the existing Judicial Disciplinary Committee (JDC) procedures and Judicial Ethics Code. The proposed amendments will substantially reduce opportunities for corruption and contribute to increased public trust in the judiciary.

Results and implications: The draft amendments were originally scheduled for submission to the Judicial Board for approval in January 2006. However, due to changes in the leadership of the

¹ These include among others legal reasoning; knowledge of the law; keeping current on developments in the law; avoiding impropriety and the appearance of impropriety; treating all people with dignity and respect; basing decisions on the law and the facts without regard to the identity of the parties; ability to make difficult or unpopular decisions; clear and logical oral communication while in court; clear and logical written decisions; dealing fairly and effectively with litigants who do not have lawyers; punctuality and preparation for court; maintaining control over the courtroom; fostering a productive work environment with other judges and court staff; etc.)

judiciary and the composition of the JDC, consideration of the amendments has been postponed until early 2008. In addition, the amendments, specifically additional sanctions, require legislative changes. Therefore, the adoption of the revised JDC procedures and the Judicial Ethics Code will depend on the pending amendments to the Law on Courts. Upon passage of the legislation, the JRP will assist the JDC in educating judges on the new ethics rules.

Strengthening the capacity of the Judicial Disciplinary Committee (JDC)

The JRP provided the JDC Office with equipment (fax machine, copier, printer, and scanner) to enhance its efficiency in processing complaints. Consequently the JRP contracted with “Tsahim Jurtonts” and ETC companies to develop models for the JDC software that will assist in creating an electronic database of complaints and investigated cases. This will allow the JDC to improve its efficiency by using a monitoring system to track all complaints, their status and decisions. The development of the model software should be complete in early 2008 and will allow the JDC to timely notify all relevant parties of upcoming hearings and JDC decisions.

Results and implications: Amendments to the Judicial Disciplinary Committee procedures were approved within the framework of the current legislation. They incorporated the JRP’s recommendation with regard to the process for disqualification of Committee members. The revised procedures have introduced new provisions requiring the Office to notify the parties of the JDC decisions, streamline the first instance hearings, and specify the structure and content of the Committee decision, among others. In 2007 the JDC received 143 complaints and disciplined 14 judges. The table below shows statistics for the last 5 years according to the JDC.

	2003	2004	2005	2006	2007
Complaints received	95	126	139	110	143
Judges disciplined	19	12	8	6	14

Activity 1.3: Strengthening system efficiency

Strengthening caseload management

A Capital City Court (CCC) working group completed the first ever study on caseload management in Mongolia (See Attachment B). The study was conducted on both civil and criminal cases and designed to detect bottlenecks in the system and to determine if the courts are compliant with deadlines for resolving cases set forth by legislation. The study focused on the caseload in 3 district courts with high, medium and low case numbers. The study revealed, among other things, that approximately 30% of cases are not resolved within the legally required timeframe. The main reason cited is the failure of prosecutors, advocates and litigants to appear for trial. Other key findings are:

- The filing process of claims in the three district courts differs in each court;
- The legislative requirement to have a panel of 3 judges on most criminal cases causes difficulty in expeditious case processing, especially in the rural courts;
- There is no regulation for how many times a chief judge can extend a criminal case;
- There exists no unified numbering system for civil cases; and
- There are 42 steps to process a criminal case and 47 steps to process a civil case.

In early June, the JRP assisted the GCC and CCC in organizing a workshop on Caseload Management for 90 chief judges and court administrators. The CCC study team presented the results of the study on current caseload practices. Discussions focused on problematic areas of

current court practices, such as a variety of case filing systems, clearance rates *below the target levels*, unregulated court practices, and no unified civil case numbering system. The participants also discussed new procedures on caseflow management that were developed by a GCC/SC working group that utilized the results of the CCC study. After receiving feedback and finalizing proposed procedures, the GCC approved the new procedures in October 2007.

The JRP then supported training for approximately 70 judicial staff on newly approved caseflow procedures to ensure consistent understanding and unified application. The specifics of the training included processing and decision making events, stages of case filing, the new numbering system and the timeframes for case processing.

Results and implications: The GCC approved the first ever caseflow procedures (standards) for criminal, civil, and administrative cases in Mongolia. The overall purpose of the new procedures is to implement the strategic objectives defined in the new management concept, such as to establish standard case processing and decision making procedures, to clarify the responsibilities of judicial staff throughout the case processing system, and to improve the timeliness of case dispositions. These new procedures apply a new case numbering and indexing system that will have a single number for a case from initial filing through to appeals. This will ensure that case numbers are unique and make searches for case information via the internet or public access terminals easier for court users. More importantly for the first time, as a result of this change, the case management software can now be adjusted to provide courts with reliable information about the time a case takes from filing to final disposition and about appeal rates and outcomes. For the first time court leaders will have key management information that also provides for greater accountability and transparency.

Court Automation

Computerization

The JRP completed the final stage of automation for the courts. The JRP provided 147 computers to the GCC for court secretaries, assistants and accountants. The GCC distributed these computers to courts in need in the rural regions. The JRP also provided equipment including a computer, LCD projector and a photocopier to Orkhon aimag court for a training room. The training room will be used to train judges, local lawyers and NGOs in the community. The room will also be available to citizens who desire to review court decisions, laws and other regulations.

IT Communications

The JRP completed connecting 27 courts to the Internet. Only Bulgan soum of Khovd aimag is not connected due to its remote location and lack of an IT infrastructure (Bulgan soum is the most distant soum court from UB in Mongolia). The courts are now able to send court decisions for inclusion in the national database on a regular basis and can also use email to share experiences while keeping up to date on new laws and other relevant developments.

The JRP provided financial support in setting up email hosting for chief judges and court administrators in response to a GCC request. This will provide chief judges and court administrators a low-cost alternative for communicating with the GCC and for sharing experiences. The JRP IT specialist provided recommendations on email administration and configuration of the Internet mail client program for the GCC IT specialist. The JRP and GCC IT specialists are now working on developing a user guide for the Internet mail client program.

Software Adjustments

The JRP IT specialist worked with the GCC IT team and the *Judge2005* software programmer on generating and consolidating annual reports of courts (Judge2005 program reports) according to the Amnesty Law of 2007. The new law required certain changes and adjustments to the reporting system to eliminate errors such as sentencing correlation to the appropriate code section.

Each year, a new judicial database must be created through a software program. In order to provide sufficient information for court IT personnel to create the 2007 database, the JRP IT specialist prepared a detailed step-by-step guide on configuring a judicial database using the software program. Additionally, an outside computer programmer also developed a software program for the back-up system for the 2006 database. The guide and software program were sent to all courts via email. Where necessary, the JRP IT specialist assisted courts via the telephone in installation of the new software and the creation of a database. As a result of this assistance, the courts were successfully able to backup the 2006 records and create a new database for 2007.

The JRP IT specialist and GCC IT specialist conducted a survey of the “Judge” software among all courts. The survey revealed bugs in the software, compatibility issues with new laws and the need for additional software modules. The JRP IT specialist and GCC IT specialist compiled the results of the survey and will search for solutions for software changes (related to programming language and technology) and a case tracking software upgrade.

Finally, in October, the JRP staff visited Zavkhan and Khuvsgul aimag court to continue its assistance on court automation, review grant equipment and to resolve any ongoing problems. The JRP IT specialist assisted the judicial staff to resolve problems related to software, configuration of the network, email and Internet connection, viruses, and updated the anti-virus application program. JRP has recommended that each court employ its own IT specialist to ensure proper maintenance of grant equipment etc. However, at the moment, the courts are using a system that employees 9 regional IT specialists and these specialists are not always able to travel to all locations on a consistent basis due to funding levels. As a result, the JRP has observed that the courts with a computer specialist on-site have better operating equipment and software, and a higher level of virus protection compared to the courts without a designated person. The JRP will continue to petition the GCC to expand its IT staff and provide necessary technical assistance until the end of the project.

Results and implications: As a result of these activities, judges now have access to court decisions from all Mongolian courts providing for more consistent application of laws, are able to share experiences, keep up to date on new laws and regulations governing the courts and file required reports. For example, courts are sending statistical reports to the GCC via email. The JRP will continue to assist in improving the software and work with the user group and the GCC to ensure that standard operating procedures are in place, court staff and judges are trained accordingly and that monitoring systems are in place to ensure that the procedures are adhered to uniformly.

Automation of Prosecutors’ Offices

The JRP completed another stage of automation for the prosecutor’s offices. The JRP provided 117 computers and accompanying equipment for networking to the following 14 offices: Nalaikh, Baganuur, Arkhangai, Bulgan, Orkhon, Tuv, Umnugovi, Uvurkhangai, Kharkhorin, Zavkhan, Khuvsgul, Dornogovi, aimags and Tosontsengel and Zamiin-uud soums. The JRP has now automated a total of 23 prosecutor’s offices. The GPO has completed automation of the prosecutor’s offices by purchasing 45 computers, 18 copiers, and 11 printers for the remaining offices. The value of the equipment was more than 57 million MNT.

In February, the JRP conducted computer training for 16 prosecutors responsible for IT activities in their respective offices following the most recent automation. The training covered such topics as operational systems, configuration of a computer, downloading applications, virus software, and the basics of the Internet. The JRP also upgraded the local computer networks in three prosecutor offices following automation of those offices.

The JRP provided financial assistance to the GPO to ensure internal networks were installed in the following aimags: Bayan-Ulgii, Bayankhongor, Govisumber, Dundgovi, Sukhbaatar, Uvs, Khovd, Bulgan inter soum (Khovd aimag), Khentii aimag and Bor-Undur inter soum (Khentii aimag). The GPO purchased equipment for these offices as mentioned above and requested that the JRP only provide funding for the internal networks. The internal networks will improve efficiency and information sharing among the staff.

In October, the JRP staff organized a random visit to Zavkhan and Khuvsgul aimag prosecutor offices. In both prosecutor offices, the inventory of the JRP grant equipment was reviewed and organized, anti-virus and other software applications were installed, and the provisions of the automation agreement were explained to the staff. The JRP and GPO IT officer organized training on usage and maintenance of grant equipment for all staff at these offices. The training focused on proper usage and maintenance of the grant-equipment and networking at individual sites. The JRP is continuing to provide financial assistance in upgrading the prosecutor software to meet the requirements of the recent legislative changes. After the completion of the upgrade, further training is envisioned by the JRP and the GPO for successful application and usage of the software.

Results and implications: The automation process has introduced new processes and policies that will not only increase efficiency but improve transparency, accountability, and access to information. Training of staff from each newly automated prosecutor offices will be a source for others in the proper use of grant equipment, and better application and management of modern technology in prosecutor offices. The GPO also has developed policies to ensure maintenance of the equipment as a result of JRP recommendations. The upgrades in the software will meet the new requirements of the new Criminal Procedure Code and will create a similar case registration system and reporting process.

Activity 1.4: Strengthening court budgeting

The JRP has been assisting the GCC in improving the quality of budget submissions, with the goal of strengthening the GCC's capacity to formulate budget requests based on real and justifiable needs and amending legislation to permit more rational and transparent budgets for justice sector institutions. Building on assistance for improvements to the GCC's budgeting capacity achieved in the first 5 years of the project, the JRP provided examples of best international practices on court budgeting, including procedures for direct submission to the legislature, fixed percentage of state budget and irreducibility clauses. The JRP offered to bring an international expert to Mongolia but the courts preferred to utilize local resources.

Results and implications: The JRP assistance helped initiate certain changes and amendments to the Law on Courts and one of the changes relates to a proposal to allocate a certain fixed percentage of the State Budget to the judiciary (currently the judicial budget is 0.40% of the State Budget and the request is for up to 1.5% from the State Budget). The Law on Courts is still on the agenda of Parliament (there are no precise dates when it will be considered). If the law is passed with the judicial budget being expanded, the JRP may provide technical assistance as requested. If the

budget changes are not included in the new law, the JRP may provide assistance to the GCC to create a more effective lobbying approach. Meanwhile, the judicial salary has increased by 50% in October 2007 which indicates a willingness by the Mongolian Government to increase the budget of the courts.

Activity 1.5: Upgrading priority element of the substantive legal environment

New procedures for arrest and detention

In August of 2007, Parliament passed amendments to the Criminal Procedure Code that contained several of JRP's recommendations. A judge will now review the arrest and detention warrant submitted by the prosecution and issue a court decision on the request. Prior to this amendment, the prosecutors would draft their own document and the judge would just execute the prosecutor's decision without having to provide an explanation that would support or not support the decision. Additionally, a judge may now hold a hearing on such a warrant request if he/she deems it appropriate or an advocate requests such a hearing. Prior to this amendment, there was no hearing held by the courts and no due process afforded citizens. Third, a citizen now has the right to have an advocate if his/her rights are "being affected" by activities of the police/prosecutors. Prior to the amendments, a citizen only had the right to an advocate if he or she was considered a "suspect". Finally, the maximum time a citizen can be held in pre-trial detention has been dramatically reduced in many cases. Prior to the amendments, citizens awaiting trial could be held for 24 months without a trial even if it was for a minor violation. This blanket provision even covered minors. Now, under the new law, a citizen can be held without a trial for 4 months for a minor crime, 12 months for a serious crime, such as group assault, and 24 months for grave crimes such as murder. The time a minor can be held without a trial has been reduced to a maximum of 8 months.

Additionally, the State Secretary of the MoJHA requested the JRP to provide recommendations with regard to the design and organization of the new Detention Center facility with the purpose of ensuring the internationally recognized standards compliant to the UN minimum standards for treatment of detainees. The State Secretary requested recommendations that outline the basic standard requirements with regard to all aspects (e.g. the space, lighting, sanitary conditions, infirmary, day rooms, etc.) of the facility. During the reporting period, the JRP translated and submitted related material to the MoJHA to guide the development of a new facility that complies with international standards.

Results and implications: All of these changes present a significant improvement in the protection of human rights and provide for improved due process for the accused in a criminal case.

Formulating recommendations for statutory guaranteed protection of witnesses, victims and experts

The JRP is working with the GPO and MoJHA on developing policy and legislative options for ensuring protection of witnesses, victims and experts. Assistance was provided to the working group on the Draft Law on Compensation of Victims of Crime, which has been working since May 2007 at the MoJHA. The group consists of members from the police, GPO, courts, Ministry of Finance and MoJHA. The JRP will further assist the GPO to develop internal procedures on how to deal with crime victims and witnesses building upon materials provided by JRP in past years. This assistance includes the drafting of a manual determining the duties and responsibilities of prosecutors working with crime victims and witnesses in criminal proceedings.

OBJECTIVE 2: PROMOTING ACCOUNTABILITY AND ETHICAL BEHAVIOR OF JUSTICE SECTOR OFFICIALS THROUGH INCREASED PROFESSIONALISM

To achieve the second objective in 2007, the JRP implemented six activities targeting the NLC, Non-staff Council, Otgontenger University, Mongolian Advocates Association, GPO, private lawyers, judges, prosecutors and the public at large. The focus was on:

- *Strengthening qualification of lawyers by creating mandatory continuing legal education*
- *An advocates association focused on public education*
- *Improving professional standards for prosecutors*
- *Enhancing capacity of the National Legal Center to implement sustainable continuing legal education*
- *Developing Otgontenger University as a model law school*
- *Strengthening the capacity of legal advisors and judges to respond to commercial disputes and thereby improve the business environment*

Activity 2.1: Strengthening qualifications of lawyers by improving the Non-staff Council procedures and communication

Over the past years, the JRP helped create and assisted the Non-staff Council, which is responsible for lawyer qualification. This assistance included recommendations on continuing legal education requirements for members of the Bar. In 2007, Parliament passed amendments to the Law on Selection of Lawyers, integrating JRP's recommendations on mandatory continuing legal education (MCLE).

In addition to these amendments set forth below, the Non-staff Council passed regulations establishing guidelines for implementation of the MCLE without much input from JRP or the international community. As a result, the regulations do not meet international standards and require revisions. The JRP will work with the NLC and others in revising these provisions to ensure the MCLE program is properly implemented in the coming years.

Finally, in preparation for the Bar Examination, the JRP provided limited financial assistance to obtain scoring sheets and continued training the Examination Committee staff on use of the new grading machine. The JRP staff also monitored the examination process at the Exam in early December 2007. According to JRP observations, the grading of written exams was more objective and the oral interview portion was removed also improving the objectivity of the grading.

Results and implications: The new law requires legal professionals that have passed the bar examination to take continuing legal education courses that will enhance the lawyer's knowledge and skill level, keep Bar members up to date on legal reforms and the development of judicial institutions, and instill professional ethics. Courses must be completed within a three year term with the number of required hours to be determined by the Council that oversees the Bar Exam. Mirroring similar requirements established in the US, if a member of the Bar fails to take the continuing legal education courses, that member can have his/her license suspended by the Council. However, Parliament passed amendments that limit the categories of legal professionals that are required to take the Bar Exam to those that are practicing law in the courts, i.e. judges, prosecutors, advocates. The amendments removed bailiffs and investigators from the court enforcement agency and police department from this requirement. The amendments now further require that those who wish to take the Bar Exam to become a fully qualified lawyer must have a minimum of 2 years of legal work experience prior to taking the examination. Before, applicants only needed to graduate

from law school and have no criminal history. The change reflects similar requirements in the EU and means that those joining the ranks of judges, prosecutors, and lawyers that represent people in court will have at least some practical experience. This too is a step designed to improve the quality of those practicing in the courts.

Activity 2.2: Developing the Mongolian Advocates Association

The JRP assisted the Mongolian Advocates Association (MAA) in printing two posters. A thousand copies each were printed of a poster on the *Advocates Role in a Civil Dispute* and the *Advocates Role in a Criminal Case*. The posters explain to the public how they can apply to advocates if they are involved in a civil dispute or become the accused in a criminal case. The posters contain addresses and phone numbers of the MAA Headquarters and local Advocates' Councils. The MAA has distributed the posters to its Aimag Advocates' Councils to post in public places and smaller administrative units.

Results and implications: The increased public education activities of the MAA indicate a growing recognition by the Association of the importance of promoting public understanding of law and its role in providing access to justice.

Activity 2.3: Helping the Prosecutor's Association improve professional standards

During our discussions with the Prosecutor's Association and the GPO, it became clear that any changes that will improve the professional standards of the prosecutors must be made through the GPO. As such, the JRP has been working with the GPO on developing policies to ensure professional and ethical conduct and operations. Draft rules and procedures for a new Prosecutor's Ethics Council were submitted to the MoJHA and the President's Office for approval. In November, Parliament approved amendments to the Law on Prosecutors establishing an Ethics Council and establishing its operating procedures.

Results and implications: The new amendments have made the following changes: Previous practice has been that all disciplinary cases were filed with the Prosecutor General who reviewed the cases and imposed disciplinary sanctions based upon the claims of the supervising prosecutor who submitted the disciplinary case. Now, a Prosecutors' Ethics Council shall review the cases and issue a conclusion as to whether the prosecutor breached ethical norms. The Prosecutor General shall impose disciplinary sanctions based on the Council's conclusion. The newly established Council shall consist of 5 highly qualified and respected prosecutors. This represents a significant shift from the Soviet style of management where all aspects are controlled from the top. The new amendments create a more open and transparent system that incorporates democratic principles.

Activity 2.4: Developing the capacity of the National Legal Center to implement sustainable continuing legal education

Ongoing support for Creating Sustainable Training Capacities

The JRP, since its inception, has focused on creating high quality and sustainable Continuing Legal Education (CLE) capacity in Mongolia. Building on earlier work, the JRP has focused increasingly on supporting the National Legal Center (NLC) and coordinating all CLE related activities with this institution. Modern interactive training techniques have been taught to all of its trainers and the organization has been exposed to the best practices of international CLE. Since the World Bank Judicial and Legal Reform Project is focused on building sustainable capacity within the NLC, the

JRP has limited its assistance to Training-of-Trainers (ToT) on specific courses introducing innovative techniques and international best practices.

Specific Training Supported:

The JRP sponsored the development of training on the following topics:

- International Business Transactions
- Domestic Violence
- Crime against Human Rights, Freedom and an Individual's Reputation and Dignity
- Crimes against the Right of Ownership Property
- Legal Ethics during Trial
- Trial Skills
- Determining Damages caused by Crime
- US Court System

The aforementioned topics were taught during ToTs in Ulaanbaatar and follow-up trainings in 21 aimags of Mongolia.

Also during 2007, the JRP assisted the NLC in developing and printing two training manuals that can be used as distance learning materials and self-study tools. The manuals were developed by highly experienced professionals, experts, scholars and legal trainers (including JRP trained trainers) to provide practitioners and law students with new theoretical and practical knowledge. The manuals covered the following topics:

- Terms in Criminal Procedure
- Hooliganism (crimes constituting a violation of public order with the use of violence)
- Procedures on Arrest and Detention
- Violations of Environmental Regulations
- Crimes against Human Life and Health

Additionally, in connection with the 2007 ToTs held in Ulaanbaatar, four training manuals were developed by JRP trainers for legal practitioners on the following topics: 1) Determining the Damages Caused Due to Crime; 2) Legal Ethics at the Trial Stage; 3) Crimes against Human Rights, Freedom and Individual's Reputation and Dignity; and 4) Crimes against the Right of Property Ownership.

In addition, the NLC spent 15 million MNT of its own funds on the following trainings: two trainings for mid-level judges and prosecutors; eight trainings on criminal, civil and administrative law topics for judges, prosecutors and advocates; and a one week Bar Examination preparation course.

Results and implications: In all, 8 training courses were conducted for 811 trainers and practitioners, representing all aimags and Ulaanbaatar. The fact, that the NLC was able to conduct training without external assistance demonstrates that it has begun to take steps to become a self-sufficient, sustainable institution.

The evaluation summaries by attendees of the UB ToT are attached as attachment C. Additionally, the majority of participants of the follow-up trainings in 21 aimags have evaluated the training as effective and useful. Many participants commented that "the training was very interesting because

trainers used different interactive teaching methods such as group discussions, working in teams, role play, and problem solving. Some attendees answered that “the theoretical part was the most effective because we were able to obtain new knowledge”.

The JRP staff and trainers observed trainings by JRP trainers in 8 aimags, namely Selenge, Khentii, Arkhangai, Bulgan, Govisumber, Darkhan, Orkhon and Uvurkhangai. These trainings were the follow-on trainings for local practitioners to the UB ToT trainings. The trainings in all 8 aimags were well organized and the trainers were well prepared. The evaluation assessment given by the local trainees with regard to the training program and the trainer’s teaching indicated the trainings rated from good to excellent.

Activity 2.5: Developing Otgontenger University as a model law school

In 2007, the JRP focused on the following three main activities to build the capacity of Otgontenger University: development of a legal clinic, creation of a practical skills course, and participation in moot court competitions.

Legal Clinic

The JRP provided equipment and technical advice to Otgontenger University for the creation of a legal clinic while the University provided the funds for construction of the clinic facilities and developed the necessary procedures and training materials. The goal of the project is to provide students an opportunity to receive training on practical skills such as legal research, writing and client consultations while at the same time providing a service to the community by providing free consultations in areas related to commercial law, family law, etc. The clinic became operational in December 2006.

To expand upon this experience, the JRP, in cooperation with Mercy Corp, sent legal interns from the Otgontenger legal clinic to provide free legal advice to rural citizens during the Gobi Initiative’s market days in the following locations: Hovd, Umnugobi, Uvurkhangai, Bayankhongor, Zavkhan and Arkhangai aimags. The students provided free legal advice to 167 citizens ranging from 25 to 60 years old. Most of the consultations were on civil law with a focus on contracts including leasing, loans, and sales. Family law was also a priority topic of discussion during consultations. Additionally, the President and Prime Minister of Mongolia visited the legal clinic stand in Zavkhan and praised the work of the legal clinic while noting the importance of public legal education for herders.

Practical Skills Course

The JRP created a working group consisting of judges, professors, advocates and prosecutors to develop a practical skills course for law students. The working group created a 245 page writing manual that provides instruction on legal analysis for drafting written briefs as well as 15 case studies on actual court cases from criminal, civil and administrative law to be used for mock trials. The JRP, Otgontenger University and the US Ambassador inaugurated the implementation of the ground-breaking trial skills course in September of 2007. The course is the first in Mongolia to focus solely on practical skills of the student and has become a part of the mandatory curriculum of the University. This represents a shift from the old Soviet mentality of lecturing on provisions of the law to a more interactive/practical education where students will be given the necessary tools to succeed after graduation.

The JRP held a ToT on June 22nd-24th for 7 professors that will teach the new practical skills course at Otgontenger Law School. The course was taught by JRP trainers experienced in the adversarial process and focused on trial skills. On June 25th-29th, the 7 professors taught 30 students from the

Mongolian National University on the skills learned during the ToT. The professors are now adequately trained to implement the practical skills course.

Moot Court

The JRP sponsored the Mongolian Round of the Jessup International Moot court Competition January 26-31. Teams were presented a hypothetical case featuring an international dispute between nations and were required to draft written briefs and develop oral arguments. A total of 178 teams (356 students) registered for the competition and 30 teams were chosen to compete in the final oral round based upon the scores of their written briefs. This competition provided the students an opportunity to develop practical skills and provided exposure to current issues in international law. The winning team was from the Mongolian National University.

Results and implications: Prior to the JRP's involvement with law schools, law students in Mongolia did not receiving adequate training on the practical skills necessary to effectively represent clients and practice law. As a result of the JRP's assistance, law students at Otgontenger University will improve their legal reasoning, analytical and problem solving skills as well as understand trial procedures and their roles during a trial, and effectively advocate for their clients' rights. This is the only law school that integrates the legal clinic training into its curriculum along with a practical skills course making it the only program that will be sustainable. The JRP's activities in this have also increased the opportunities for citizens to access the justice system, especially in the rural areas. In 2007, the clinic provided 226 citizens free legal advice and 35 citizens with free information such as copies of legislation.

Activity 2.6: Strengthening the capacity of legal advisors and judges to respond to commercial disputes and thereby improve the business environment

The JRP posted a commercial law expert in Mongolia from March 2 – April 12th to conduct an assessment of the needs of the Mongolian legal system to efficiently and effectively adjudicate commercial disputes. Based upon his assessment, the expert has recommended that JRP train local trainers on international standards, design and implement a pilot training program in cooperation with the Chamber of Commerce, implement a pilot certification program and educate the public about the aforementioned changes. The JRP has reached an agreement with the Chamber of Commerce and the MoJHA on such a certification program for legal advisors. The program will begin in early 2008 as part of next year's workplan. An executive summary of the expert's report is attached as Attachment D.

OBJECTIVE 3: IMPROVING UNDERSTANDING BETWEEN JUSTICE SECTOR INSTITUTIONS AND THE PUBLIC

Public understanding of the legal system is essential to public support for the rule of law. Only a public that understands its rights and the role of the various justice sector institutions in protecting these rights is capable of demanding proper functioning and services from these institutions. Public understanding is also key for ensuring support for independent justice sector institutions and protecting them from undue interferences from other branches of government. Thus, it is an ongoing JRP priority to increase the public's understanding of the reformed justice system and mobilize support for justice sector reform and independence.

Activity 3.1: Strengthening public communication capacity of justice sector agencies

One focus of the JRP has been to work with justice sector institutions to develop the capacity to effectively communicate with the public and each other. To achieve this goal, the JRP engaged in a series of activities as described below:

Assistance to the courts: One of the main goals of the JRP throughout the project has been to increase the transparency and accountability of the courts. One important activity that was implemented to achieve this goal was the installation of Public Access Terminals (PATs) in each court. The assistance also included training for court personnel and advice on developing relevant procedures. Prior to the advent of the PATs, case information was not available or citizens had to roam the halls of the courts searching for someone who could provide information regarding their case. In other instances they even had to call on the judge to obtain information, a practice that provided significant opportunities for undue interaction with the judge. In order to determine the usage and effectiveness of the PATs, the JRP, in collaboration with the GCC and the Supreme Court, organized a survey of all courts throughout Mongolia to assess the extent to which citizens are using the public access terminals. The results indicate that citizens are utilizing the PATs in large numbers to obtain information about cases and court procedures. In fact, there were more than 58,000 requests for information by citizens from December 2006-May 2007.

In addition, the JRP assisted the GCC in conducting a two-day training course at the NLC for 40 Public Affairs Officers (“PAOs”) from all aimag, inter-soum and district courts of Mongolia in Ulaanbaatar. The goal of the training was to improve the knowledge of PAOs on public relation issues. The training course agenda included the following topics: New GCC Rules and Standards for Public Access Terminals, Communicating with External Audiences, Managing the Media, How to Provide Customers with Case Information, Changes to the Software “Judge 2005”, Archive Law and its Utilization, Communication Psychology, and State Employee’s Ethics in Foreign Countries. In addition, the GCC organized a tour to the Capital City Court, especially focusing on its Public Access Terminal operations and Archive to allow attendees to exchanged new ideas on how to operate the Court PAT and Archive. The training was extremely important as 31 of the 40 attendees were newly appointed employees. The JRP will discuss further opportunities to expand the PAOs services to the public in 2008 using one of the courts as a pilot. In addition, the JRP responded to a request from the GCC to provide input to the development of job descriptions for staff assigned to the PATs.

Assistance to the MoJHA: The JRP provided assistance to the MoJHA and the NLC to organize the “Open Legal Service Day for Citizens” in front of the NLC building. The goal of this day was to enhance public legal awareness, to provide citizens with free legal advice on urgent issues, to provide legal information, to enroll citizens in legal trainings and to advertise activities of the NLC. During the open day service, NLC lawyers and trainers gave free legal advice to 90 citizens, distributed 1000 flyers on NLC activity and the Judgeinfo website (www.judgeinfo.mn), provided information regarding laws and government decrees to 76 people printed from the Internet and allowed free Internet access to attendees. In addition, the NLC conducted a free training on Human Rights for 50 citizens.

Results and implications: During the six month period from December 2006 – May 2007, citizens made 58,322 requests at the PATs. Reflecting the caseload of the courts, most requests were related to civil cases (the courts received 16,704 requests for information on criminal cases, 32,427 requests for information on civil cases and 3,923 requests for information on administrative cases and other issues). Other issues included requests related to whether an execution decision was written, what

police measures were taken against those who escaped custody, information from archives, questions about court organization and structure (about appellate and supervisory procedure), how to file an inquiry, where to pay stamp fees and others. The Chair of the administrative chamber of the Supreme Court, Justice O. Zandraa, commented “it is obvious that the Information Centers initiated and established by the JRP in all courts of Mongolia are not only in a great demand by the citizens but also have become one of the main factors in improving the courts’ reputation”.

Activity 3.2: Public Education

The changes in the justice system have been rapid and it is important that the public appreciates these reforms. The public needs to be able to avail itself of the new procedures enacted to protect its rights. A 2005 survey conducted by the NLC confirmed that there is an urgent need to increase dissemination of legal information as citizens lack sufficient knowledge of legal issues. To address this need, the JRP conducted the following activities in 2007.

Television and radio productions

The production of the award winning TV series “Legal Hour” continued in cooperation with GTZ. In 2007, more than 40 episodes were aired on TV 9. The program utilizes recurring characters to educate citizens on the new criminal law and criminal procedure code. Even though Legal Hour has broadcast for 6 years it still remains popular among citizens.

The JRP, in cooperation with the NLC TV studio “Eson Tug”, has duplicated 27 selected episodes of the award winning TV serial “Legal Hour” on DVD. The DVD’s were distributed to television stations in aimags throughout Mongolia for rebroadcast and to law schools, libraries, and NGOs.

The JRP extended its agreement with Pact Mongolia for the production of a second TV program, “Blue Notebook”, and for additional radio programs. The new TV program provided education to citizens on criminal laws and trial procedures by dramatizing real life trials. The program also included expert commentary to ensure the laws and procedures are understood by the viewers. This is especially important in Mongolia as many citizens represent themselves in court. During this reporting period, TV 9 aired 12 episodes of “Blue Book”.

The JRP, in cooperation with Pact, broadcasted 26 episodes of a radio drama series on civil law entitled “Life”. The program used recurring characters to educate citizens on articles of the civil code. The radio program allowed JRP to reach the audiences that do not have access to television broadcasts, which especially important in rural areas.

Results and Implications: These TV and radio programs have raised public understanding of court activities. According to TV 9, on average around 500,000 people watch “Legal Hour” and “Blue Notebook” on a weekly basis. As a result, TV 9 is interested in taking over the broadcast of “Legal Hour” in February 2008 which would ensure its sustainability. The success of “Legal Hour” has also drawn the attention of the German media and the German government. An article about “Legal Hour” was featured in the German political weekly “Der Spiegel”, the German television channel ZDF has indicated its interest in doing a feature on “Legal Hour” later this year, and the German Ministry for Development (BMZ) wants to prominently present “Legal Hour” during its annual “Open House” and particularly bring it to the attention of the German Chancellor.

The JRP, through a subcontract with Pact, conducted a brief survey of citizens to determine the effects of “Blue Notebook” and “Life” on audiences of the programs. The results revealed that over two-thirds of listeners of “Life” reported that the program helped them to better understand and

navigate the legal system. As for “Blue notebook”, 85% of those that watched the show said that the program had to some degree helped them to understand the Mongolian legal system. The survey also indicated that the audiences of the programs could be expanded by changing broadcasting times and improved marketing. Although the “Blue Notebook” series has concluded, the JRP will work with Pact to make any appropriate changes to the remaining public education programs under the subcontract to increase the impact of public education. The assessment is attached as Attachment E for review.

Posters and Manuals

The JRP has printed a variety of posters which are displayed in virtually every court, prosecutor’s office, and many other government buildings. In 2007, the JRP assisted in developing and printing a poster on the new Anticorruption law in cooperation with the Zorig Foundation. Approximately 1,000 copies of the poster were printed and distributed by the Foundation in public places including libraries and government buildings. The poster enhances public awareness on the new law and provides citizens specific details, such as definitions of corruption and bribery, who is required to file reports on their income, and when and where these reports should be published by the new Anti Corruption Agency. The JRP distributed 400 posters on the Law Against Corruption to the Anticorruption Agency’s Public Education and Prevention Division. The Agency distributed the poster to aimags and soums. The JRP provided 200 posters to the Mongolian Civic Union, which has declared one of its goals to fight corruption, and the Union distributed the posters to its branches in 12 Aimags, its registered members and to participants of its trainings. The JRP placed the remaining posters at NGO’s, public organizations and government offices throughout Mongolia.

The JRP developed and distributed 1000 copies of the poster “Benefits of Written Contracts for Herders.” The poster explains to herders the benefits of using written contracts for commercial transactions and refers herders to the JRP booklet “Contracts for Herders.” JRP distributed 700 copies of the poster to herders through Mercy Corps Mongolia and distributed 150 posters to rural areas through aimag Governors who attended the Gobi Initiative’s Rural Business Conference held on June 5-6th, in Ulaanbaatar. In addition, posters were distributed to rural administrative units by students who attended Market Days organized by Gobi Initiative in Zavkhan aimag.

The JRP assisted the GCC in developing and printing two posters: Amendments to the Criminal Procedure Code regarding Courts and New GCC Rules for Court Public Access Terminal. These two posters were printed each in 1000 copies in November and handed over to the GCC for further distribution to aimags, soums and bags through courts. The posters will be displayed in all administrative units and will inform the public about the changes included in the amendments to the Criminal Procedure Code and the new GCC rules.

The JRP developed and distributed the booklet “Contracts for Herders” that explains to herders the benefits of utilizing written contracts, explains how to use contracts and contains pull-out contract samples that can be used by herders during commercial transactions. The contract samples address a sale and purchase, sale and purchase to an intermediary, agreement to sell and purchase in the future and a supply contract. The JRP distributed 800 copies through Mercy Corp and Ger Initiative projects. An additional 200 copies were distributed during the 1000 Herders Conference held on June 13 -14th at the Cultural Central Palace in Ulaanbaatar. As a result of the popularity of the booklet, the JRP printed an additional 500 copies that were distributed in September by legal interns who provided free legal advice during Market Days in rural Aimags organized by Gobi Initiative.

Results and implications: The posters are a very effective means of educating the public. Posters provide the public the most essential information on their rights when facing corruption and when entering into commercial transactions. These manuals play an important role in increasing public understanding of commercial law and the necessity under Mongolian law to utilize contracts for commercial transactions. The manuals were the first public education products targeted at herders on these topics and are extremely popular among herders. For example, at the request of the Chief Judge of the Baganuur District Court, 100 copies of the JRP booklet “Benefits of Written Contracts” was delivered to the court. The booklets were distributed to the district’s herders at the request of the herders (the Chief Judge, who is a JRP trainer, showcased the booklet at one of her trainings attended by herders). The JRP also provided another 150 copies of the booklet to the Gobi Initiative for distribution to herders through its aimag representatives due to high demand from the herders. In addition, 10 copies of the booklet were handed over to Pact Mongolia for publication in its quarterly magazine, *Rural Business News*, to further reach audiences that are unaware of the booklet to attract more interest from herders in utilizing written contracts for their commercial transactions. Mongolian law requires all contracts to be in written form and without the samples provided in the booklet; herders are left with oral agreements that are not enforceable in court. As a result of the distribution of the booklet, herders now have a mechanism to protect their rights in the courts of law.

Articles, Newsletters and interviews

The judicial sector was lacking a regular publication that could provide opportunities for communication among justice sector agencies and allow them to exchange information about their activities, work achievements and experiences. To address this deficiency, the JRP continued to publish its monthly newsletter “Rule of Law” in Mongolian for judges, court administrators and stakeholders to improve their professional communications and to encourage the exchange of practice and experience. The newsletter discusses ongoing events and activities in courts and other legal institutions throughout Mongolia. In 2007, the JRP published 8 issues of this newsletter. Each publication was distributed to 83 courts plus approximately 20 Mongolian legal institutions.

JRP also continued to publish a newsletter in English that discusses JRP activities. The JRP published 10 issues of the English monthly electronic newsletter in 2007. Each newsletter was delivered to more than 20 international organizations and local legal institutions in Mongolia and was also distributed to key USAID and other counterparts in DC. The goal of the newsletter is to inform stakeholders about JRP activities and coordinate activities of donor organizations as well as publicize the JRP achievements.

Results and implications: The new English version of the newsletter was well received by our readers. It provides a good communication opportunity for donor coordination and is an excellent tool for publicizing the JRP activities to our stakeholders. The Mongolian language version of the “Rule of Law” Newsletter is the only regular communication tool about training and reform activities for the courts and other agencies and provides an opportunity to exchange information on their achievements, to exchange work experiences and to learn from each other.

OBJECTIVE 4: IMPROVING POLICE PRACTICES TO CARRY OUT INVESTIGATIVE AND FORENSIC FUNCTIONS CONDUCTED UNDER JUDICIAL OR PROSECUTORIAL CONTROL

The JRP technical assistance to the police focuses on those processes that are carried out with oversight by the courts and the prosecution service, and was designed to compliment the JRP’s

work with the courts and prosecutors. The assistance that has been and will be provided includes: 1) an initial assessment of the activities and operational capacity of the police related to these targeted processes; 2) development of recommendations for improving related General Police Department (GPD) management policies and practices; 3) adjustment of police processes through software development and upgrades; 4) pilot automation of police stations; 5) training and 6) providing forensic kits for crime scene investigations to pilot police stations.

The JRP fielded a police expert to Mongolia to conduct an assessment of activities and operational capacity of the police, and provide recommendations for improving management practices and processes. The final report is attached in Attachment F.

The police expert also conducted a 4 day ToT on “Human Dignity in Policing” for future police trainers. The course included the following topics: the role of the police and its values, ethics and professionalism, characteristics and implications of abuse of power, ensuring rights of juvenile offenders, victims, and witnesses in criminal proceedings, and ensuring human rights standards in criminal proceedings (right to respect, fair treatment, personal dignity, etc). The participants evaluated the 4 day ToT as very practical and informative. Specifically, 78% of participants evaluated the course as “very good” or “excellent”; 22% - “good”; 44% of participants found that the information on human rights and the UN standards was very useful; 73% that the information on police values (organizational, personal, etc.), ethics and standards for police officers was very useful and important; and 94% of participants answered that the training met their needs.

A second two-day training was conducted for the leadership of the Police on management oversight processes with separate sessions for the top level and mid level management officers. The goal of the training was to create greater awareness of the need for improved internal oversight and provide the leadership with the necessary tools to effectuate change; specifically the main components of the monitoring process such as planning, organizing, leading and control, and the role of the leadership and supervisors in managing the change. In connection with this activity the GPD has taken measures to improve the supervisory and monitoring functions of the Internal Affairs Department (IAD) by reviewing its internal rules. Previously the IAD had the authority only to review and handle complaints that were referred to the GPD and did not have authority over complaints/investigations at the district level. Now, IAD has the authority to oversee investigations of complaints occurring at the district level.

In November, the JRP began automation of a pilot police station in Bayangol district to increase efficiency, improve the case registration process and improve the flow of information internally and with the other justice sector agencies, particularly with the prosecutors’ offices that have the mandate to oversee the investigation process. Increased information exchange and improved interaction with the prosecutors’ offices will lead to the improvement of prosecutorial supervision over the police investigation process. In early 2008, the JRP will automate Baganuur district as step two in the automation process.

The JRP also ordered a limited number of crime scene evidence collection forensic kits for the police. The kits arrived in December and will be part of a JRP sponsored training on evidence collection and preserving the chain of evidence for key police officers. This will improve the ability of the police to gather and analyze fingerprints, create evidence castings at the scene, develop crime scene sketches, and compare evidence in the lab. The training is also aimed at assisting the police in standardizing the relevant procedures for ensuring the admissibility of evidence in court.

Finally, in connection with the review of its evaluation procedures, the GPD requested related recommendations/materials that were previously provided to the courts and GPO. The requested material was submitted to the GPD with an article on findings from a US national study on “Police Attitudes toward Abuse of Authority” conducted by the US Department of Justice and the Police Foundation with the support of the Office of Community Oriented Policing Services.

Results and implications: The automation of the pilot police stations will allow case files to be created by the police in digital form so that information can be transferred to the prosecutors and the courts electronically to eliminate successive manual data entry, speed up case processing, reduce data entry errors, and increase transparency. The automation and trainings will also significantly improve oversight of the investigation process by prosecutors via access to digital records and improved knowledge of police officers.

C. DONOR COORDINATION, MONITORING AND EVALUATION, AND PROGRAM STAFFING AND MANAGEMENT

Donor/Stakeholder Coordination

The JRP sponsored a Conference on the Palermo Convention in cooperation with the Asia Foundation and the MoJHA. The US Ambassador, Mark Minton, attended and provided remarks during the opening ceremony. The conference took place March 26-28th in UB and experts from IOM, UNODC, Swedish National Police, Swedish Prosecutor’s Office and JRP’s Dr. Gramckow provided presentations on judicial practices in adjudicating trafficking cases in the US and on victim protection. More than 100 participants from government agencies and NGOs attended the conference. The focus of the conference was combating transnational organized crime and human trafficking. The conference was the first step in Mongolia’s path to ratifying the Palermo Convention and increasing awareness on these important issues.

The JRP also attended a meeting organized by the new leadership of the GPD for representatives of all foreign and donor organizations in Mongolia interested in supporting modernization of the GPD. After opening remarks by Ganbold, Chief Commissioner of GPD and presentations by Heads of the Administrative Department of GPD and the Capital City (Municipal) Police, representatives of Embassies and donor organizations exchanged views on matters of cooperation. Dr. Gramckow emphasized the importance of coordination of assistance provided by international and donor organizations so that there would be no duplication that impedes their cost effective and efficient use.

Additionally, the JRP coordinated with Mercy Corp and several Mongolian institutions to distribute public education materials for herders and send legal interns to provide free legal advice at Gobi’s market days. The JRP met with the GPO, GCC, and SIU to discuss any budget constraints related to under funding or cumbersome procedures. The JRP also engaged extensively with all of its key Mongolia stakeholder organizations to ensure that reform efforts are not duplicated. For example, the JRP collaborated with the Supreme Court to create materials for a training course on effective time management for judges, coordinated training development with the NLC, and cooperated with the MOJ and other agencies on drafting amendments to key legislation.

Finally, successful donor and stakeholder coordination has also been accomplished through individual meetings, regular information exchange at ad hoc meetings and through the JRP newsletter, and periodic larger and focused meetings of all relevant donors and stakeholders involved in ROL, specifically in justice sector training efforts. The JRP met with representatives from the International Senior Lawyer’s Project, Chamber of Commerce, Constitutional Court,

World Bank, MOJ, Police, GCC, JICA, ADB, Supreme Court, SIU, and GPO, Capital City Court, Pact, Otgontenger University and the Police.

Program Monitoring and Evaluation

Review of Progress in Implementing the Strategic Plan for the Justice System of Mongolia: The JRP was designed to implement priority elements of the Strategic Plan for the Justice System of Mongolia approved by the State Ikh Khural in 2000. With the purpose of identifying progress in implementing the Plan, the JRP hired one of Mongolia's most respected legal experts to conduct an evaluation of the implementation status and to provide critical review and comments for further reform work. This evaluation would assist the JRP in its own internal progress evaluation and provide further insight for continued ROL programming and for engaging key stakeholders in renewed reform activities. The JRP established a working group of representatives from the judiciary, prosecution, advocacy and MoJHA led by the JRP's consultant, to assess the implementation of the Strategic Plan for the Justice System and identify future goals and objectives. The final assessment report was completed and circulated to the leaderships of major legal institutions and to the Legal Standing Committee. The Chair of Legal Standing Committee noted that they will review the Assessment of the Strategic Plan in connection with the Government decision to review the Government Program for Legal Reform (1998-2008). Hopefully it will prompt Parliament to allocate greater resources to the justice sector and reaffirm the objectives of justice sector reform.

Dr. Gramckow met with Dr. Chimid to discuss further work with the legal institutions on the amendments to the Strategic Plan. He suggested conducting a workshop for the leadership of the major legal institutions on the results of the Strategic Plan Assessment. On March 23, 2007 the JRP conducted a 2 hour seminar for the representatives of the Supreme Court, GCC, MoJHA, GPO and MAA that developed the Strategic Plan Assessment report. Dr. Gramckow gave directions on methodology, how to analyze data and other needed instructions for developing amendments to the Strategic Plan.

The JRP, in cooperation with the Ministry of Justice and Home Affairs (MoJHA) and GTZ, sponsored a conference on the assessment of the Legal Reform Program on September 27, 2007. Dr. Heike Gramckow of the JRP made a presentation on the developments in the courts and prosecution service of Mongolia. Some of these developments include full automation of the courts, creation of public access through computer terminals in each court, a courtroom design that ensures greater access, the GCC is chaired by the judiciary improving independence, a new legal training center, and new management concepts in the courts and prosecutor's offices. A final report of the assessment will be released by the working groups in early 2008. Once the report is released, the JRP will further work with major legal institutions and judiciary to amend the Strategic Plan using the results of the assessment in order to set new strategic principles, objectives and new directions for the period beyond 2008. In the framework of these activities, the GCC requested our assistance on developing the Judicial Strategic Plan for 2008-2015.

Public Perception Survey: The JRP funded the 4th and final public perception survey of the judicial system in Mongolia. Those surveyed still believe that the courts protect defendants' constitutional rights, judges are generally honest and fair in deciding cases, judges decisions are based on only on the facts presented, it is affordable to bring a case to court, court rulings and decision are understood by the people involved in cases, court personnel would assist the public during the process, court personnel are helpful and courteous, the media's portrayal of the courts is mostly accurate, the courts adequately monitor the progress of cases and the courts generally make reasonable efforts to

ensure that individuals have adequate attorney representation. However, the public's confidence decreased in the courts in 2007. For example, there was an increase in the percentage of those surveyed that believe the courts are too complicated, it takes too long to resolve a case and that they would not be treated fairly by the courts as the courts are influenced by politics, personal interests of judges, companies and government officials. These trends coincide with the public's overall dissatisfaction with Mongolia's government in 2007. The JRP will discuss the results of the survey with the GCC to assist the courts in improving the public's perception via its public education activities and will provide any necessary technical assistance to implement new process/procedures such as the new caseload management procedures that will be introduced in 2008. The full report is attached at Attachment G.

D. PROBLEMS ENCOUNTERED AND STEPS TAKEN TO RESOLVE THEM

There were no special problems not noted above with respect to the conduct of the project.

E. CONCLUSION

The JRP was designed to assist the Mongolian Government in implementing select key elements of the Strategic Plan for the Justice System of Mongolia. They included: Court Administration and Case Management, Review of Court and Justice Sector Agency Jurisdictions, Continuing Legal Education (CLE), Lawyer Qualification, Public Education and improved Ethics. These activities support USAID/Mongolia's Strategic Objective "Strengthen 'Good Governance' and Make It More Accountable," specifically Intermediate Result 2.1 "Comprehensive Legal Reforms Implemented."

The JRP accomplished its objectives specifically by:

- Ensuring that the major laws that affect the operations of the judiciary and the justice sector as a whole (e.g. Criminal and Criminal Procedure Codes, Law on Courts, Law on Prosecutor's Office, etc.) are in compliance with international standards and support the rule of law in a market economy;
- Automating the courts and prosecutor's offices to increase system efficiency, transparency and accountability;
- Introducing modern management practices and ideas related to openness and transparency of operations;
- Establishing a qualification system for legal professionals with the aim to enhance to quality of lawyers,
- Setting up a framework for continuing legal education and providing significant training to increase skills and legal competency of judges, prosecutors, and private lawyers;
- Establishing a new Special Investigation Unit that focuses on crime and corruption within the justice sector
- Enhancing the ethics of the legal profession through new codes, education and improved disciplinary processes; and
- Creating a better informed public about their rights and responsibilities through mass media and communication with justice sector institutions.

Concisely, the JRP has been instrumental in moving towards institutionalizing the reforms and helped Mongolia to advance the rule of law.

In the last year of JRP, work will focus on activities that will sustain and truly institutionalize these broad and substantial changes. First and foremost, the project needs to continue to develop the leadership and management capacities within the key judicial institutions, to ensure that the reform efforts continue and become a part of standard operations. Equally important, is continuous support for broadening public understanding of these reforms and their importance for a democratic society and a market economy. The JRP will also continue to work with the police to improve its practices in order to ensure that human rights are protected at the inquiry and investigation stages of criminal procedure and will continue its work to sustain the developments affecting the courts and POs.

Effective and efficient delivery of justice is vital for ensuring that all Mongolians live within a state in which the rule of law is respected and followed and essential for sustained economic growth. Observations have shown that judges still have problems with understanding and applying commercial laws, particularly the new concepts relating to contract law, property rights, banking, investment, corporate structures, leasing and commercial practices. The JRP will assist in commercial law development and application, including training of judges and prosecutors so that they better understand business practices related to the abovementioned areas for fair and impartial commercial dispute settlement. With this goal in mind, the JRP continues to implement to develop commentaries to the Special Part of the Civil Code that contains most of the elements of commercial law and plans to conduct follow-up trainings as well as develop a certification program for legal advisors.

List of Attachments

Attachment A

Attachment B

Attachment C

Attachment D

Attachment E

Attachment F

Attachment G

Attachment A

STUDY REPORT ON “CHARACTERISTICS OF CRIMES COMMITTED BY POLICE OFFICERS IN MONGOLIA, THEIR CAUSE AND PREVENTIION METHODS”

ONE. PREAMBLE

1.1. Grounds of the study

In order to implement its mission of combating crime and maintaining social order, Police organization, within the framework of State and Government policies, has been implementing its obligations in accordance with laws, with honor. Recent years have shown that there is a tendency for the improvement of police reputation. Crimes by police officers become are the “black spot” negatively influencing the police dignity and reputation, and the protection of rights and freedoms of individual officers. Thus, identifying the real problems and defining effective policies and methods to fight police crime will be impossible without first thoroughly studying the situation from every angle.

1.2. Goal and purpose

Working group, hereby, underlines that the purpose of the current study is not to negate the activities of thousands of police officers who are enforcers of justice and law and who are single mindedly and unselfishly working to protect others risking their lives and health day and night despite many difficulties and the cold and heat.

The purpose of this study is to determine the methodology for the Mongolian national police to determine its policies and focus to prevent crime and to implement it on the basis of scientific ground by studying and defining the characteristics and reasons of police crime and misconduct. Following problems shall be dealt with in order to reach our purpose. Those are:

- To identify the characteristics of police crime and misconduct;
- To identify the reasons and circumstances of police crime and misconduct;
- To study and propose correct legal and organizational measures and training required for the improvement of methods for preventing police crime and misconduct.

1.3. Practical importance

The practical importance of this study is to determine the reasons and circumstances of crime and other illegal activities committed by police officers and to recommend preventive measures as well as to identify the direction on how should Police organization work and how should the study work continue in this field.

1.4. Organization of the study work

Working group established by the joint resolution number 10/37 of the Deputy Chief of the General Police Department and Head of the Special Investigative Unit (SIU) under the Prosecutor General dated 05 July 2007, produced study guidelines and plan in order to conduct the study and consequently made conclusion.

1.5. Methodology

The study covered last 3 years and used the 2004-2007 crime statistics of the Police and SIU. Moreover, based on the information and registration of the area where study was conducted, number of registered crimes was calculated.

Other than methods of using feedback forms, individual and group interviews of citizens and police officers, and observation of police activities in 6 districts of the Capital city and 2 aimags, analysis of criminal case files, court decisions (convictions) and decisions denying the initiation of a criminal case had been made.

It is hoped that the reader should take due consideration when assessing and making conclusion taking account of the fact that the study is not intended to negate the great responsibility and burden of Police organization but the intention has been directed to improve police activities.

TWO. MAJOR FINDINGS

In considering the criminological characteristics of all crimes committed by police officers and those registered between 2004 and 2007:

2.1. Crime occurrence and its development

Between 2004 and first half of 2007, SIU investigated in total 1150 criminal cases involving 1635 persons with official positions as follows:

Judges	22 (1.3%)
Prosecutors	21 (1.3%)
Police Investigators	93 (5.7%)
Police Inquiry Officers	171 (10.4%)
Police Officers	651 (39.8%)
Other Police Officials	290 (17.7%)
Citizens	379 (23%)

The 1150 criminal cases investigated were filed on:

Minor crime	418
Less serious crime	541
Serious crime	160
Grave crime	24

Types of crimes investigated:

Crimes against human life and health	609 (52.9%)
Crimes against the ownership rights	183 (15.9%)
Crimes against public security	65 (5.6%)
Malfeasance	98 (8.5%)
Corruption	21 (1.8%)
Crimes against the administration of justice	58 (5.04%)
Crimes against the rules of traffic safety and use of motor vehicle	72 (6.2%)
Crimes against administrative order	16 (1.4%)
Other	28 (2.4%).

1104 criminal cases involving 1571 persons out of the 1150 crimes investigated were disposed of with the following decisions:

To submit for indictment	555 (50.2%)
To dismiss	363 (32.8%)
To transfer according to jurisdiction	129 (11.6%)
To suspend	51 (5.3%)

In 694 cases involving 825 persons it was proven that police officers have committed crime (court rendered a convicting decision, the case was dismissed on the basis of reconciliation

with the victim, case was dismissed on the basis of the Law on Pardon) and it accounts to 62.8% of the total cases decided. The above 694 cases were of the following types of crime:

Crimes against human life and health	415 (59.8%)
Crimes against the ownership rights	104 (14.9%)
Crimes against public security	59 (8.5%)
Malfeasance	30 (4.3%)
Corruption	10 (1.4%)
Crimes against the administration of justice	17 (2.4%)
Crimes against the rules of traffic safety and use of motor vehicle	46 (6.6%)
Crimes against administrative order	7 (1%)

By classification:

Minor crime	322
Less serious crime	291
Serious crime	69
Grave crime	12

The official position of police officers involved in the abovementioned crimes were:

Police Investigators	53
Police Inquiry Officers	83
Police Officers	440
Other Police Officials	253

By the time and location the crimes were committed

During office hours -	280
During off work hours -	414
In work place -	215
Other places -	481

The motive of the abovementioned crimes were: 89 - banditry, 105 - greed, 288 - personal reason, 216 - other. The crimes have been committed:

Using arms	22
Using force harmful for human life	361
Under alcohol intoxication	114
By threatening to use force	78
Deceit	84
Other	78

As a result of those 694 crimes, 462 people suffered from less serious injury, 94 from serious injury, 31 from grave injury and 54 people died.

The crimes against human life and health were committed by 544 police officers:

Police Investigators	19 (3.5%)
Police Inquiry Officers	34 (6.3%)
Beat Officers	33 (6.9%)
Public Order Police Officers	302 (55.5%)
Other Police Officials	160 (29.4%)

By classification the crimes against human life and health were:

Minor crime	252
Less serious crime	130

Serious crime	27
Grave crime	12

When analyzing causes of crime against human life and health, public order police officers account for majority of the total crimes committed, and most of them are occurrences of offensive deportment, breach of regulations regarding the use of special tools and combat techniques, of regulations of detoxification centers, and of professional ethics.

53.2% of crime against human life and health were committed by public order police officers:

Using force harmful for human life	361 (79.3% of total cases)
By threatening to use force	78 (16.4% of total cases)

313 (76.3%) of this type of crime were committed in relation to the official duties of police officers, and 137 crimes were committed at work place and 176 were committed during work hours or while performing their duties. Of them, 42 violated the regulation on the use of special tools and techniques, 40 violated the regulation of detoxification and detention centers, 132 infringed ethical rules of police officers when dealing with citizens and 109 cases of excessive force claiming that police officers requirements were resisted. Moreover, 74 (17.1%) crimes were committed when drunk and in 21 (4.9%) cases arms were used.

As a result of this type of crime, 354 people suffered from minor injury, 71 from less serious injury, 25 from serious injury and 25 people died.

The police officers that have committed crime against human life and health were employed by:

Chingeltei District Police	23
Patrol and Security Department	19
Songinokhairkhan District Police	19
Bayangol District Police	19
Sukhbaatar District Police	17
Bayanzurkh District Police	17
Tuv Aimag Police	16
Dornogovi Aimag Police	12
Bayankhongor Aimag Police	10-11
Darkhan-Uul Aimag Police	10-11
Selenge Aimag Police	10-11
Uvs Aimag Police	10-11
Khuvsgul Aimag Police	10-11
Baganuur District Police	10-11
Khan-Uul District Police	10-11
Railway Police	10-11
Police Academy	10-11

90 (14.8%) of total crimes are crimes against property and of 107 officers investigated for this crime were:

Police Investigators	14
Police Inquiry Officers	20
Public Order Police Officers	40
Other Police Officials	33

The motive of 78 cases of the abovementioned crime was greed and personal motives (e.g. misplacing, destruction and/or damage) for the remaining 12 cases.

Misappropriation of others property using one's official position	39 (43.3%)
Fraud	23 (25.5%)
Misappropriation of others property by use of force	7 (7.7%)
Theft	
Robbery	

Noncompliance with the regulations regarding collection and custody of cash paid for damages, fine, bail and of confiscated cash and assets creates conditions for their misappropriation (Article 150 of the Criminal Code) by police officers. The following cases were registered:

Misappropriation of bail collections	3
Misappropriation of fine and damages collections	25
Misappropriation of confiscated property	19

Out of the abovementioned 694 cases

Dismissed by the prosecutor's office in accordance with Article 25.1 of the Criminal Procedure Code	331 (47.6%)
Dismissed in accordance with Law on Pardon	46 (6.6%)
Transferred to court	309 (44.5%)
Convicting decision issued	214 (69.2%)
Dismissed by court on the basis of Law on Pardon	7 (2.3%)
Dismissed based on reconciliation of parties	56 (18.1%)
Acquitting decision issued	17 (5.5%)
Under court review	6 (1.9%)

Out of 555 cases sent to the prosecutors office for indictment 309 (55.6%) were transferred to court.

The crime statistics of the last 3 years (2004-2006) show that the number of crime committed under alcohol intoxication increased by 38-42%, though crimes committed by drunk police officers are relatively small in percentage within the total number of crimes; involvement in crime during off work hours increased by 15-33%, involvement in serious crime by 22-47% and involvement in grave crimes by 52-86%. Moreover, crimes motivated by greed or personal motives tend to increase in number. According to the study, crimes against administration of justice, in particular, falsification of evidence, abuse of authority to use others' property, taking or mediating bribes, intentional infliction of less serious injury to others and crimes against traffic safety also tend to increase.

In general police crime is steadily decreasing. This is an indication that the situation is not improving as the decrease is minor. Logically police crime should decrease significantly as the faulty officers leave the organization. Below are the results of the present study that explain the existing situation.

2.2. Factors causing crime

The factors causing police crime can be defined as follows:

1. Knowledge, education and professional skills of police officers;
2. Communication skills of police officers;
3. Misunderstanding between citizens and police;
4. Deficiencies in the activities of police;
5. State policy on protecting the interests of police officers.

One. Education and professional skills of police officers

Police officers' knowledge, education and professional skills play an important role in dealing with citizens with regard to any issues, in protecting legitimate rights and interests of citizens and themselves from illegal activities while performing their duties under laws.

The results of the study show that citizens and police officers in the sample agree that lack of professional knowledge and skills is one of the factors for misconduct, professional mistakes and crime by police officers when dealing with people with different characters and level of education and knowledge.

The review of case files revealed that police officers most often make professional mistakes and get involved in crime in using special equipment, tools and equipment for self protection during arrests, while performing their duties in detoxification and detention centers. In other words, the cause is sheer professional mistake triggered by misjudgment of the situation and circumstances leading to wrong conclusions and decisions.

During the study it was observed that citizens are seriously dissatisfied with the police officers' knowledge, skills and performance of duties. Even police officers accept this to certain extent.

Factors negatively affecting the police officers' education, knowledge and skills

- A. 4.2% of police officers in the sample responded that they regularly upgrade their knowledge and skills, 29.6% responded that they seldom get a chance to upgrade their knowledge and skills. This evidences that there is a lack of opportunities for police officers to improve their knowledge and skills.

Moreover, reluctance of supervisors to enroll officers in training and frequent requests to complete tasks during training sessions cause difficulties for police officers in upgrading their knowledge and skills.

Some supervisors justify their unwillingness to enhance the capacity of their subordinates by the greater importance of their routine activities.

To the question "How often do you read professional books and magazines?", 21.9% responded "often", 35.9% "sometimes", 2.64% "do not read as we do not have books and manuals necessary for our work", 3.17% "necessary books and manuals are not available", 4.7% "never read" and 28% said that they "don't have time". This shows that police officers hardly ever read any books, handbooks or professional magazines.

The study results show that police officers do not read professionals books, magazines, etc. due to following reasons:

1. Lack of required books and manuals;
2. The books and manuals available are difficult to read and understand and are mostly on theory;
3. Police officers do not subscribe as they do not understand the importance of professional books and handbooks.

Moreover, police officers' inadequate ability and skills in performing their can be related to the fact that there are no detailed handbooks, manuals, instruction booklets, etc. on how to apply the law in specific situations. For example, the knowledge of most criminal police officers on how to conduct crime scene processing is limited.

- B. Inadequate performance of official duties by police officers is damaging the reputation of the entire police organization. Police officers that fail to perform their duties are most often graduates from certain private law schools or other schools (e.g. pedagogical, engineering, etc.). The study revealed the fact that lately the 2-5 year higher legal education is being provided in 1-2 years. This, particularly, applies to the administrative staffs (e.g. finance

officers, assistants, etc) of the police organization that do not perform policing duties but wear the police uniform.

Measures for extending the term for training low-ranking police officers and explore the possibility of reducing the number of police employees that wear the police uniform.

- C. Lack of qualified trainers in rural areas makes it impossible to provide continuing education to officers working in the countryside. Moreover, trainings are conducted irregularly and do not meet the needs of police officers. In particular, training of low-ranking police officers is unsatisfactory. Thus, possibility of implementing hands-on, practical trainings for police officers should be explored.

Two. Communication skills of police officers

70-95% of respondents in the sample have confirmed that professional knowledge and skills, and communication skills of police officers to a certain extent are among the factors triggering police crime.

Lately resistance to lawful requirements of police officers is becoming common relating to changes in the society, i.e. changes in living standards, political instability, psychological turmoil and stress. Creating misunderstanding due to failure to communicate properly with citizens complicates the situation and leads to disputes and resistance, and becomes the justification for assaulting a police officer.

Additionally, there is a tendency for people that have had a negative experience with police to seek reprisal by assaulting police officers. In return, police officers use the special equipment, tools and techniques in breach of regulations.

Police crime caused by rude, offensive and arrogant attitude towards citizens is not decreasing. Police crime caused by rude, offensive and arrogant attitude (threat to arrest or to use force) towards suspects and/or victims of crime or of administrative infringements is increasing. Moreover, escaping of suspects and accused mainly due to this type of attitude creates considerable difficulties for police activities. There were cases when recidivists intentionally provoked police officers to using force in order to pressure them to review or even to dismiss their cases. It should be emphasized that this trend is observed among the general population where citizens try to put pressure on police officers and influence them by involving in unlawful activities.

Additionally, police officers get involved in crime due to lack of knowledge about local and/or religious customs and traditions by breaching taboos.

To the question why the above situations occur, 50.3% of the surveyed police officers responded that it is the unlawful activity of the given police officer and 34% responded that the ethical conduct of police officers is not fully formed. This shows that police officers admit the fact that they make mistakes in performing their duties and in dealing with citizens.

One of the main factors for unethical conduct is substance abuse. Crimes committed under alcohol intoxication during office hours are relatively rare. However, use of alcohol during off work hours or holidays is often resulted in abuse of force. 2% of the citizens in the sample responded "often" and 14% said "seldom" to the question "How often police officers use alcohol when in uniform?". 71% did not give any respond. This suggests that either police officers do not drink in uniform, or the respondents do not recall whether the police officers were in uniform while drinking. The later suggestion was confirmed during the interviewing of citizens. However, the measures taken by the police leadership to fight substance abuse by police officers have produced some positive results.

Three. Misunderstanding between citizens and police organization

22% of the citizens in the sample admitted that the involvement of police officers in crime depends heavily on their inappropriate attitude towards citizens' due to lack of professional knowledge and skills. The study results show that citizens tend to abuse this situation with the purpose of pressuring or influencing police officers.

Additionally, the results of study show that citizens hardly know that resistance (even without use of physical force) to the lawful requirements of police officers, insulting police officers that are on duty is subject to liability under the law. As a result, they assault police officers, and in return, are ill-treated or injured, and then submit complaints in accordance with their rights to get the incident investigated.

This not only complicates the performance of official duties by police officers, but also affects the attitude of police officers to their duties, specifically the approach of avoiding problems and maintaining the "golden middle".

Thus, dissemination of simple handbooks on police activities and the rights and duties of citizens will help citizens to deal with police in accordance with laws, as well as will improve the public oversight over police activities. Additionally, this will enhance the observance of law by police officers in performing their official duties.

Four. Deficiencies in the activities of the Police organization

The effectiveness and efficiency of any organization and protection of the rights and interests of employees directly depends from the people leading the organization. In this sense, the leadership should be in the first line to combat and prevent police crime.

While command officers are supposed to know well about their subordinates, sometimes they have no idea about or ignore the fact that their subordinates were involved in crime several times.

In the last 3 years, 59 officers have committed crime more than 2 times, and 72 officers - 2 times, 11 officers were found guilty and convicted. As of August 2007, there are 11 officers still working in the organization despite the fact that they were convicted.

The following cases of abuse of authority and official position by police officers make 11.6% of the total dismissed cases reviewed by the study group:

Falsification of evidence	2.5%
Misappropriation of damages	3.4%
Misappropriation of fine collections	1.7%
Fraud (issuing of fraudulent documentation entitling rights or releasing from duties/responsibilities)	1%
Misplacing of criminal case files	1%
Fraud (falsifying evidence with the purpose of embezzling money of the criminal case)	1%
Abuse of official position for gaining money from others	1%

This demonstrates weak internal monitoring and auditing systems as almost all cases were initiated based on citizens' complaints. 80% of the total cases reviewed were dismissed compliant to the Law on Pardon (e.g. reconciliation with the victim, small amount of damages, first commission of crime, etc.).

According to the cases covered in the study, use of force by superiors against their subordinates inflicting injuries, or assault by subordinate officers against their superiors causing injury are not rare. There is a tendency for increase of this type of crime committed mostly in undisclosed manner. The rude, arrogant and insulting attitude of command officers towards their subordinates is creating stress for their subordinates.

The results of the study show that command officers need to adjust their management style and disciplining procedures in order to meet the requirements of the current time. In connection with this 2 cases should not be left without attention. Specifically, illegal hunting in preserved areas for the sake of the head quarter's audit group visiting rural police stations.

47.7% of police officers responded "agree" and 32% of citizens in the sample responded "do not agree" to the statement "Police officers do not require their fellow officers to adhere to the law." This is the negative outcome of the abovementioned circumstances, and it may become one of the factors influencing the increase in the occurrences of police crime and getting accustomed to police crime.

The quality of training in rural areas is usually poor, and conducted only to report that training was provided. This can be explained by the irrelevance of the training topics that are frequently decided on by the headquarters without any understanding of the needs of the given locality and by lack of criteria and standards for specialized professional trainings.

Lately, there is a tendency for increase of excessive force towards citizens provoked by their disrespectful and insulting manners in dealing with police officers. Some command officers choose to fire or punish the involved officers instead of taking measures to identify the real cause. This approach worsens the situation. Further, there have not been cases, in the case files reviewed by the study group, when citizens were held liable for falsely accusing police officers in crime.

The above situation is triggered by the activities of the police organization to induce citizens to withdraw their complaints by paying off or satisfying their requirements. Accordingly, citizens get the wrong understanding that they can do anything against police get away without any punishment.

Cases in which command officers did not hold accountable police officers who infringed citizens' rights and freedoms and inflicted serious injuries have created the atmosphere of impunity. Police officers believe that they will be exempt from punishment because their supervisor told them "to punish those stupid people who know nothing" and thus he will protect them. This is also related to the fact that some supervisors impose "personal" sanctions in breach of law.

Though the outcome of a criminal case depends largely on the activities of the assigned investigators or inquiry officers, advocates also play an important role. In reviewing case files it was revealed that were significant variations in convictions of similar cases, mostly due to lack of legal assistance to defendants and of proper defense. It should not be left unnoticed that if proper defense had been provided the decisions would have been different.

58% of police officers in the sample identified "high workload" and 25% "under or inadequate staffing" as the reasons police crime, However, occurrences of police crime does not depend on the crime rate or the state of public order of the locality. Moreover, occurrences of police crime do not depend on whether police stations are understaffed or fully staffed. Accordingly, high workload is not a major factor for police crime.

25.2% of the police officers in the sample identified "inappropriate requirements by supervisors", 44.4% - "work stress" and 58% - "high workload" as the main factors for police crime. According to the survey, some command officers put forward improper requirements as they are not able to properly allocate workforce and resources. This creates stressful working conditions for subordinates. It has been long time since science has identified the negative factor of stress in making intelligent decision.

It can be seen that as the number of disciplinary sanctions increases, the occurrences of crime by police officers decreases. According to the answers of police officers in the sample active measures for preventing police crime by imposing harsh disciplinary sanctions are effective to some extent, though little attention is given to prevention of misconduct and professional

mistakes. This can be considered as a tendency to disregard misconduct and become accustomed to it.

Five. State Policy on protecting the interests of police officers

Criminal cases involving police officers were dismissed on the basis of reconciliation with the victim, of voluntary reparation of damages, etc. and compliant to the Law on Pardon. The Constitution of Mongolia provides for presumption of innocence. According to this provision there are no grounds to consider those police officers to have committed crime as they were discharged from criminal liability at the pre-trial stage. Thus, it will be consistent with justice to establish legal grounds in which crimes committed by police officers are necessarily transferred to and tried in court as cases of those officers who did not or cannot afford to compensate the damages are transferred to court for conviction.

Wrong application of terms “to register” and “to detect” crime had increased the number of undetected crime and accordingly causes difficulties to identify the factual number of crimes. This situation creates difficulties in estimating the adequate staffing and resources for the police organization. Needless to say that the police budget was reduced compared to previous years. Its negative impact can be seen from the fact that police officers get involved in crime due to lack of resources for conducting investigation, e.g. they solicit donations from suspects and/or victims, ask for cell phone units and cards, money for gasoline claiming that it is necessary for solving their case, and if they refuse, coerce them to sell their cattle or possessions.

The Law on Police adopted in 1993 established the legal and social securities of police officers' for the first time. Since then, the law was not revised except for few amendments. Police officers' social securities are lower than those of other special public servants. For example, supplementary salaries for extended term of service for police officers are 28% whereas for those serving for armed forces, border troops and intelligence officers it comes up to 30%.

However, it does not mean that police officers commit crime because they are poor. Police crime is not directly related to hardship and/or neediness as such crimes account a small percentage. Undetected crimes with minor damages motivated by greed might be detected in large numbers if a mobile unit will respond to citizens' complaints in relation to police officers.

Conclusion

1. In future, if the situation remains the same, registered police crime promises to show stable decrease. However, if measures to improve the citizens' legal knowledge are taken, the crime rate might increase slightly.
2. There is a tendency for increase of serious, grave and organized crimes by police officers, specifically crimes motivated by greed, crimes against administration of justice, falsification of evidence, abuse of authority/official position with the purpose of misappropriating others' property, soliciting and mediation of bribes, infliction of minor injury to others and crimes against traffic safety.
3. Following factors can be used to determine the cause for police crime:
 - a. Professional mistake;
 - b. Administrative and organizational flaws in the Police organization;
 - c. Personal qualities and communication skills of police officers.
4. Reasons affecting the above factors:
 - a. Qualification/selection process;
 - b. Professional training and continuing education;
 - c. Internal audit.

Recommendations

The following are recommendations aimed at decreasing police crime:

1. To set standard operating procedures compliant to Mongolian legislation for proper implementation of police officers' rights and duties provided for by law;
2. To conduct the selection process and professional training and continuing education of police officers in accordance with the above standards.
3. To review the performance evaluation process for consistency with the above standards;
4. The standards will protect police officers involved in crime while performing their duties;
5. The abovementioned standards can be set:
 - a. before re-structuring the organization;
 - b. after re-structuring the organization.
6. A temporary unit to set standards can be established;
7. To cooperate with NGOs to develop and disseminate a detailed handbook for citizens on how to communicate with police officers;
8. To improve the prosecutorial and command officers' supervision over the investigation and inquiry;
9. To send the SIU information on police crime to the Police organization on a monthly basis.
10. To review the official definition for "police officer", have it approved by the relevant authority and accordingly to review the training and continuing education curricula for police officers.



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Attachment B

CAPITAL CITY DISTRICT COURTS' CASEFLOW STUDY REPORT

**Ulaanbaatar city
2007**

“This report is made possible by the generous support of the American people through the United States Agency for International Development (USAID). The contents are the responsibility of NCSC and do not necessarily reflect the views of USAID or the United States Government.”

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Caseflow Management Study Report

1. Introduction

Although the activities of legal and court institutions of countries in the world differ from each other, they all adhere to same values such as rule of law, independent and transparent court system and equality before the courts. In a democratic society, the judiciary has to protect human rights, and be open and transparent before the people.

The goal of this study is self-assessment of the present practices of the caseflow management based on valid data and to support the implementation of the objectives defined in the new management concept.

2. Methodology Used

The study team, consisting of judges and judicial secretaries, selected Bayanzurkh, Bayangol, and Khan-uul district courts for the study based on their number of disposed cases and number of employees. The study team retrieved criminal and civil data from the courts' 2005 databases. In 2005, Bayanzurkh district court resolved 1279 civil and 660 criminal cases, Bayangol district court resolved 1583 civil and 470 criminal cases, and Khan-uul district court resolved 723 civil and 329 criminal cases respectively. The study itself was undertaken from November 2006 until the end of March, 2007.

Besides the valid data, the following documents and sources were used:

- Questionnaire on criminal caseflow organized in six district courts in 2006
- Proposals of rural courts related to the development of the court management concept in 2005
- Materials of Court Observation project undertaken by Otgontenger University and JRP at eight district courts in 2005
- The Criminal and Civil Procedure Codes and the Law on Courts
- Procedures, instructions and rules endorsed from the Supreme Court, the General Council of Courts, and the Capital City Court
- Two questionnaires on caseflow management organized in six district court in 2007
- 2005 statistical reports on disposition of cases of Bayanzurkh, Bayangol, and Khan-uul district courts

- Materials and recommendations on conducting study and its methodology prepared by the JRP
- New concept of Court Management of Mongolia
- The Strategic Planning of Judiciary

Internationally applied court performance measures and recommendations on their application and methodology developed by the NCSC were used in the study such as:

- Clearance Rate
- Time to Disposition
- Age of Pending Caseload
- Median
- 90th Percentile
- Range

a) Clearance rate is comparison of incoming and outgoing cases, represented in percentage. Clearance rate is an indicator that shows whether the court is keeping up with its incoming caseload. If cases are not disposed in a timely manner, number of pending cases and court workload will increase. Clearance rate is a single number that can be compared within the court for any and all types, from month to month, and year to year, or between one court to another. Knowing the clearance rate by case type allows courts to identify emerging problems and indicate where improvements may be made. Courts should aspire to have incoming cases at 100 percent or higher.

b) Time to disposition measures the length of time it takes a court to process case. It is the one of the basic tools for court management.

c) Age of pending cases or time of cases that are pending before court. Filed cases but not yet disposed make up court's pending caseload. Having a complete and accurate inventory of active pending cases as well as tracking their number and age is important, because this requires court action. Analyzing age of pending cases makes clear the number and type of cases drawing near or about to surpass the processing time standards. It allows the court focus attention on what is required to ensure cases are brought to completion within reasonable timeframes.

d) Median is the most realistic average. It is a value in an ordered set of values below and above which there is an equal number of values or which is the arithmetic mean of the two middle values if there is no one middle number. The meaning of using median in the study is that median is more representative than average which can be skewed by a single high or low value. For example: Time to disposition (in days) of cases in sample:

15
210
333
387
396
485
996
1543
3070

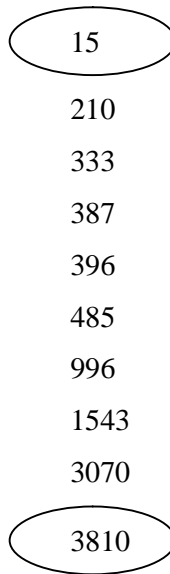
For example, the median equals to 396 and it can be calculated by Excel functions.

e) 90th percentile is the number which is higher than all but ten percent of the total array of numbers in a set of numbers.

15
210
333
387
485
996
1543
3070
3810

For example, 90th percentile of the above set numbers is 3070.

f) Range is simply the lowest number or value and the highest number or value in a set of numbers. Time to disposition of cases in sample:



For example, if the above numbers represent the number of days to disposition of nine cases in a data sample, then the Range is 15 to 3810 days.

Moreover, the study team undertook two questionnaires, organized discussions on caseload among judges and judicial staff, and used the materials of the Court Observation program organized by Otagotenger University and JRP in 2005. The study team drew caseload charts by main type of cases: criminal and civil.

Calculation of length of time to process criminal and civil cases were done by retrieving data from criminal and civil case tracking software of three district courts into Excel format files. Using functions of the Excel program, the medians, 90th percentile, and range were calculated and the results analyzed.

The study team aimed to use mostly the software valid data; therefore, the study analysis is based on these data.

3. The Study Results

3.1 Criminal Caseflow

3.1.1 Criminal Caseflow Chart

Criminal caseflow chart was drawn based on the first instance court's activities, starting from filing to disposition of a case and then transferring it to archive. The flow consists of 5 stages. (Chart 1)

- i. Filing criminal case (12 activities)
- ii. Bringing the accused to court (21 activities)
 - bringing the accused to court (5)
 - returning for investigation (5)
 - suspension of case (9)
 - transferring criminal case to proper jurisdiction (2)
- iii. Holding a trial (14 activities)
 - conviction (8)
 - acquittal (4)
 - rendering decree, order (2)
- iv. Appeal and review instances
 - appellate court
 - review level court
- v. Transferring the case file to archive
 - district court archive
 - prosecutor office's archive of the Capital City

The chart shows that most of the court activities are regulated by respective legislation and procedures. However, there are some non-regulated activities that require more time for court to process cases.

3.1.2 Clearance Rate

The clearance rate of the three district courts is shown below in table and graph.

Comparison table of clearance rate by district courts

A. In detail

Crt s	Month	2004 12	1	2	3	4	5	6	7	8	9	10	11
Bayanzurkh	Incoming	48	46	53	66	78	54	64	63	34	34	53	59
	Outgoing	49	44	43	58	60	51	47	46	47	43	21	69
	Rate	102%	96%	81%	88%	77%	94%	73%	73%	138%	126%	40%	117%

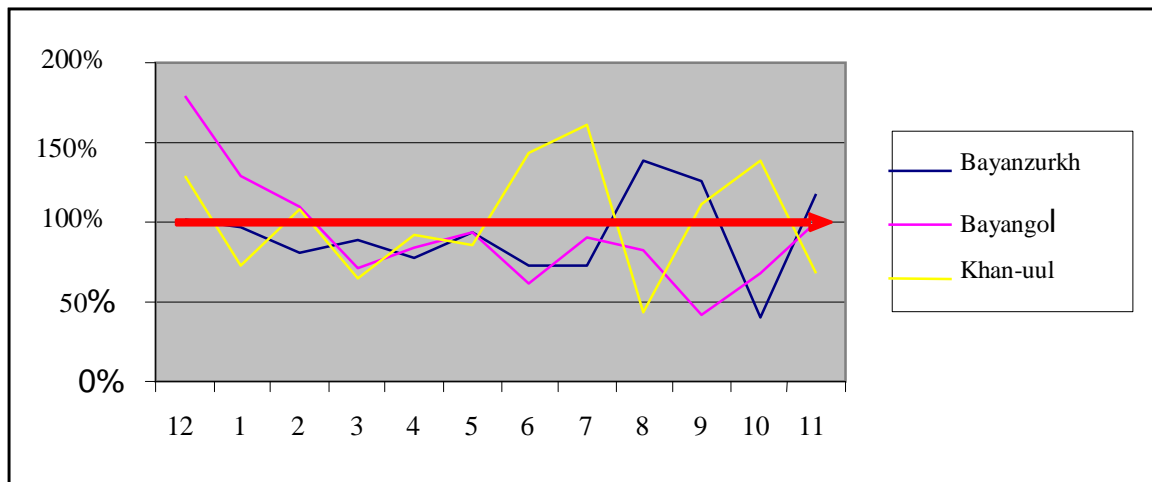
Crt s	Month	2004 12	1	2	3	4	5	6	7	8	9	10	11
Bayangol	Incoming	28	35	30	49	44	35	45	31	42	31	41	36
	Outgoing	50	45	33	35	37	33	28	28	35	13	28	36
	Rate	179%	129%	110%	71%	84%	94%	62%	90%	83%	42%	68%	100%

Crt	Month	2004 12	1	2	3	4	5	6	7	8	9	10	11
Khan-uul	Incoming	14	30	25	44	38	46	36	18	21	19	16	19
	Outgoing	18	22	27	28	35	39	52	29	9	21	22	13
	Rate	129%	73%	108%	64%	92%	85%	144%	161%	43%	111%	138%	68%

B. Condensed

Courts	12	1	2	3	4	5	6	7	8	9	10	11
Bayanzurkh	102%	96%	81%	88%	77%	94%	73%	73%	138%	126%	40%	117%
Bayangol	179%	129%	110%	71%	84%	94%	62%	90%	83%	42%	68%	100%
Khan-uul	129%	73%	108%	64%	92%	85%	144%	161%	43%	111%	138%	68%

C. graph



From the above, the courts did not work evenly throughout 12 months of 2005 year.

Bayanzurkh district court had the highest workload in August, Bayangol district court in December, and Khan-uul district court in June.

Bayanzurkh district court was passive in October, Bayangol district court in September, and Khan-uul district court in August.

Bayanzurkh and Bayangol district courts' clearance rates are below the target level for an eight-month period, Khan-uul district court's clearance rate was below for a six-month period during the year 2005.

Knowledge of clearance rate allows chief judge and court administrator to better monitor the court caseload and keep the caseload balanced.

Due to judges' vacations in August and September, Bayangol and Khan-uul district courts have disposed less cases during these months. The workload in Bayanzurkh district court had increased in October which related to the return of prosecutors from vacations and resolution of criminal cases in bulk.

3.1.3 Time to Disposition

Although the Criminal Procedure Code legislates that a criminal case should be reviewed within 15 days from the filing date and the trial should be scheduled within 10 days, the study revealed the fact that 183 criminal cases or 12.5 percent out of 1459 were assigned to judges by chief judge after holding the cases from 1 to 10 days in hand. It coincided with state holidays, lunar new year, and weekends. (It can be checked from the study materials)

This fact reveals the need for more prompt review and assignment of criminal cases to judges.

Range, Median and 90th percentile of Criminal Cases

Court	Sample size	Range	Median	90th percentile
Bayanzurkh	660	0-635	17	43
Bayangol	470	0-681	21	70
Khan-uul	329	6-1220	20	37

Medians of three district courts are between 17 and 21 days and seem to be within legally defined time standards. However, 90th percentile of Bayanzurkh district court was 43 days, Bayangol district court's 70 days, and Khan-uul district court's 37 days. The remaining 10 percents are:

- in Bayanzurkh district court from 43 to 635 days
- in Bayangol district court from 70 up to 681 days
- in Khan-uul district court from 37 to 1220 days

The fact that Bayangol district court's 90th percentile of 70 days is higher than the two other courts', means Bayangol district court was behind the other two courts in case processing timeframe. The oldest case of Khan-uul district court had 1220 days or it means that the court disposed this case in three years and three months.

Calculation of indicators as range, median, and 90th percentile assists court not only to identify backlog cases in days, but also to identify goal to lessen the days of the remaining 10 percent.

The indicator can be used as a main measure for court performance evaluation.

Time to disposition (by district courts)

Court	Oldest case (days)	Within 8 days	Within 9-14 days	Within 15-25 days	Above 26 days
Bayanzurkh		50	180	264	166
	635	7.6%	27.4%	40%	25%
Percentage of disposed cases within time standards		75%			

Court	Oldest case (days)	Within 8 days	Within 9-14 days	Within 15-25 days	Above 26 days
Bayangol		53	93	134	190
	681	11.3%	19.8%	28.5%	40.4%
Percentage of disposed cases within time standards		59.60%			

Court	Oldest case (days)	Within 8 days	Within 9-14 days	Within 15-25 days	Above 26 days
Khan-uul		7	54	19	73
	1220	2.1%	16.5%	59.4%	22%
Percentage of disposed cases within time standards		78%			

Disposed cases and percentage (consolidated)

Three courts	Oldest case (days)	Within 8 days	Within 9-14 days	Within 15-25 days	Above 26 days
	1459	110	327	593	429
	100%	7.5%	22.4%	40.6%	29.4%

Percentage of disposed cases within time standards	70.5%	
--	-------	--

7.5 percent of total cases was disposed within 8 days, 22.4 percent within 9-14 days, and 40.6 percent was disposed between 15 to 25 days. As a result, 29.9 percent of the cases were disposed within 14 days. The cases disposed within this time frame were simple cases. Although the three district courts resolved 70.5 percent of the cases within the legally defined time standards, 29.4 percent of cases were disposed in more than 26 days.

3.1.4 Pending Cases

Pending Cases

Courts	Oldest case	Within 8 days	Within 9-14 days	Within 15-25 days	Above 26 days
Bayanzurkh	201	0	13.1%	63.1%	26.8%
Bayangol	164	0	5%	35%	60
Khan-uul	37	0	18.2%	63.6%	18.2
Percentage of disposed cases in time standards		66%			44%

In 2005, Bayanzurkh district court had a pending case of 201 days, Bayangol district court a case of 164 days, and Khan-uul district court a case of 37 days. The study of pending cases reported that 66% are pending cases with less than 25 days and the remaining 44% are pending above 25 days.

Bayangol district court had more backlog compared to the other two district courts.

The study reports that Bayanzurkh district court disposed 75% of its cases, Khan-uul district court its 78%, and Bayangol district court its 59.6% within legally defined time standard. The numbers show that Bayangol district court was behind the two other district courts in disposition of pending cases. Although Bayangol and Bayanzurkh district courts had same number of judges, the correlation of civil and criminal judges differs. For example, Bayanzurkh district court had 5 judges for criminal cases and Bayangol district court had 4 judges.

According to the study, Bayanzurkh district court's 25% of total cases, Khan-uul district court's 20%, and Bayangol district court's 40% of cases were disposed over 25 days or over the time standard.

3.1.5 Trials

Number of Postponed Trial Sessions

Sessions held	Bayanzurkh	Bayangol	Khan-uul	Total	Percentage
1 time	497	258	235	990	67.8%
2 time	100	95	62	469	32.2%
3 times	32	49	18		
4 times	11	31	6		
5 times	10	16	2		
6-10 times	10	16	5		
11-20 times	0	5	1		
Total	660	470	329	1459	100%

From the analysis of scheduling trials, 990 trials out of 1459 were held on the first-scheduled trial dates and 459 trials were postponed. Bayangol district court had the highest number of postponed trials, backlog cases, and poor preparation of trials.

Courts did not provide sufficient preparation of trials. There are several reasons of not being prepared for the trial, such as, not sending summon to participants on litigant's request, not handing out guilty verdict to convicted, lack of courtrooms, and others reasons, but the main reason of postponing trials was non appearance of lawyers.

Reasons for Postponing Trials

Reasons	Bayanzurkh	Bayangol	Khan-uul	Total	Percentage
Non appearance of lawyer	95	105	64	264	56.2%
Non appearance of prosecutor	26	68	6	100	21.5%
Non appearance of victim	33	30	20	83	17.7%
Other (Witness, expert did not show up)	9	9	4	22	4.6%
Total	163	212	94	469	100%

The reasons of postponing of trials was associated in 56.2 percent to non appearance of lawyer, in 21.5 percent to non appearance of prosecutor, in 17.7 percent to non appearance of victim, and 4.6 percent to other reasons.

3.1.6 Criminal Case Types

Disposed Case Types

Types	Bayanzurkh	Bayangol	Khan-uul	Total
Crimes against National security	0	0	28	28
Crimes against human body and health	153	75	53	281
Crimes against children, family, and social morality	6	13	9	28
Crimes against civil political rights and freedom	2	0	0	2
Crimes against ownership	249	231	140	620
Crimes against business entities	1	1	1	3
Crimes against social order and security	78	22	17	117
Crimes against human health	6	0	1	7
Crimes against environment order	1	0	1	2
Crimes against security of traffic and procedure of vehicle usage	74	46	37	157
Crimes against administrative procedures	3	6	7	16
Crimes against court adjudication	13	7	7	27

Crimes of public servants	1	1	1	3
Crimes against military service	9	0	4	13
Cases resolved by old laws	64	68	23	155
Total	660	470	329	1459

From the analysis of case types of the three district courts, the crimes against ownership and human body and health prevailed over the other types. Crimes against business entities and crimes of public servants are the lowest and equals to one. Yet district location and population density have affect on the case types of the individual district courts. For example, crimes against national security are peculiar in Khan-uul district court, crimes against civil political rights and freedom in Bayanzurkh district court, and crimes against military service in Bayanzurkh and Khan-uul district courts respectively. This type of crimes does not occur in other district courts.

3.2 Civil Caseflow

3.2.1 Civil Caseflow Chart

The civil caseflow chart was drawn based on the first instance court activities starting with filing and until its disposition, and transfer to archive. The court events are divided into five stages. (Chart 2)

- i. Filing a complaint, petition, and request and assigning a judge (Five types of activities are taken at this stage. See the chart)
- ii. Activities undertaken by assigned judge:
 - refuse to accept a complaint
 - initiate a case
- iii. Activities undertaken by judge who initiated a case
 - transfer complaint to proper jurisdiction
 - hand out copy of a claim to defendant and explaining the rights of defendant
 - be involved in collecting required or requested evidence
 - resolve through simplified procedure
- iv. Resolving case through trial
 - schedule the trial date
 - prepare for a trial
 - after the issuance of judge's decree, introduce a case to defendant
 - announce the trial date to litigants
 - hold the trial
 - decide the case
- v. Transferring file to archive

From the civil caseflow chart, there are certain activities that are not regulated by legislation or specific procedures but undertaken by courts in their daily practices. For example,

A. Secretary (or information and inquiry officer in some courts) who receives and registers, dismisses and returns it to citizen.

B. Many registrars are kept at filing stage of a complaint

C. Petitions are filed against judge's decision rendered through simplified procedure

D. Court re-files a complaint that was earlier returned to citizen based on the provisions of Art. 100.2 of the Civil Procedure Code and resolves it by a regular procedure

E. Trials are mostly postponed due to evidence matters. It has impact on increase of backlog and pending cases.

F. Numbers of refusal to receive complaint in Bayanzurkh district court was 665, Bayanzurkh district court was 247, and Khan-uul district court 52. This might create a suspicion whether court is trying to avoid adjudication process.

3.2.2 Clearance rate

Clearance rate of the three district courts are shown in numbers and graph:

A. detailed

	Months	2004 12	1	2	3	4	5	6	7	8	9	10	11
Bayanzurkh	Incoming	107	163	134	173	197	211	170	123	168	173	220	224
	Outgoing	115	108	89	136	145	117	147	115	102	120	136	132
	Rate	107%	66%	66 %	79 %	74 %	55 %	86 %	93 %	61 %	69 %	62 %	59%

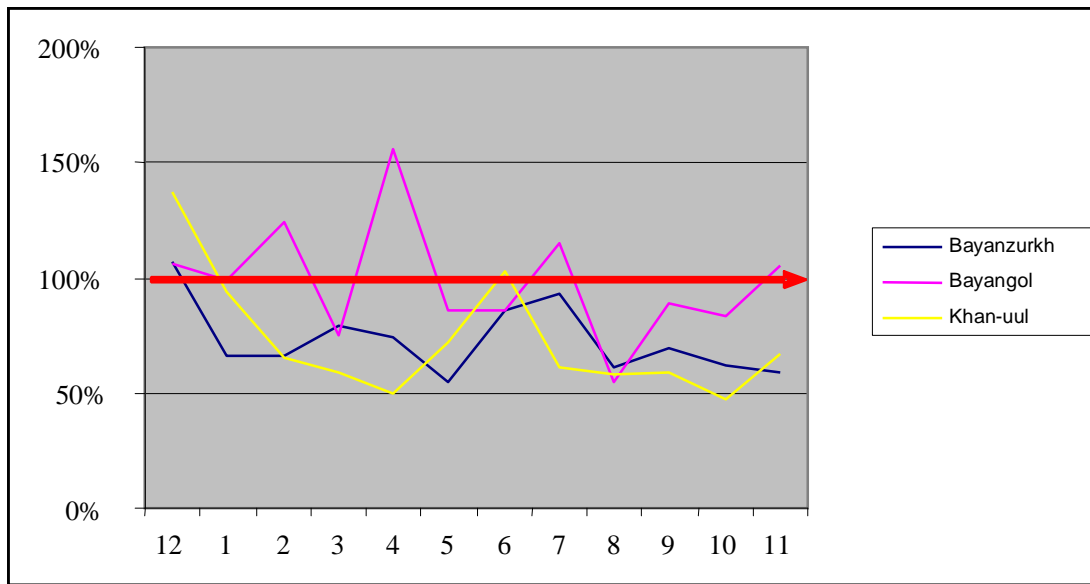
	Months	2004 12	1	2	3	4	5	6	7	8	9	10	11
Bayangol	Incoming	216	192	90	264	133	197	235	166	197	204	227	241
	Outgoing	228	191	112	198	208	169	202	191	109	182	189	254
	Rate	106 %	99 %	124 %	75 %	156 %	86 %	86 %	115 %	55 %	89 %	83 %	105 %

	Months	2004 12	1	2	3	4	5	6	7	8	9	10	11
Khan-uul	Incoming	38	79	60	100	123	97	67	104	91	87	128	97
	Outgoing	52	74	39	59	61	70	69	63	53	51	60	65
	Rate	137%	94 %	65 %	59 %	50 %	72 %	103 %	61 %	58 %	59 %	47 %	67 %

B. consolidated

Months	2004 12	1	2	3	4	5	6	7	8	9	10	11
Bayanzurkh	107%	66 %	66 %	79 %	74 %	55 %	86 %	93 %	61 %	69 %	62 %	59 %
Bayangol	106%	99 %	124 %	75 %	156 %	86 %	86 %	115 %	55 %	89 %	83 %	105 %
Khan-uul	137%	94 %	65 %	59 %	50 %	72 %	103 %	61 %	58 %	59 %	47 %	67 %

C. graph



In computing the clearance rates, the number of disposed cases was compared to incoming cases of that particular time period. Meaning that, if the rate is above 100 percent, court is keeping up with its caseload or court is resolving more cases than it was filed.

The graph shows that Bayanzurkh district court's rate went down after December, 2004 and reached the lowest point in May, 2005. In general, Bayanzurkh district court did not have clearance rate above 100 percent during any months of 2005. The court was not able to keep up with its incoming cases.

Bayangol district court's clearance rate increased in April, declined in May, during May and June the rate was constant. Then starting from August it declined sharply. The study reports that Bayangol district court had the highest workload in August.

Khan-uul district court successfully resolved caseload by having the rate above 100% in December, 2004 and in June, 2005. It had the highest workload in April and October, 2005.

3.2.3 Time to Disposition

Time to disposition of civil cases was calculated based on the above mentioned measures:

Courts	Cases studied	Range	Median	90th percentile
Bayanzurkh	1279	0-1342	38	112
Bayangol	1583	0-365	34	91
Khan-uul	723	0-349	39	83

Medians of the Bayangol, Bayanzurkh, and Khan-uul district courts are between 34-39 days which are within legally defined time standards.

However, the 90th percentile of Bayanzurkh district court was 112 days, Bayangol district court was 91 days, and Khan-uul district court was 83 days respectively. It shows that all courts had 90th percentile beyond the legally defined time standards. The courts should aim to median and 90th percentile closer to the legally defined time standards.

Time to Disposition

Courts	Oldest case	1-15 days	16-30 days	31-60 days	61-90 days	91-150 days	150 above
Bayanzurkh	1342	271	258	360	187	138	65
		21%	20%	28%	15%	11%	5%
		84%				16%	
Bayangol	365	566	194	271	396	140	24
		35%	12%	17%	25%	9%	2%
		89%				11%	
Khan-uul	349	121	170	259	107	44	22
		16%	24%	36%	15%	6%	3%
		91%				9%	

From the above table, time to disposition is shown in time ranges of 1-15, 16-30, 31-60, 61-90, 91-150, and above 150 days.

Maximum time of disposition is an indicator that shows the oldest case age calculated based on the filing and disposition dates. The oldest case of Bayanzurkh district court had 1342 days, Bayangol district court had 365 days, and Khan-uul district court had 349 days respectively.

Bayanzurkh district court resolved 84% of its total cases within the legally defined time standards, Bayangol district court 89% of its total cases, and Khan-uul district court resolved 91% of its total cases. The overdue cases or cases resolved above 91 days constitute 16% in Bayanzurkh district court, 11% percent in Bayangol district court, and 9% in Khan-uul district court.

3.2.4 Pending Cases

Courts	Total	Oldest case	1-15 days	16-30 days	31-60 days	61-90 days	91-150 days	150 above	median	90th percentile	Max	Min
Bayanzurkh	259	1006	28 11%	54 21%	123 47%	28 11%	10 4%	16 6%	50	89	1006	12
Bayangol	229	96	22 10%	120 52%	80 35%	6 3%	1 0%	0	29	51	72	11
Khan-uul	50	78	5 10%	23 46%	15 30%	7 14%	0	0	26	61	78	12

According to the study, Bayanzurkh district court had in total 259 pending cases. From it, there were 28 cases or 11% of total cases within 1 to 15 days of delay, 16 pending cases or 6% of total cases above 150 days. Median of pending cases of Bayanzurkh district court was 50 days and 90th percentile equaled to 51 days. The range of pending cases was within 12-96 days.

Bayangol district court had in total 229 pending cases out of which 22 cases or 10% had delay of 1-15 days. 87 cases or 38% of cases were delayed for more than 60 days. Bayangol district court had no pending cases with over 150 days. Median of pending cases of Bayangol district court was 29 days and 90th percentile equaled to 89 days. The range vary from 11 to 1006 days.

Khan-uul district court had in total 50 pending cases out of which 5 cases or 10% was within 1-15 days of delay, 22 cases or 44% of cases within 60-90 days of delay. No pending cases above 150 days. Median of pending cases of Khan-uul district court was 26 days and 90th percentile was 61 days. Range was from 12 to 78 days.

3.2.5 Trials

Civil case trials						
Trials	Bayanzurkh		Bayangol		Khan-uul	
1 time	781	83%	810	73%	350	74%
2 times	115	17%	158	27%	74	26%
3 times	34		75		34	
4 times	11		43		10	
5 times	0		20		7	
6 times	1		4		0	
7 times	1		2		0	
8 times	0		3		1	
Total	937		1115		476	

A court's ability to hold trials on the first scheduled date is closely associated with timely case disposition. Measuring trial date certainty requires identifying all cases disposed by trial during a given period of time. After the cases were identified, additional information must be collected to determine whether those cases were tried on the first date they were set for trial or were postponed.

- 1-8 times is an indicator that shows how many times trials were heard. For example, Bayanzurkh district court heard 781 cases or 82.2% of the total cases at the first scheduled date. Bayangol district court heard 810 cases or 73% of the total cases on the first scheduled trial date. Khan-uul district court heard 350 cases or 74% of total cases on the first scheduled trial date.

- “Total” in the above table equals to sum of total disposed and nullified cases.
- In analysis of the trial date certainty, the cases that have been resolved through simplified procedure were not involved. /Below table shows the number of cases that have been resolved through simplified procedure/

Status of disposition		Bayanzurkh	Bayangol	Khan-uul
	Disposed	908	983	438
	Resolved through simplified procedure	336	468	247
	Nullified	29	132	38

	Bayanzurkh	Bayangol	Khan-uul
Median	1	1	1

Reasons for Postponing Trials

Reason			
	Bayanzurkh	Bayangol	Khan-uul
Related to Lawyer	11%	15%	8.9%
Need to introduce counter claim to litigants	0.9%	2.5%	0.9%
Request to assign expert	4.5%	5%	8%
Related to evidence	23%	18%	14%
Need for calling witness	4%	2.5%	2%
Plaintiff became unable to attend the trial session	10%.	6.1%	12%
Defendant became unable to attend the trial	24%	25.5%	35%
Need to involve the third party	3%	3.9%	7%
Need for involving interpreter	0.3%	0.1%	0.2%
Unable to define the trial scheduling	3.3%	4%	1%
Other	16%	17.4%	11%
Total	100%	100%	100%

3.2.6 Civil Case Types

The below table provides information on the what type of cases occurred mostly in the three district courts:

Court	Case Type	Cases	Percentage
Bayan zurkh	Other loans	233	18.2
	Family disputes	228	17.8
	Special actions	173	13.5
	Bank loans	93	7.3
	Sale and purchase contracts	76	5.9
	Alcohol treatment	58	4.5
	Compensation	56	4.4
	Labor disputes	39	3.0
	Rent contracts	21	1.6
	Compensations	20	1.5
	Execution contracts	13	1.0
	Invalidating agreements	13	1.0
	Groundless acquisitions	12	0.9
	Mortgage	5	0.4
	Storage	4	0.3
	Collaboration	4	0.3
	Contract for works	4	0.3
	Rent of assests	2	0.2
	Assignment	3	0.2
	Gift	1	0.1
	Other	221	17.3
	Total	1279	100%

Court	Case Type	Cases	Percentage
Khan-Uul	Special actions	110	15.2
	Family disputes	104	14.4
	Mortgage	85	11.7
	Other loans	80	11.0
	Compensation	45	6.2
	Bank loans	40	5.5
	Alcohol rehabilitation treatment	34	4.7
	Labor disputes	27	3.7
	Sale and purchase	26	3.6
	Execution contracts	7	0.9
	Compensation	6	0.8
	Rent contracts	4	0.5
	Rent of property	3	0.4
	Invalidating contract/agreement	3	0.4
	Collaboration	2	0.3
	Groundless acquisition	2	0.3
	Contract for works	2	0.3
	Gift	1	0.1
	Other /Financial rent, freight, mediation, assignment and others/	142	19.6
	Total	723	100%

Court	Case Type	Cases	Percentage
Bayan gol distric t court	Family disputes	222	14.0
	Special actions	186	11.8
	Other loan	146	9.2
	Alcohol rehabilitation treatment	131	8.3
	Mortgage	130	8.2
	Bank loans	124	7.8
	Compensation	60	3.8
	Sale and purchase contract	60	3.8
	Labor disputes	32	2.0
	Groundless acquisition	12	0.8
	Invaliding contract/agreement	11	0.7
	Collaboration	8	0.5
	Compensation	8	0.5
	Rent contract	6	0.4
	Execution contract	6	0.4
	Property rent	4	0.3
	Gift	2	0.1
	Other /Financial rent, freight, mediation, assignment and others/	435	27.5
	Total	1583	100%

3.3 Regulations of Caseflow Management

Other factors influencing to caseflow management

The caseflow process was studied in detail based on the questionnaire organized twice in six district courts during 2005-2006 years and study results of the three courts organized in 2007.

Processes include:

- Court undertakes 42 type of activities(actions) related to the Criminal caseflow (Attachment 1)
- Court undertakes 47 type of activities(actions) related to the Civil caseflow (Attachment 2)
- There are 16 types of activities(actions) regarding administrative responsibilities (Attachment 3)
- And 22 other activities (actions) (Attachment 4)
- The first instance courts of the Capital City undertake 127 types of the activities(actions) in total in compliance with the legislation

The first instance courts receive 32 types of claims, complaints and materials (Attachment 5)

The caseflow management activities of the first instance courts are regulated by the below legislation.

- a) Criminal caseflow (Attachment 6)
 - 44 provisions of the Criminal Procedure Code
 - 2 provisions of Law on Courts
 - 1 resolution of the General Council of Courts
 - 8 orders and decrees issued by the Capital City Court
- b) Civil caseflow (Attachment 7)
 - 59 provisions of the Civil Procedure Code
 - 1 provisions of the Law on Courts
 - 2 resolutions of the General Council of Courts
 - 7 orders and decrees issued by the Capital City Court
- c) Others (Attachment 8)
 - Criminal Procedure Code

- 1 provision of the Civil Procedure Code
- 1 provisions of the Law on Courts
- 5 provisions of the Law on Administrative Responsibilities
- 2 resolutions of the General Council of Courts
- Joint decree and order 294 and 74 of the Supreme Court and the Ministry of Justice of 2003 respectively
- 5 orders and decrees issued by the Capital City Court

d) Activities that are not regulated by legislation (Attachment 6-9)

- Criminal 3
- Civil 1

e) There are some duplicative procedures for regulating same activities. For example, filing a criminal case:

If in Khan-uul district court, filing and registration of criminal case, civil complaint, petition, and request is a responsibility of Information and inquiry secretary, then in two other district courts, filing of a case is responsibility of secretary in charge of the registrars. Meaning, the filing process is done differently in three courts.

In Bayanzurkh district court, two judges receive cases regarding administrative violations according to the weekly schedule. In Bayangol district court, a single judge is fully responsible for resolving the cases on administrative violations based on the procedure approved from the Judges' Council. In Khan-uul district court, a secretary receives the cases on administrative responsibilities and gives it to judge in rotation for the resolution.

The courts that participated in the study use the following forms for their daily operations.

In processing a civil case:

1. Form of decree on initiating a case
2. Form for explaining rights and duties of litigants
3. Form for handing out complaint to defendant
4. Form of decree on hearing a civil case through a trial
5. Form for introducing case file to litigants

6. Form for handing out a copy of court decision
7. Form for introducing petition to appellate and supervisory level courts
8. Form for summon
9. Form for writing enforcement letter
10. Civil case file

In processing a criminal case:

1. Form for handing out a copy of indictment or bringing the accused to court
2. Form for summon
3. Form for meeting with the accused
4. Form of Chief judge's decision to extend the restraint measure
5. Form of Chief judge's decision to assign the presiding and bench judges
6. Form of Chief judge's decision to extend time for resolving the issue of bringing the accused to court
7. Form for setting a bail
8. Form for introducing to witness, victim, expert, interpreter, and translator the provisions of the Article 254 and 255 of the Criminal Code (at trial)
9. Form for transferring the sentenced person to detention center
10. Form for proving that a copy of judge order on sentencing (acquittal) was handed out or introduced
11. Form for appeal
12. Form for court notice
13. Form for court's enforcement letter
14. Form for case on administrative responsibilities

In total 24

In 2005, 231 trials were held in six district courts. Only 49 trials or (21.2%) were held on time. The others were late from 8 to 3 hours. 34 trials out of 231 were postponed due to non appearance of certain participants and on the request of lawyers to postpone the trial.

Reasons:

- Due to scheduling of 3-4 trials per day in the district court's criminal and civil court rooms respectively, the overlap of the trials were happening. Therefore, the next trials did not start on the scheduled time.

- In certain cases, the participants were late due to non fulfillment of the legal requirements of the trial secretary to inform the litigants about the trial date through court's notice letter 3 days prior to the trial scheduled date.
- In 32 criminal trials out of 128, prosecutor was late
- In 38 trials out of 231, lawyer was late
- In criminal trials, accused was not brought in on time. The main reason for it, six district courts have only one vehicle for transportation of the accused from detention centers to courts
- Trials did not start on time because some bench members were sitting on other trials. Trial could not be convened due to missing one of the judge at the bench

Other reasons:

- In 4 trials out of 231, the court secretary was not taking minutes completely. In many cases, secretary was not fulfilling the duty of calling the presence of participants. The presiding judge was checking the presence of litigants. In 67 cases out of 231, the secretary did not remind the audience to stand up. In 53 criminal trials out of 128, the guard fulfilled the duty to keep the court room order and in 69% did not fulfill.
- 213 trials out of 231 were held in courtrooms. The remaining 18 trials were held in judge's office (courtroom was occupied).
- In 121 criminal trials out of 128 and in 91 civil trials out of 91, the judges at the bench were not actively participating in trials. Instead, they were going in and out, reading newspapers or some other things, and talking on cell phones.
- In 30% of 169 trials with citizens' representatives, citizens' representative was prolonging the trial by asking irrelevant questions, or by repeating the questions.
- Chingiltei district court has not only proper courtroom but also court premise for undertaking court operations.
- Some district courts had microphone which was out of operation
- Due to in efficient scheduling, the court had 3-4 criminal trials per day. In this case, judge had to go from one trial to another with out break or had no time for proper preparation. It increases judge's workload.
- In most district courts, the room for keeping the accused had no ventilation, poor sanitation, no toilets, no separate male and female restrooms, and poor security.
- Trial schedule was not placed for public view (specially civil)

- Some district courts do not have information boards for public.
- Due to insufficient skills of some judicial staff, incomplete registration or input of data occurs in judicial software. Due to lack of manuals on usage of software, some vague questions were answered incorrectly.

For example, it is unclear what should be entered under the “other” button of the civil case registration. Bayangol and Chingeltei district courts were not entering the reason of postponing civil trials. It makes impossible to study the reasons of postponing the trials.
(Attachment 1-5)

4. Conclusions and Proposals for Improved Caseflow Management

The study reveals the importance and applicability of the caseflow management indicators.

If one of the objectives of the caseflow management is to promote “prompt” justice, measures of such justice are desirable. The measures that are used in the study provide opportunity to court leadership, judges, and judicial staff to not only monitor their performance but also to conduct their activities with specific objectives.

The study team proposes the below for improved caseflow management.

A. Criminal cases

1. Reduce the number of cases heard by bench of judges
2. A judge should resolve all cases alone
3. Resolve simple cases through simplified procedure
4. Prolong judge’s review time of cases related to serious and grave crimes
5. Improve the use of the case tracking software. During the study, the problems and difficulties occurred due to the incomplete entering of data into case tracking software
6. Filing and assigning a criminal case: A case returned for investigation is considered by a bench of three judges. Chief judge assigns a presiding judge, but the issue of assigning a bench of judges is not regulated. Therefore, there is a need for elaborating the Article 32 of the Criminal Procedure Code.
7. There is a need to regulate the assigning process of cases because the study reports about the district courts’ different ways of filing and assigning criminal cases. The Criminal Procedure Code does not regulate who should assign a case. The issue of assigning a bench of judges is not clearly stated. The issue of assigning a presiding judge is regulated by this Code. The provision 32.6 of the Article 32 of the Criminal Procedure Code states about assigning a presiding judge. The Article 310 of the Criminal Procedure Code states that “ the presiding judge of the appellate court shall be assigned and the case given to assigned judge”. Therefore, this issue should be regulated by procedure. It is needed to regulate the issue by procedure to ensure timely Chief Judge’s review of a criminal case and to eliminate undue delay in assigning a presiding judge.
8. Suspension of cases:
When the accused is escaped, the search for escaper protracts. Police did not take active actions for the searches. Therefore, the study team proposes to make changes to the

Article 230 of the Criminal Procedure Code stating that the case shall be returned for investigation, if the escape of the accused or defendant has been proven.

9. Re-opening of suspended cases when the grounds for suspension were eliminated.
There is no provision regulating the re-opening of suspended cases when the grounds are removed. The study team proposes to amend the provision on re-opening of the suspended case in the provision 229.3 of the Article 229 of the Criminal Procedure Code.
10. Make changes to the present law, requiring resolution of criminal cases, classified as minor in the provision 17.1.1 of the Article 17 of the Criminal Code, through trials in 25 days and elaborate a new law on resolving minor criminal cases at pre-trial stages. For example, minor criminal cases can be resolved as cases on administrative violations in simply manner. It will lessen the bureaucracy and reduce court caseload.
11. For the last years, the crime circumstances are getting serious and aggravated. Therefore, judge is becoming unable to review the case files with many accused and many elements of crimes within 15 days. This time limit is extended by Chief judge in compliance with the provision 225.4 of the Article 225 of the Criminal Procedure Code. However, the Code does not state for how long and for how many times this time limit/period can be extended. As the result, some Chief judges extended the time period for 80-90 days that caused the delays.

It is proposed to change 15 days for bringing the case to court to 30 days and permit to extend the time period for 30 days only. Then, $30+30+10=70$ days would equal to days for resolving a civil case.
12. District courts did not enter complete information into case tracking *Judge* software. It had impact on the duration of the study as certain parts of the study were conducted manually. If district courts will have a full and unified understanding about the usage of software and enter completely the information, then it will be possible to conduct court's studies and use court performance indicators.
13. Trial secretaries of some district courts are not sufficiently skilled at using the software, consequently information is entered incompletely. It might be related to a high turnover of the secretaries in district courts.

B. Civil cases

1. Filing and registering of complaints are done differently in the district courts. Many actions are undertaken in the filing stage: for example, information and inquiry secretary

receives a complaint and registers it in registrars, then the complaint is given to trial secretary who registers the complaint in his/her own registrars and gives the complaint to the assigned judge.

There is an opportunity to eliminate some actions in the filing stage. Every court has information and inquiry secretary who will receive complaint, petition, or claim and enter the information to software. Then he/she will give the complaint to a judge assigned by procedure endorsed at the Judges' Council.

2. If criminal cases have one numbering system nationwide, civil cases do not have unified numbering or indexing. In the international practice, the number under which a case was filed has a certain meaning to the numbering of civil cases; in Mongolian situation this number has no any meaning. Therefore, unified or nationwide numbering is needed for civil cases.
3. Return of complaints due to incompleteness of content by court secretary, responsible for filing and registering complaints, has still been practiced. It created drawbacks. Citizens claimed that court secretary exercised judge's right to return complaints. Therefore, detailed regulation is needed for specifying trial secretary's authority in filing and checking the content of complaints.
4. The study reports about resolving certain cases in very short period of time and some in lengthier period of time. It suggests the creation of differentiated caseload management.
5. Establish criteria for classifying cases as simple, regular, and complex.
6. Regulate the filing of petition to the judge's decision made through simplified procedure in compliance with the Article 74 of the Civil Procedure Code.
7. According to the legal requirements, civil case should be resolved within 60 days after the initiation of case. Civil case can be extended one time for additional 30 days. Hereto, the first instance court should resolve a civil case in $60+30+7=97$ days.

When a case has more than 97 days, the monitoring of case resolution time becomes unclear. Due to it, breaches/violations happen at this stage such as additional extension of time for another 30 days by Judges' Council without considering legal grounds or reasons.

It mostly relates to collecting discovery evidence, issuance of expert's conclusion, and to inquiry from archive and other sources. Therefore, it is proposed to delete the word "one time" from the Article 71.2 of the Civil Procedure Code and change it to extension for only 30 days.

8. Change the Article 119.2 of the Civil Procedure Code on court's responsibility to hand out/deliver to litigants the decision to litigant's responsibility to pick up the decision of the court. The problem of the present practice is that litigants to whom a decision of court is not favorable would dodge or try to avoid it. Then after 2-3 years, this litigant would file an appeal or request to re-open the case which increases court's workload.

C. Court administration

1. In compliance with the objectives of Human resource management

Develop and endorse a procedure defining responsibilities and duty lines of court administrator, assistant judge, trial secretary, and information secretary related to caseflow activities within existing structure and positions of the district courts.

It will change the doing similar activities differently in the district courts by different court employees and will coordinate evaluating outcome agreements of court employees.

Develop a manual on methodology of the study and apply court performance measures at the district courts. Based on it, courts will define court objectives toward increasing clearance rate, declining 90th percentile, and evaluate court performance based on objective indicators as median, time to disposition, time to disposition of pending cases, and range.

Develop a policy on training, re-training and stable employment of administrative staff, namely, district court administrator, assistant to judge, and trial secretary, and employing a professional trial typist to change the duty of trial secretary and allow trial secretary to focus on providing judicial assistance to judge.

Regulate and enforce the reporting of every judge about status and timing of case resolutions by the General Council of Courts.

2. In compliance with the objectives of Caseflow management

Create a structure of early court intervention and monitoring of cases through application of the case calendar (plan). First, apply the case calendar for trial secretary and assistant to judge then gradually for judges. It will ensure court's continuing monitoring of case processing and timely disposition.

127 activities of the caseflow management are undertaken at the first instance courts. The caseflow management is regulated by 120 provisions of legislation, more than 30 procedures, and 30 instructions. The first instance courts use 30 forms. There is a need for studying the

above mentioned in detail and developing unified procedure and manual for caseflow management. The relevant training will be needed too.

Count the average time of trial continuance to accommodate the limited resources of trial rooms and bench trials. Regulate the scheduling of trial dates to have more realistic scheduling process.

3. In compliance with the objectives of Technology management

Improve the use of case tracking software by judicial staff. Study and apply functions related to Internet search, electronic transfer of data, picture and other files, and new technologies applicable in daily operations of the courts.

Develop software for creating caseflow calendar (plan) and analyzing court performance based on the indicators. Apply them in daily operation of the district courts.

4. In compliance with the objectives of Information management

Enhance the activities of information and inquiry officers of the district courts. Prepare professional judicial staff for public information activities. Apply the best practices of public information services.

Support the publication of the caseflow charts and public information of the continuing monitoring of the case processes.

List of the Activities of Criminal Caseflow Management

1. Information inquiry officer receives a criminal case with attached indictment from Prosecutor offices
 - Checks number of pages
 - Number of accused (with measures of restraint, imprisonment period, bail, indictment)
 - Indictment, photo
 - Evidence (registered)
2. Criminal case is given to Chief judge
3. Chief judge assigns head of bench and assigns the case
4. Registration of a case in the case tracking Judge software
5. Registration in registrar and case is given to assigned judge
6. Registration of evidence into registrar then handing the evidence out to judge's secretary for storage
7. Assigned judge reviews the case within 15 days, then decides to bring the accused to the court, or to return the case to investigation office or to suspend the case
8. If the restraint measure has expired, Chief judge is informed and the issue of extension or non-extension is decided
9. In case the case is returned to investigation and inquiry offices, secretary hands out judge's decree to litigants and returns to prosecutor office
10. If prosecutor writes protest to judge's decree, the case is delivered to appellate level court
11. In case of suspension of the case, the accused is set free on bail
12. In case the accused has escaped or hard to locate, the judge impose sanctions to bailer (as penalties, search expenses)
13. Write execution order if there is no voluntary action
14. Execution order is registered in registrar and delivered to court enforcement agency
15. If the escape has been proven, judge's order, requesting for additional sentencing according to the Art. 251 of the Criminal Law, sent to prosecutor office
16. Issuance of judge's order bringing the accused to court (trial schedule is announced)
17. The copies of the judge's order along with indictment are handed out to accused

18. Summon the people named in judge's order on bringing the accused to court and prepare for a trial
19. Take minutes of the trial. Finalize the minutes within three days in compliance with the legislation, sign and let sign the presiding judge, and seal on the document
20. Hand a copy of trial minutes to prosecutor within three days (same in case participants have requested)
21. Issue sentencing (acquittal) decision. (In case of returning the case to investigation or inquiry offices). The respective judge's order or decree is issued).
22. Get signature to document on acquainting sentencing decision to participants of trial
23. Assistant judge or trial secretary edits decree/ order for misspelling or errors
24. After the editing, copies of decree/order for filing into case folder and for giving to participants of trial are made for presiding judge and bench for their signature and the copies are sealed and stamped for surety.
25. Send out the sentencing decision with relevant documents to detention center or to prison.
26. Send out minutes of sentencing to the Center of Research and Information of the General Police Department.
27. Send out sentencing decision on imprisonment to police organization within 24 hours.
28. Keep registrar of decisions of conviction (acquittal) and attach documentations.
29. Send out court decision on other than imprisonment and additional charges along with relevant documentation to police and other organizations.
30. Enforcement letter shall be written right after the issuance of court decisions; the number recorded in registrar and then sent out to court decision enforcement agency.
31. After registration of bail in registrar of restraint measures, bail is given to assistant judge. The money is transferred to Capital City Administration account, the copies of bank transfer is given to judge and on which judge signs.
32. In case of appeal petition or protest from litigants, assistant judge and secretary check the petition or protest for compliance with legal requirements and receive it.
33. Acquaint other parties about appeal petition or protest.
34. Get explanations on it.
35. Deliver the case to appellate and supervisory level courts.
36. Input relevant data (conviction order, decree, grounds of sentencing, registration of criminal execution letter, registrars of appeal and etc.) of cases to case tracking software Judge 2005.

37. Introduce returned case from appeal to judge who resolved at the first instance level.
38. If there is no petition on appeal, take enforcement measures for execution of sentence.
39. In case of expiry of appeal time, case is prepared for archive and given to secretary in charge of archive (Same to cases returned from higher instances after the appeal)
40. Secretary in charge of archive makes registration of case.
41. After the end of reporting year, all criminal cases with conviction decree, order, and other documents are transferred to prosecutor office of the Capital City. The original copies of the court's decrees and orders are kept in archive of the Capital City Court. (Original copies are filed and stitched by 250 pages each)
42. Case materials are paginated and content is included

List of Activities Related to Civil Caseflow Management

1. Filing complaint at first instance court
2. Random assignment of case
3. Registration of case into case tracking software Judge 2005
4. Registration of assigned complaint into condensed registrar of civil cases. After that the case is given to assigned judge.
5. Judge reviews a complaint.
6. Judge checks the components of complaint and if it is not complete, judge issues order on returning the complaint.
7. Judge orders secretary to prepare an order to return the complaint.
8. Assistant judge or secretary prepares order and submits it to judge for approval.
9. Keep registrar of returned complaints.
10. Take actions to return the complaint to plaintiff (make phone calls) and mail the complaint to plaintiff after expiry of time to receive petition on judge's order.
11. If it is considered that complaints are meeting legal requirements, the order to initiate a case shall be issued within 7 days after the filing date. (With no numbering). It is recommended to provide numbering to order on case initiation, because of complaints to this type of court decisions.
12. Assistant judge of civil cases and secretary open case file, provide page numbering, and attach all the documents.
13. Defendant is called to court (summon, forced appearance).
14. Civil cases assistant judge or secretary hands out a copy of complaint to defendant.
15. Explains rights and duties to litigants, third party, or to their representatives or lawyers and gets their signature.
16. Gets explanation from defendant.
17. Resolution of case through simplified procedure (prior to trial or during trial).
18. If defendant files counter-claim, the plaintiff is acquainted with it and explanation is received.
19. Litigants submit request related to claim (prior to trial or during the trial)
20. Resolve litigants' requests (through judge's decree or court's order)
21. Issue judge's decree on resolving civil case through trial (no numbering)

22. Provide materials of a case to litigants.
23. Inform litigants about trial date (court notice, phone, mail, a fax, and other).
24. Assistant judge or secretary puts on information board the schedule of trial.
25. Assistant judge or secretary takes minutes of the trial.
26. Information about trial and decision are entered into case tracking software Judge-2005.
27. Minutes of trial is finalised within 3 days according to legal requirements and given for signature to judge. Minutes taker also signs on and stamps the document.
28. Minutes of trial can be given to litigants upon their requests
29. Judge signs and stamps the decision
30. Assistant to judge and secretary review the decision for errors and misspelling
31. The original copy of the decision is attached to case file after the review of decision on misspelling
32. Presiding and bench judges sign the decision and it is stamped
33. Decision of court is handed out to litigants
34. Litigants may appeal within 14 days to appellate and within 30 days to supervisory level courts. In case of appeal, secretary checks legal ground of appeal and payment of state stamp fee and registers the claim
35. Resolve (through decision) requests on excluding from stamp fees or re-opening the case
36. Register to case tracking software Judge 2005
37. Register in registrar of appeals
38. Acquaint the appeal notice to other party
39. Register the case in out-file and send it to higher instances within 3 days
40. Judge issues enforcement decision on request of litigants to do so
41. According to judge's enforcement decision, secretary writes enforcement letter, gives to judge for a signature, and stamp it
42. Enforcement letter is registered in registrar of civil enforcement letters, given to receiver, receiver's signature is taken or letter is sent to Capital City Enforcement Office (by messenger)
43. Enter final data on case (as decision, court's order, ground of decision, enforcement letter, registration of appeal and etc.)
44. Acquaint the case returned from higher instance to judge who resolved at the first instance

45. In case of expiry of appeal period, the case file is arranged for archive and transferred to secretary in charge of archiving (Appealed cases are also sent to archive right after the return)
46. Secretary in charge of archiving registers the case file
47. At the end of the year, all civil cases, decisions, court's orders, other registrars are given to Capital City archive (Original copies are filed and stitched by 250 pages each)

List of Activities Related to Administrative Violations

1. Receive materials related to administrative violations from police
2. Register in Judge 2005
3. Register in registrar of administrative violations, give to judge (randomly or in some district court's designated judge)
4. Judge reviews the materials
5. Judge issues decision (secretary checks the mistakes)
6. Decision is handed out to violator
7. Person with restraint measure is transferred to police
8. Document of payment is collected from a person who was fined and the document is attached to case file
9. Enter the final data in software Judge 2005
10. Violator files complaint to the first instance court
11. Complaint is resolved by bench and decision is made
12. Minutes of trial are taken
13. Decision is sent to relevant organization
14. Case on administrative violation is arranged and given to secretary for archive
15. Secretary for archive registers the case in own registrar
16. At the end of the year, all materials on administrative violations, original copies of decisions, other registrars are given to Capital City archive (Original copies are filed and stitched by 250 pages each)

List of Other Activities

1. Assistant to chief judge registers numbering of decisions related to adjudication approved by district court chief judge (extension of time period of case, assigning presiding judge, and bench and etc.)
2. Assistant to chief judge is responsible for numbering and registrar of decisions issued by district court chief judge on administration and management issues of the court
3. Assistant to chief judge prepares for Judges' Council, takes minutes of meeting, and keeps numbering the decisions issued by meetings
4. Acquaint judge and judicial staff about digest, recommendation, information, interpretation, presentation and other documents sent by higher instances (court administrator)
5. Drafts letter, responses to citizen's complaint and petition received on the name of chief judge
6. Keeps registration of in and out documents
7. Prepare information, report, and study requested from higher instances or other organizations
8. Prepare semi-annual and annual activity report (criminal and civil case reports and other reports related to adjudication)
9. Complaints and petitions of citizens and organizations are registered in complaint and petition registrar and checked whether answers were made (tender bid, rewriting enforcement letter, exclusion from stamp fees, getting the copy and etc.)
10. Letters of citizens and organizations are registered in "incoming" registrar and checked whether answers were provided
11. All outgoing criminal and civil cases, other documents are registered in "outgoing" registrar and given to messenger
12. Messengers registers cases, materials and documents received from judge and secretaries in Messenger Book where recipient signs in.
13. Police book
14. Information and inquiry officer keeps registration on court's information and inquiry
15. After the end of the trial sessions trial secretaries hand over the criminal and civil trial rooms to guard and registers the act
16. Assistant to chief judge receives material related to prisoner sent from prosecutor office
17. Chief judge reviews the prisoner's material
18. Trial is held in prison

19. Chief judge issues decision (assistant to chief judge reviews it for mistake or misspelling)
20. Materials are arranged for archive and given to secretary in charge of archive
21. Secretary for archive registers the material
22. At the end of the reporting year, all materials, originals of decisions, registrars of numbering are transferred to the Capital City archive (Original copies are filed and stitched by 250 pages each)

Petition, request and complaint of citizens and organizations filed in courts

1. Petition and complaint of citizens and organizations
2. Inquiry about debt issues of company and organization intending to participate in tender bid
3. Request to prove that there is no any issue related to debt or criminal charges
4. Request to consider new discovery of case circumstances
5. Request for acknowledgement of loss of execution letter
6. Decree/ order on performance of assignment sent from other local or foreign courts
7. Request to include counter-claim to main complaint
8. Request to re-write enforcement letter
9. Official letter from other courts and legal organizations requesting to review cases
10. Reply letters, expert's conclusions, and letters on performance
11. Inquiry on cases that are at adjudication at that particular court
12. Request for postponing a trial date
13. Complaint about litigation process
14. Request for a copy of decree/ order
15. Request for renewal of petition
16. Request for excluding from stamp fees
17. Recommendation, explanation, and digest issued from Supreme court
18. Request from higher level courts or other relevant organizations to provide information for survey or study
19. Request of organizations and authorities for case materials
20. Request to free from charges or to prove the fact of acquittal
21. Request for changing charges
22. Request for making changes to indictment
23. Complaint on restraint measure
24. Request on changing judge
25. Request for enforcement of court decision
26. Request to re-open period of limitation
27. Petition on prosecutor's protest and appeal
28. Request on refunding of stamp fees
29. Materials of court's conclusions
30. Request on issues of personnel
31. Official letters and Others

Attachment 6

Attachment 7

Attachment 8

Chart 1

Chart 2

National Center for State Courts (NCSC)
Mongolia Judicial Reform Program (JRP)
A USAID-funded project

Training for Judges, Prosecutors and Advocates
May 2-4, 2007
Ulaanbaatar city

Evaluation Summary

Instructions: Please complete this form and return it to the JRP representative before leaving. The information you give will help us improve this course and plan subsequent courses. Please be candid; written comments are particularly helpful. Where numbers are given, circle the number that best describes your response using the following scale:

General Reactions

	1	2	3	4	5	Average	No answer
Overall, I thought the course was:	0	0	1	9	8	4.39	
The usefulness of the training materials during the course was:	0	1	2	8	7	4.17	
To what extent were the course objectives met?	0	2	2	8	6	4.44	
To what extent will you be able to apply what you learned to your work?	0	0	1	12	5	4.22	

To what extent did the course meet your expectations?	0	0	1	9	8	4.39	
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Evaluation of Sub-topic 1: Understanding of Adversarial Process

	1	2	3	4	5	Average	No answer
Overall, I thought this part of the course was:	0	0	1	8	9	4.44	
The usefulness of the information received during the course was:	0	0	1	3	14	4.72	
Teaching was clear and understandable	0	0	1	6	11	4.56	
Audio, video aids were clear and understandable	0	0	1	5	12	4.61	1

Evaluation of Sub-topic 2: Opening a court session and allowing parties engage in adversarial process

	1	2	3	4	5	Average	No answer
Overall, I thought this part of the course was:	0	0	1	7	9	4.47	1
The usefulness of the information received during the course was:	0	0	1	8	9	4.44	
Teaching was clear and understandable	0	0	1	8	9	4.44	
Audio, video aids were clear and understandable	0	0	2	8	8	4.33	

Evaluation of Sub-topic 3: Getting testimony and questioning, questioning tactics, counter-arguments

	1	2	3	4	5	Average	No answer
Overall, I thought this part of the course was:	0	0	2	9	7	4.28	
The usefulness of the information received during the course was:	0	0	1	4	13	4.67	
Teaching was clear and understandable	0	0	1	8	9	4.44	
Audio, video aids were clear and understandable	0	0	2	8	8	4.33	

Evaluation of Sub-topic 4: Analysis of evidence, except testimony

	1	2	3	4	5	Average	No answer
Overall, I thought this part of the course was:	0	0	3	7	8	4.28	
The usefulness of the information received during the course was:	0	0	2	6	10	4.44	
Teaching was clear and understandable	0	0	2	7	9	4.39	
Audio, video aids were clear and understandable	0	0	2	8	8	4.33	

Evaluation of Sub-topic 5: Commenting and speech skills

	1	2	3	4	5	Average	No answer
Overall, I thought this part of the course was:	0	0	4	3	11	4.39	
The usefulness of the information received during the course was:	0	0	1	5	12	4.61	
Teaching was clear and understandable	0	0	2	4	12	4.56	
Audio, video aids were clear and understandable	0	0	3	4	11	4.44	

Evaluation of Sub-topic 6: Team preparation for trial - practice

	1	2	3	4	5	Average	No answer
Overall, I thought this part of the course was:	0	0	3	5	8	4.06	
The usefulness of the skills received during the practice was:	0	0	3	5	10	4.39	
The practice was interesting, useful and effective	0	0	2	8	8	4.33	

Evaluation of Sub-topic 7: Viewing and evaluating the video records of mock trials

	1	2	3	4	5	Average	No answer
Overall, I thought this part of the course was:	0	0	1	8	9	4.44	
The usefulness of the information received during the part of the training was:	0	0	0	5	13	4.72	
This part was interesting, useful and effective	0	0	1	6	11	4.56	

Please answer the following questions:

a) What was the most effective part of the program? Why?

- All parts of the training were interesting (1 participant).
- The part of the training where we saw and evaluated the video records of trials was very interesting, because it was more effective when we assessed and discussed the mistakes and differences while viewing the video records that can be considered to be our own practice (1 participant).
- All parts of the training were interesting. The training is useful for my work and based on practice, and if the training is implemented, it will be important for courts in making decision with legal grounds (1 participant).
- The mock trial part was more interesting, because it provided us with opportunity to apply our theoretical knowledge directly in practice (1 participant).
- The most interesting part was lecture, including "Understanding of adversarial process" and "Analysis of evidence, except testimony" (2 participants).
- The part on commenting and speech skills was more interesting (1 participant).
- The most interesting part was to view and evaluate the video records of mock trials of teams, because we don't know what mistakes we do in trials, though the lecture and discussion were purely within our field. Therefore, we were given an opportunity to see, learn on, correct and aware of our own mistakes. Self-evaluation was an important part of the training. Probably, we were given an opportunity to notice our behaviors and speech flaws. (3 participants).
- The discussion on problems in adversarial processes (1 participant).
- The mock trial and viewing of video records were the most interesting part (2 participants).
- It was interesting and useful to see the mock trial process and find and assess our own mistakes. If such training is conducted again and allows us work on more cases, it will be more effective. Please conduct such training again (1 participant).
- The mock trial assessment part was the most interesting, because we discussed the mistakes of the participants of the mock trial immediately and effectively. This was probably useful and beneficial for the people who attended the training. Nobody wants to repeat his/her mistake. (1 participant).
- Subtopics 6 and 7 were very interesting. I hope that it will be very useful in the future. (1 participant).
- The trial preparation and practice were the most interesting, because it was the most effective method to strengthen the knowledge acquired from the lecture. The allocated time seems to be rather short. Please extend the time allotted for the part. If we work on one more case after viewing our mistakes, the training will be even more interesting and important. (1 participant).
- The commenting and speech skills part was the most interesting. (1 participant).
- 1 participant didn't respond to this question.

b) What was the least effective part of the program? Why?

- There were no uninteresting parts (4 participants)
- The poorly prepared and less contested mock trial was not interesting (1 participant).
- The questioning part was less interesting (1 participant).

- All the parts of the training were very interesting in general, but the teams were too much relaxed when they viewed the mock trial video records. (1 participant).
- The training seemed to lack training materials. It seems to me that we need some sort of handouts to be effective, to look at when we tell our colleagues what we learned at the training. (1 participant).
- 10 participants didn't respond to this question.

c) What suggestions do you have to make this program better in the future?

- When you conduct the training again, it would be more effective if you give more time for case preparation to the participants after a long lecture. (1 participant).
- You should pay attention to the attendance of participants and the trainer needs to ensure that all the participants turn off their mobile phones which distract the participants (1 participant).
- There is a lack of information on the project implementing organization and trainers. It would be good if you hand out introductory materials or inform your agenda comprehensively. Thank you (1 participant).
- It would have been more effective if you showed and assessed a video record of a mock trial during your lecture before the participants took part in mock trials (1 participant)
- If the prosecution and defense parties participate in the mock trials skillfully, knowledgeably and effectively using good legal justifications, then it will be important for the court in resolving cases independently (1 participant).
- To increase lecture hours, to compare interesting examples and international examples (from jurisdictions with the same system) and to provide manuals (1 participant).
- To prepare a manual for participants to review. To conduct the training for each district (1 participant).
- It would be more interesting if you involve both young personnel and experienced people in the training and let them exchange their opinions (1 participant)
- The training was very good in general. If you conduct such training many times in the future, you will contribute to the development of adversarial process in Mongolia (1 participant).
- To increase handouts and manuals and to pay attention to the attendance (1 participant).
- I think that the training was held at the reasonable level. You should increase the training hours and pay attention to making people more skilled and experienced (1 participant).
- The training seems to be good in general. Teamwork of trainers seems to be more effective. Such teamwork taught some teamwork skills to the trainees. You should involve more lawyers in such training. (You need to involve judge's assistants, prosecutor's assistants, and other support staff) (1 participant).
- 6 participants didn't respond to this question.

National Center for State Courts (NCSC)
Mongolia Judicial Reform Program (JRP)
A USAID-funded project

Topic: **Crime against the right of ownership**

Regional Training for JRP and NLC Trainers of Ulaanbaatar
May 24, 2007
Ulaanbaatar city

Trainers: **D.Zumberellkham** – **Dr., Prof., JRP trainer, Legal Policy Adviser to the President of Mongolia, Director of Criminological Research Sector of NLC**

D. Adyabazar - **Dr., Prof., JRP trainer, Senior Expert of National Security Council**

L.Batjav - **Dr., Prof., Senior Expert of Legal Policy at the President's Office**

Evaluation Summary

Participant information:

4 Judges _3_ Prosecutors _4_ Advocates _4_ Others
8 Male _7_ Female

Instructions: Please complete this form and return it to the JRP representative before leaving. The information you give will help us improve this course and plan subsequent courses. Please be candid; written comments are particularly helpful. Where numbers are given, circle the number that best describes your response using the following scale:

1	2	3	4	5
Poor	Fair	Average	Good	Excellent
Not at all	A little	Some	Regularly	Extensively

General Reactions

	1	2	3	4	5	Average	No answer
Overall, I thought the course was:	0	0	0	9	6	4.40	
The usefulness of the training materials during the course was:	0	0	2	8	5	4.20	
To what extent were the course objectives met?	0	0	1	9	5	4.27	
To what extent will you be able to apply what you learned to your work?	0	0	1	9	5	4.27	

To what extent did the course meet your expectations?	0	0	1	9	5	4.27	
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Evaluation of Sub-topic 1: Elements and Classification of Crimes specified in Articles 151-155 of the Criminal Code

	1	2	3	4	5	Average	No answer
Overall, I thought this part of the course was:	0	0	0	7	8	4.53	
The usefulness of the information received during the course was:	0	0	0	7	8	4.53	
Teaching was clear and understandable	0	0	0	7	8	4.53	
Audio, video aids were clear and understandable	0	0	1	6	8	4.47	

Evaluation of Sub-topic 2: Problem and discussion

	1	2	3	4	5	Average	No answer
Overall, I thought this part of the course was:	0	0	0	7	8	4.53	
The usefulness of the information received during the problem and discussion was:	0	0	0	7	8	4.53	
The things discussed during problem and discussion session were important and effective	0	0	0	7	8	4.53	
Problem was comprehensible, interesting and useful	0	0	0	8	7	4.47	

Evaluation of Sub-topic 3: Issues of proving crime against the right of ownership

	1	2	3	4	5	Average	No answer
Overall, I thought this part of the course was:	0	0	1	7	7	4.40	
The usefulness of the information received during the course was:	0	0	1	7	7	4.40	
Teaching was clear and understandable	0	0	2	8	5	4.20	
Audio, video aids were clear and understandable	0	0	2	7	6	4.27	

Evaluation of Sub-topic 4: Problem and discussion

	1	2	3	4	5	Average	No answer
Overall, I thought this part of the course was:	0	0	0	8	6	4.43	1
The usefulness of the information received during the problem and discussion was:	0	0	1	7	6	4.36	1
The things discussed during problem and discussion session were important and effective	0	0	0	8	6	4.43	1
Problem was comprehensible, interesting and useful	0	0	0	8	6	4.43	1

Evaluation of Sub-topic 5: Elements and Classification of Crimes specified in Articles 145-147 and 149-150 of the Criminal Code

	1	2	3	4	5	Average	No answer
Overall, I thought this part of the course was:	0	0	2	5	8	4.40	
The usefulness of the information received during the course was:	0	0	2	4	9	4.47	
Teaching was clear and understandable	0	0	2	4	9	4.47	
Audio, video aids were clear and understandable	0	0	2	6	7	4.33	

Evaluation of Sub-topic 6: Problem and discussion

	1	2	3	4	5	Average	No answer
Overall, I thought this part of the course was:	0	0	2	6	6	4.29	1
The usefulness of the information received during the problem and discussion was:	0	1	1	6	6	4.21	1
The things discussed during problem and discussion session were important and effective	0	0	2	6	6	4.29	1
Problem was comprehensible, interesting and useful	0	0	1	8	5	4.29	1

Please answer to the following questions:

a) What was the most effective part of the program? Why?

- All parts were effective because this topic was new and very important (2 participants).
- Elements and Classification of Crimes specified in Articles 151-155 of the Criminal Code was the most effective part of the training. The topic and exercise were completed within the allotted time (2 participants).
- All the topics were effective and interesting and addressed certain issues (2 participants).
- The part on proving a crime was the most effective. The part on Articles 151-155 of the Criminal Code addressed certain issues and the problem solving part was exceptional (1 participant).
- Elements and Classification of Crimes specified in Articles 151-155 of the Criminal Code was very effective. Although I was very interested in Elements and Classification of Crimes specified in Articles 145-150 of the Criminal Code, I could not get sufficient information. For example, the trainer did not talk about the main differences sufficiently (1 participant).
- The explanation of issues related to classification of crime was very interesting (1 participant).
- Trainers were well prepared for the training (1 participant).
- 5 participants didn't answer to this question.

b) What was the least effective part of the program? Why?

- There were no uninteresting parts (4 participants).
- The matters related to proving crimes against the right of ownership were not discussed sufficiently within the CPC (1 participant).
- The training was taught like a course for students, so the participants became uninterested and inactive. The training was not conducted in an effective way by addressing issues (1 participant).
- The topic on Elements and Classification of Crimes specified in Articles 145-150 of the Criminal Code was lectured too long, so it seems to be less effective (1 participant).
- It would have been more effective, if the trainers made their presentations based on practical examples, in addition to theories. (1 participant).
- 7 participants didn't answer to this question.

c) What suggestions do you have to make this program better in the future?

- The topic is large and covers a wide range of issues. The lecture and exercise don't fit to their allotted time. The timing and topic should be selected appropriately. The total period of training (4 days) is too long. Therefore, the training should be held for 3 days. For example, the time runs out while I am reading the slides. The training environment was comfortable (1 participant).
- The time should be sufficient. Time runs out while trainers read out the slides. We should focus on and discuss the disputable matters in theory and practice. Some important issues were merely mentioned due to rather large topics (1 participant).

- The topics selection should be conducted in more details. Then it will be important in terms of getting uniform understanding. The timing was too tight (1 participant).
- There were a lot of materials, but short time, so the timing was rather tight. Please consider the fact that authors reflected their views in the manuals extensively in some cases when you prepare manuals in the future (1 participant).
- Trainers should use many methods to conduct trainings (1 participant).
- Explain the differences between crimes based on hypotheticals (1 participant).
- Trainer should not talk alone, but he/she should engage participants in discussion (1 participant).
- 8 participants didn't respond to this question.

National Center for State Courts (NCSC)
Mongolia Judicial Reform Program (JRP)
A USAID-funded project

Topic: Damages caused by crime and determination of damages

Regional Training for JRP and NLC Trainers of Ulaanbaatar
May 23, 2007
Ulaanbaatar city

Trainers:	Kh.Batchimeg	–	JRP trainer, Supervising Prosecutor, General Prosecutor’s Office
	D. Munkhtuul	-	Judge of the Capital City Court
	Ts.Odonchimeg	-	Researcher, NLC

Evaluation Summary

Participant information:

6 Judges _5_ Prosecutors _5_ Advocates _4_ Others
10 Male _10_ Female

Instructions: Please complete this form and return it to the JRP representative before leaving. The information you give will help us improve this course and plan subsequent courses. Please be candid; written comments are particularly helpful. Where numbers are given, circle the number that best describes your response using the following scale:

1	2	3	4	5
Poor	Fair	Average	Good	Excellent
Not at all	A little	Some	Regularly	Extensively

General Reactions

	1	2	3	4	5	Average	No answer
Overall, I thought the course was:	0	0	0	8	12	4.60	
The usefulness of the training materials during the course was:	0	0	0	7	13	4.65	
To what extent were the course objectives met?	0	0	0	7	13	4.65	
To what extent will you be able to apply what you learned to your work?	0	0	0	9	11	4.55	
To what extent did the course meet your expectations?	0	0	0	8	11	4.58	1

Evaluation of Sub-topic 1:**Understanding about damages caused by crime
(difference between damages and torts)**

	1	2	3	4	5	Average	No answer
Overall, I thought this part of the course was:	0	0	0	7	13	4.65	
The usefulness of the information received during the course was:	0	0	0	6	14	4.70	
Teaching was clear and understandable	0	0	2	6	12	4.50	
Audio, video aids were clear and understandable	0	0	1	6	13	4.60	

Evaluation of Sub-topic 2: Direct and indirect damages

	1	2	3	4	5	Average	No answer
Overall, I thought this part of the course was:	0	0	2	9	9	4.35	
The usefulness of the information received during the course was:	0	0	2	8	10	4.40	
Teaching was clear and understandable	0	0	3	7	10	4.35	
Audio, video aids were clear and understandable	0	0	2	7	11	4.45	

Evaluation of Sub-topic 3:**Problem and discussion**

	1	2	3	4	5	Average	No answer
Overall, I thought this part of the course was:	0	0	2	6	12	4.50	
The usefulness of the information received during the problem and discussion was:	0	0	2	6	12	4.50	
The things discussed during problem and discussion session were important and effective	0	0	2	8	10	4.40	
Problem was comprehensible, interesting and useful	0	0	2	7	11	4.45	

Evaluation of Sub-topic 4:**Methods for determination of categories, types and
amounts of damages – property damages**

	1	2	3	4	5	Average	No answer
Overall, I thought this part of the course was:	0	0	0	7	13	4.65	
The usefulness of the information received during the course was:	0	0	0	8	12	4.60	
Teaching was clear and understandable	0	0	1	9	10	4.45	
Audio, video aids were clear and understandable	0	0	0	9	11	4.55	

Evaluation of Sub-topic 5: Problem and discussion

	1	2	3	4	5	Average	No answer
Overall, I thought this part of the course was:	0	0	0	11	9	4.45	
The usefulness of the information received during the problem and discussion was:	0	0	0	8	12	4.60	
The things discussed during problem and discussion session were important and effective	0	0	1	8	11	4.50	
Problem was comprehensible, interesting and useful	0	0	0	12	8	4.40	

Evaluation of Sub-topic 6: Loss of life

	1	2	3	4	5	Average	No answer
Overall, I thought this part of the course was:	0	0	1	10	8	4.37	1
The usefulness of the information received during the course was:	0	0	1	9	9	4.42	1
Teaching was clear and understandable	0	0	2	8	9	4.37	1
Audio, video aids were clear and understandable	0	0	1	7	11	4.53	1

Evaluation of Sub-topic 7: Problem and discussion

	1	2	3	4	5	Average	No answer
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Overall, I thought this part of the course was:	0	0	1	9	7	4.35	3
The usefulness of the information received during the problem and discussion was:	0	0	1	8	8	4.41	3
The things discussed during problem and discussion session were important and effective	0	0	1	9	7	4.35	3
Problem was comprehensible, interesting and useful	0	0	1	8	8	4.41	3

Evaluation of Sub-topic 8: Damages to health

	1	2	3	4	5	Average	No answer
Overall, I thought this part of the course was:	0	0	0	12	7	4.37	1
The usefulness of the information received during the course was:	0	0	1	10	8	4.37	1
Teaching was clear and understandable	0	0	1	9	9	4.42	1
Audio, video aids were clear and understandable	0	0	1	9	9	4.42	1

Evaluation of Sub-topic 9: Problem and discussion

	1	2	3	4	5	Average	No answer
Overall, I thought this part of the course was:	0	0	0	11	7	4.39	2
The usefulness of the information received during the problem and discussion was:	0	0	0	11	7	4.39	2
The things discussed during problem and discussion session were important and effective	0	0	0	10	7	4.41	3
Problem was comprehensible, interesting and useful	0	0	0	10	7	4.41	3

Evaluation of Sub-topic 10: Non-property damages

	1	2	3	4	5	Average	No answer
Overall, I thought this part of the course	0	0	2	7	11	4.45	

was:							
The usefulness of the information received during the course was:	0	0	0	8	12	4.60	
Teaching was clear and understandable	0	0	2	9	9	4.35	
Audio, video aids were clear and understandable	0	0	1	8	11	4.50	

Evaluation of Sub-topic 11: Problem and discussion

	1	2	3	4	5	Average	No answer
Overall, I thought this part of the course was:	0	0	0	12	7	4.37	1
The usefulness of the information received during the problem and discussion was:	0	0	0	11	8	4.42	1
The things discussed during problem and discussion session were important and effective	0	0	1	10	8	4.37	1
Problem was comprehensible, interesting and useful	0	0	1	10	8	4.37	1

Evaluation of Sub-topic 12: Civil claims in criminal procedures

	1	2	3	4	5	Average	No answer
Overall, I thought this part of the course was:	0	0	1	12	7	4.30	
The usefulness of the information received during the course was:	0	0	1	12	7	4.30	
Teaching was clear and understandable	0	0	2	12	6	4.20	
Audio, video aids were clear and understandable	0	0	2	12	6	4.20	

Evaluation of Sub-topic 13: Problem and discussion

	1	2	3	4	5	Average	No answer
Overall, I thought this part of the course was:	0	0	0	13	5	4.28	2
The usefulness of the information received during the problem and discussion was:	0	0	1	12	5	4.22	2

The things discussed during problem and discussion session were important and effective	0	0	2	13	3	4.06	2
Problem was comprehensible, interesting and useful	0	0	2	13	3	4.06	2

Please answer to the following questions:

a) What was the most effective part of the program? Why?

- All parts were effective (6 participants).
- The part of non-property damages was the most effective. It provided new information. It addressed issues. The general understanding about damages and many more new information were given during the training, so the training was very effective. (2 participants).
- The part of non-property damages was the most effective and useful. The topic was not studied well. Legal practitioners lack certain knowledge and experience in non-property damages, so they often tend to ignore such damages and the interests of victims are damaged. Detailed studies need to be carried out in the field to improve the legislation and resolve such issues properly in practice (4 participants).
- The topic was attractive and effective as a whole and addressed issues. A lot of ambiguous issues were addressed, so it was very important. (1 participant).
- Problem and discussion part was very effective. Discussion of problems, debate, influx of new ideas and new understandings made the part very important (1 participant).
- The part of the understanding about damages caused by crime was the most effective (3 participants).
- The part of torts, damages and consequences was the most effective, because these issues are new and timely (1 participant).
- The training addressed ambiguous issues in practice and allowed participants exchange their opinions on the issues, so it was effective and good training. The most effective parts were the parts of torts, damages, consequences, loss of life, moral damages and how to collect compensation of such damages (1 participant).
- 3 participants didn't answer to this question.

b) What was the least effective part of the program? Why?

- There were no uninteresting parts (8 participants).
- There were no uninteresting parts, because all the topics of the training were the ambiguous matters (1 participant).
- The participants became less interested when the training occasionally went too far away from the framework of the topic (1 participant).
- Too little time was spent on the issues of civil claims in criminal procedures which is one of the most important issues (1 participant).
- Time was not sufficient for such big topic (1 participant)
- Due to shortage of time, non-property damages were not discussed sufficiently. (1 participant).
- 7 participants didn't answer to this question.

c) What suggestions do you have to make this program better in the future?

- It would be effective to engage the participants in a discussion based on interesting problems of civil claims (1 participant).
- This topic needs to be studied further and there are many issues on uniform application of laws. We need to work to clarify how non-property damages are addressed in criminal procedures and how they should be resolved, and to improve the legal framework. The concepts of torts, damages and consequences need to be interpreted and applied in the practice correctly (1 participant).
- The topic of the training was large and extensive, but the training hours were not sufficient. In order to conduct the trainings more effectively, the participants need to be involved as much as possible and discussions need to be held. Therefore, considering such hours, the training should be fit to 5 business days to make the training more effective. (1 participant).
- It is a big topic, so eight hours are not enough for the topic. You need to extend the training hours. (2 participants).
- Need to study the topic further in more detail and conduct the training specifically for all judges, prosecutors and advocates (1 participant).
- The quality of the training of this project is still good and such consistency in quality is related to the efforts of the project staff and trainers. (1 participant).
- Most parts of the training were effective, but it would be more effective if you discuss problems, data and certain issues openly. (2 participants).
- To improve the teaching methods of the trainers (1 participant).
- The training is fine. Keep it up (2 participants).
- To give handouts at the beginning of the training (1 participant).
- Trainers should answer the questions of the participants fully (1 participant).
- To extend the training hours and to improve the training manuals (1 participant).
- I don't agree with the trainer's personal opinion on civil claims in criminal procedures. The civil claims in criminal procedures should be connected with the Criminal Procedure Code provisions. It would be more handy and effective if you teach the topic in comparison with practice and theory of civil claims in criminal procedures in Russia, China and Germany and incorporate the relevant information into the manuals. The JRP should provide assistance in studying the theory and practice of other countries in this field and finding the relevant information. (1 participant).
- 4 participants didn't respond to this question.

National Center for State Courts (NCSC)
Mongolia Judicial Reform Program (JRP)
A USAID-funded project

Topic: Legal ethics in court proceedings

Training for JRP and NLC trainers from Ulaanbaatar
May 22, 2007
Ulaanbaatar city

Trainers: **D.Oyunbat** – **JRP trainer, Chief Judge of the Baganuur District Court**
 L.Badralt – **JRP trainer, Supervising Prosecutor, Capital City Prosecutor's Office**
 Ts.Narantsatsal - **JRP trainer, Advocate of the Mongolian Advocates' Association, Lecturer at the Otgontenger University**

Evaluation Summary

Participant information:

3 Judges _6_ Prosecutors _6_ Advocates _4_ others
 7 Male _12_ Female

Instructions: Please complete this form and return it to the JRP representative before leaving. The information you give will help us improve this course and plan subsequent courses. Please be candid; written comments are particularly helpful. Where numbers are given, circle the number that best describes your response using the following scale:

1	2	3	4	5
Poor	Fair	Average	Good	Excellent
Not at all	A little	Some	Regularly	Extensively

General Reactions

	1	2	3	4	5	Average	No answer
Overall, I thought the course was:	0	0	1	14	4	4.16	
The usefulness of the training materials during the course was:	0	0	3	12	4	4.05	
To what extent were the course objectives met?	0	0	1	14	4	4.16	
To what extent will you be able to apply what you learned to your work?	0	0	1	14	4	4.16	
To what extent did the course meet your	0	0	1	16	2	4.05	

expectations?							
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Evaluation of Sub-topic 1: Ethics of judges, prosecutors and advocates in court proceedings

	1	2	3	4	5	Average	No answer
Overall, I thought this part of the course was:	0	0	1	12	3	4.13	3
The usefulness of the information received during the course was:	0	0	1	11	5	4.24	2
Teaching was clear and understandable	0	0	4	10	3	3.94	2
Audio, video aids were clear and understandable	0	0	4	8	5	4.06	2

Evaluation of Sub-topic 2: Problem and discussion

	1	2	3	4	5	Average	No answer
Overall, I thought this part of the course was:	0	0	2	12	4	4.11	1
The usefulness of the information received during the problem and discussion was:	0	0	3	10	5	4.11	1
The things discussed during problem and discussion session were important and effective	0	0	3	10	4	4.06	2
Problem was comprehensible, interesting and useful	0	0	5	9	3	3.88	2

Evaluation of Sub-topic 3: Ethical requirements for judges and their implementation

	1	2	3	4	5	Average	No answer
Overall, I thought this part of the course was:	0	0	1	10	5	4.25	3
The usefulness of the information received during the course was:	0	0	1	11	5	4.24	2
Teaching was clear and understandable	0	0	1	12	4	4.18	2
Audio, video aids were clear and understandable	0	0	1	12	4	4.18	2

Evaluation of Sub-topic 4: Problem and discussion

	1	2	3	4	5	Average	No answer
Overall, I thought this part of the course was:	0	0	3	10	2	3.93	4
The usefulness of the information received during the problem and discussion was:	0	0	3	9	3	4.00	4
The things discussed during problem and discussion session were important and effective	0	0	3	10	3	4.00	3
Problem was comprehensible, interesting and useful	0	0	4	10	2	3.88	3

Evaluation of Sub-topic 5: Ethical requirements for prosecutors and their implementation

	1	2	3	4	5	Average	No answer
Overall, I thought this part of the course was:	0	0	5	11	2	3.83	1
The usefulness of the information received during the course was:	0	0	5	11	2	3.83	1
Teaching was clear and understandable	0	1	5	8	3	3.76	2
Audio, video aids were clear and understandable	0	0	6	9	3	3.83	1

Evaluation of Sub-topic 6: Problem and discussion

	1	2	3	4	5	Average	No answer
Overall, I thought this part of the course was:	0	0	4	11	2	3.88	2
The usefulness of the information received during the problem and discussion was:	0	0	5	10	3	3.89	1
The things discussed during problem and discussion session were important and effective	0	0	4	11	3	3.94	1
Problem was comprehensible, interesting and useful	0	0	6	8	4	3.89	1

Evaluation of Sub-topic 7:**Ethical requirements for advocates and their implementation**

	1	2	3	4	5	Average	No answer
Overall, I thought this part of the course was:	0	0	0	13	5	4.28	1
The usefulness of the information received during the course was:	0	0	0	9	9	4.50	1
Teaching was clear and understandable	0	0	0	11	7	4.39	2
Audio, video aids were clear and understandable	0	0	0	12	6	4.33	1

Evaluation of Sub-topic 8:**Problem and discussion**

	1	2	3	4	5	Average	No answer
Overall, I thought this part of the course was:	0	0	1	11	2	4.07	5
The usefulness of the information received during the problem and discussion was:	0	0	1	11	2	4.07	5
The things discussed during problem and discussion session were important and effective	0	0	1	11	2	4.07	5
Problem was comprehensible, interesting and useful	0	0	1	11	2	4.07	5

Please answer the following questions:

a) What was the most effective part of the program? Why?

- All parts of the training were interesting (4 participants).
- The discussion of the problems and cases were interesting (2 participants).
- Advocate's ethics was the most interesting (3 participants), because (1) the trainer said that significant amendments were made to the Code of Advocate's Ethics by the 11th Congress of Advocates, (2) Trainer knows the topics very well and is prepared, so the training becomes interesting and comprehensible. (1 participant)
- Judge's ethics in court proceedings was the most interesting part. It was effective to teach the topic based on the basic ethical concepts and the participants were equally involved (1 participant).
- Judge's ethics in court proceedings was the most interesting part, because we discussed the advantages and disadvantages of the current code of judicial ethics and what norms should be added to the code (1 participant).
- Judge's and advocate's ethics in court proceedings were the most interesting parts, because an interesting discussion was held at those parts (1 participant).

- The most interesting part was to debate and exchange views on the concept of ethics and how the ethical issues should be distinguished from the professional mistake. (1 participant).
- 3 participants didn't respond to this question.

b) What was the least effective part of the program? Why?

- There were no uninteresting parts (4 participants)
- The prosecutor's ethics was the least effective. (2 participants).
- Ethical requirements for prosecutors and their implementation was the least effective. You should make assessment and conclusion on the topic in connection with the code of prosecutor's ethics (1 participant).
- The prosecutor's ethics was not taught in an interesting way. (1 participant).
- The judge's ethics was too general. (1 participant).
- The topic should have been delivered by a more effective method. This is because 2-3 prosecutors from the General Prosecutor's Office attended the training and they intercepted the presentation of the trainer, caused troubles, and took a lot of time talking their own views and opinions. So, this part of the training could not fit into its allocated time. (1 participant).
- The problem and discussion were too simple. (1 participant).
- When the trainer answered the questions of participants, he/she went away from the main topic, so the training did not achieve its goal to some extent.
- The ethics of judges, prosecutors and advocates in court proceedings should not be taught separately first, but the legal ethics should be taught well before the ethics of judges, prosecutors and advocates.
- 7 participants didn't respond to this question.

c) What suggestions do you have to make this program better in the future?

- Issues on certain concepts should not only be addressed, but also be concluded. If the issues are explained on certain problems and cases, the participants will understand them more clearly. (1 participant).
- The trainers, who are attending the ToT, should be informed of the topics before the training and their opinions should be solicited and reflected in the training program to a certain extent. (1 participant).
- To provide interesting and new information. To talk about certain facts and how they are reflected in the legislation of other countries. (1 participant).
- The training should be conducted more frequently (1 participant)
- It is not effective to teach prosecutor's ethics separately (1 participant).
- It would be better to give the slides and handouts before the training started (1 participant).
- Teamwork is needed (1 participant).
- To clarify whether the violation of procedural law is an ethical violation (1 participant)
- To conduct the training based on problems (1 participant).
- It is not effective to teach legal ethics by stages of criminal procedures. It is not easily understandable for trainers and participants. (1 participant).
- To clarify the differences between the professional mistake and ethical violation and how we should differentiate between them in Mongolia. I participated first time in such training, so it was a little bit difficult for me to understand some basic concepts (1 participant).
- No comment (1 participant).

- 7 participants didn't respond to this question.

National Center for State Courts (NCSC)
Mongolia Judicial Reform Program (JRP)
A USAID-funded project

Topic: Crime against human rights, freedom, dignity and reputation

Training for JRP and NLC trainers from Ulaanbaatar
May 21, 2007
Ulaanbaatar city

Trainers: **Ts.Tselmeg** – **Lecturer, Shikhikhutag Law School**
 D.Orosoo – **Researcher, NLC**

Evaluation Summary

Participant information:

2 Judges _6_ Prosecutors _6_ Advocates _3_ others
10 Male _7_ Female

Instructions: Please complete this form and return it to the JRP representative before leaving. The information you give will help us improve this course and plan subsequent courses. Please be candid; written comments are particularly helpful. Where numbers are given, circle the number that best describes your response using the following scale:

1	2	3	4	5
Poor	Fair	Average	Good	Excellent
Not at all	A little	Some	Regularly	Extensively

General Reactions

	1	2	3	4	5	Average	No answer
Overall, I thought the course was:	0	0	3	13	0	3.81	1
The usefulness of the training materials during the course was:	0	2	2	8	5	3.94	
To what extent were the course objectives met?	0	0	4	12	1	3.82	
To what extent will you be able to apply what you learned to your work?	0	0	1	13	3	4.12	
To what extent did the course meet your expectations?	0	0	3	11	3	4.00	

Evaluation of Sub-topic 1:**Crime against human rights, freedom, dignity and reputation**

	1	2	3	4	5	Average	No answer
Overall, I thought this part of the course was:	0	0	3	13	0	3.81	1
The usefulness of the information received during the course was:	0	0	3	10	4	4.06	
Teaching was clear and understandable	0	1	2	7	7	4.18	
Audio, video aids were clear and understandable	0	1	3	9	4	3.94	

Evaluation of Sub-topic 2:**Problem and discussion**

	1	2	3	4	5	Average	No answer
Overall, I thought this part of the course was:	0	0	2	9	6	4.24	
The usefulness of the information received during the problem and discussion was:	0	0	2	9	6	4.24	
The things discussed during problem and discussion session were important and effective	0	0	2	11	4	4.12	
Problem was comprehensible, interesting and useful	0	0	2	8	7	4.29	

Evaluation of Sub-topic 3:**Human trafficking**

	1	2	3	4	5	Average	No answer
Overall, I thought this part of the course was:	0	0	2	12	2	4.00	1
The usefulness of the information received during the course was:	0	0	2	11	4	4.12	
Teaching was clear and understandable	0	1	2	12	2	3.88	
Audio, video aids were clear and understandable	0	1	2	12	2	3.88	

Evaluation of Sub-topic 4:**Problem and discussion**

	1	2	3	4	5	Average	No answer
Overall, I thought this part of the course was:	0	0	3	8	5	4.13	1
The usefulness of the information received during the problem and discussion was:	0	0	2	12	3	4.06	
The things discussed during problem and discussion session were important and effective	0	1	2	10	4	4.00	
Problem was comprehensible, interesting and useful	0	1	1	11	4	4.06	

Evaluation of Sub-topic 5: Hostage-taking and illegal detention

	1	2	3	4	5	Average	No answer
Overall, I thought this part of the course was:	0	0	2	12	2	4.00	1
The usefulness of the information received during the course was:	0	0	3	11	3	4.00	
Teaching was clear and understandable	0	0	1	14	1	4.00	1
Audio, video aids were clear and understandable	0	0	3	12	2	3.94	

Evaluation of Sub-topic 6: Problem and discussion

	1	2	3	4	5	Average	No answer
Overall, I thought this part of the course was:	0	0	2	12	3	4.06	
The usefulness of the information received during the problem and discussion was:	0	0	2	12	3	4.06	
The things discussed during problem and discussion session were important and effective	0	0	1	13	3	4.12	
Problem was comprehensible, interesting and useful	0	0	1	13	3	4.12	

Evaluation of Sub-topic 7: Slander and defamation

	1	2	3	4	5	Average	No answer
Overall, I thought this part of the	0	0	1	15	0	3.94	1

course was:							
The usefulness of the information received during the course was:	0	0	1	15	1	4.00	
Teaching was clear and understandable	0	0	2	11	4	4.12	
Audio, video aids were clear and understandable	0	0	2	10	5	4.18	1

Evaluation of Sub-topic 8: Problem and discussion

	1	2	3	4	5	Average	No answer
Overall, I thought this part of the course was:	0	0	1	13	3	4.12	
The usefulness of the information received during the problem and discussion was:	0	0	1	13	3	4.12	
The things discussed during problem and discussion session were important and effective	0	0	3	10	4	4.06	
Problem was comprehensible, interesting and useful	0	0	2	9	4	4.13	2

Please answer the following questions:

a) What was the most effective part of the program? Why?

- All parts of the training were interesting (3 participants).
- The discussion of the problems and cases were interesting (5 participants).
- The trainer differentiated slander and defamation from other legal violations related to them and addressed proper classification of crime. It was very effective. But this topics needs to be developed further (1 participant)
- The legal violation against other's reputation and dignity was the most effective, because this part addressed a topic which is very necessary for my work. (1 participant).
- The teaching method used in delivering the training on crime against human rights, freedom, reputation and dignity was very good (1 participant).
- The topics are currently discussed a lot and occur in practice, so I think that the topics were timely (1 participant).
- Human trafficking, illegal detention, slander and defamation were the most effective, because those parts contained a lot of new information. It was interesting to include a real life example as a problem (1 participant).
- 4 participants didn't respond to this question.

b) What was the least effective part of the program? Why?

- There were no uninteresting parts (6 participants)
- The problem and discussion were too simple. (1 participant).
- Trainer always sat and rarely communicated with participants. (1 participant).

- The lecture part was less interesting than problems. (1 participant).
- To conduct the discussion properly. Although the examples selected as problems were difficult, you should pay attention to the discussion. A certain issue should be raised and you should pay attention to the results. (1 participant).
- The answers of the problems of human trafficking and illegal detention were not certain and they should be compared with the legislation of other countries. (1 participant).
- The problem and discussion were too simple. (1 participant).
- 6 participants didn't respond to this question.

c) What suggestions do you have to make this program better in the future?

- The training seems fine. (2 participants).
- The trainers should give examples and problems correctly and give full answers. (1 participant).
- The solutions of the examples given for discussion should be clear and the full answers should be given. (1 participant).
- The explanations based on real examples should be enriched and the relations and differences between the theory and practice should be explained more (1 participant)
- When you hear the teams' solutions, you should explain with grounds (1 participant).
- It would be more effective to print and give the slides and cases before the training started (1 participant).
- I did not like that trainers explained the problems while sitting. Although everybody would not agree on one solution, the answer that can be the most efficient among the answers should be explained in more details. (1 participant).
- The trainer should tell the participants what they should consider in solving problems. (1 participant)
- To prepare the examples and audiovisual materials in a more comprehensible and interesting way. (1 participant).
- To hand out the problems in hard copies and to let each team discuss the problems. (1 participant).
- To evaluate the opinions and solutions proposed by authors and to incorporate them into a unified system. Otherwise, the opinions differ greatly due to special characteristics of each profession. For example: the advocate-trainer approached the problem from the defense point of view. (1 participant).
- Manuals should be given at the beginning of the training (1 participant).
- When you teach elements of new crimes, such as human trafficking, you should compare them with the criminal codes and other laws of other countries. The problem solution should be explained at the end of the discussion. (1 participant).
- I would like to note that the trainers addressed a very important issue. You need to keep it up. (1 participant).
- 2 participants didn't respond to this question.

Attachment D

From March 2 – April 12, 2007, NCSC posted a commercial law expert to Mongolia to assist the Mongolian court system to efficiently and effectively adjudicate commercial disputes. The expert was tasked to assess the need for commercial law training and to develop educational tools targeting herders and other small business owners.

I. Training

A. Need

A significant segment of the Mongolian economy, especially small to medium businesses, would benefit from legal advice on commercial issues, but can encounter difficulties locating a qualified attorney. As a result legal rights in commercial areas are not effectively exercised. Public institutions, such as civil courts, are overburdened for lack of litigant understanding of their legal options, and business entrepreneurs encounter difficulties in establishing new enterprises. Lack of legal advice or reliance on poorly qualified advisors can lead to business stagnation and confusion over legal and regulatory requirements that cost the overall economy and the taxpayer.

The difficulty in obtaining quality commercial legal advice highlights two needs. First is a lack of truly qualified legal advisors. The second need is how to identify those who are qualified. Given the interdisciplinary character of commercial law, an effective commercial advisor requires two sets of skills. Commercial legal advisors must have both the ability to apply commercial laws to a particular situation and an understanding of the practical implications of the laws for business operations. These professionals should be able to render advice to business clients that: (1) educates the client on the requirements of the law; (2) provides the client a range of legal options and their commercial implications to promote decision making that is legally sound and benefits the client; and (3) places the legal advice in the context of the client's overall plan for business growth and expansion. Mongolia is lacking a sufficient number of legal advisors with this dual skill set.

B. Program Options

1. Educate the business community

NCSC could provide assistance to educate the business community on the question of when a legal advisor is needed and on how to identify the appropriate advisor. This assistance could include creation of a small to medium business commercial legal advisor referral network.

2. Design legal education programs with an emphasis on practical skills

NCSC could work with the MJHA and the Chamber of Commerce and Industry to develop continuing legal education training modules to: (1) impart basic knowledge in the area of commercial law; and (2) demonstrate practical application of commercial law. In particular, the curriculum should emphasize the typical facts of a commercial case as seen from the client perspective rather than legal text and focus on identifying and

presenting a range of choices for the business client that take into account commercial realities

These programs can emphasize the practical skills component by using legal practitioners and government regulators as instructors to the extent possible, working with employers to provide opportunities for on the job training, and promoting ongoing linkages between the bar association and professional business associations.

As a complement to continuing legal education for practitioners, law faculties should also enhance their curriculum to reflect a greater focus on commercial law.

4. Specialized Certification

The current bar examination does not effectively gauge competence in commercial law. In addition, many legal advisors who address commercial issues do not fall into the category of legal professionals required to take the bar examination. As a result, there is not currently a method for identifying those individuals with the specialized skill set necessary for advising on commercial issues. Some form of certification process could address this issue. Certification, either elective or mandatory, would be a logical culmination of the specialized training described above. Certification could take the form of a training certificate, special diploma, or passage of a state administered exam.

The NCSC consultant held extensive discussions with stakeholders on the potential for mandatory certification. In particular, the consultant discussed with the MJHA and Chamber of Commerce the issuance of an order to establish a mandatory certification process. However, to be effective, a mandatory process would also require the creation of a legislative and regulatory environment that supports mandatory certification as well as the establishment of enforcement capacity or an incentive structure to ensure compliance. While there was consensus on the merits of such a program, there was a variety of viewpoints among stakeholders regarding how such a program should be structured, particularly content of the exam and preparatory training.

C. Recommendations

1. Train local trainers on international standards

In order to create a sustainable training program in Mongolia, potential trainers need to be identified and trained on international standards. During the commercial law expert's visit to Mongolia, he identified a handful of potential trainers that have sufficient qualifications to participate in this project and become trainers. The JRP recommends using an international commercial law expert to provide training to these individuals. Once these individuals have received proper training, they can begin training local legal advisors.

2. Design and implement a pilot training program in cooperation with the Chamber of Commerce and Industry

NCSC recommends collaborating with the Chamber of Commerce and Industry to develop continuing legal education training modules to: (1) impart basic knowledge in the area of commercial law; and (2) demonstrate practical application of commercial law. The curriculum will emphasize solving problems facing Mongolian businesses in today's

commercial realities. NCSC recommends training no more than 100 legal advisors during this pilot program. The selected legal advisors will come from legal departments of Mongolian businesses and local law firms. This training will prepare legal advisors to participate in a certification process.

3. Design and implement a pilot certification program

NCSC recommends creating a voluntary certification examination in cooperation with the MoJHA and the Chamber of Commerce and Industry. The Chamber will administer the examination and the MoJHA will certify the results for those legal advisors that successfully pass the examination. The projected date of the first examination will be spring 2008 and will be open to those who have completed the training program referenced above. If successful and demand is sufficient, the MoJHa and the Chamber will seek to make the process mandatory.

4. Public education

NCSC recommends implementing a public education campaign to notify citizens and business of the new certification process and the benefits of utilizing a certified lawyer. This may include posters, TV and radio ads or other events to be determined by potential effectiveness.

Judicial Reform Project


**'Life' civil law radio drama and
'Blue Book' legal television drama
monitoring report**



USAID
FROM THE AMERICAN PEOPLE






November 2007

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USAID
FROM THE AMERICAN PEOPLE



 **Pact** Mongolia
BUILDING CAPACITY
WORLDWIDE

Introduction to Pact Mongolia's monitoring and evaluation system.

Framed by a theory of behavior change that uses multi-media as a delivery mechanism, Pact Mongolia produces communication products that facilitate development. Pact Mongolia has refined a reality based monitoring and evaluation system that is appropriate for measuring impact in Mongolia. The system allows Pact to gather information from rural and urban areas across the country. Pact accesses a wide range of people, including nomadic groups, ethnic minorities and those living in remote parts of the country. Pact is able to monitor impact and to assess both the quantitative and qualitative results of behavior change communications

The consistent development and strengthening of Pact's reality based monitoring and evaluation system has made it possible to measure the impact of the products that Pact has created, and to assess how the information is internalized and utilized by the target beneficiaries. Furthermore, the change in Pact management and the accompanying recognition of monitoring as a process that informs the development of products and produces vital data that feeds into the creation cycle has ensured the continual improvement of standards.

Background

Pact Mongolia has worked together with the National Centre for State Court's Judicial Reform Project since 2004. In this time, Pact has produced and broadcast nationwide twelve episodes of 'Blue Book' television drama, and twenty-six episodes of the 'Legal Hour' television series. Each of the television series provided a broad overview of the Mongolian legal system through dramatized and re-enacted factual cases.

Pact has also produced four full-length radio drama series that have been broadcast across the country. Each twenty-six episode radio series has explored a different aspect of the law in Mongolia. 'Victims' delved into domestic violence and the associated issues; 'Who's Guilty' focused on criminal law; 'Life' examines civil law; and the next series, covering criminal law, is set to broadcast later in 2007. Pact has also designed and implemented training curricula for journalists covering legal issues as well as court reporters.

Between the 12th and 16th of November 2007, Pact Mongolia conducted monitoring activities for two of the media products mentioned above - 'Blue Book' television drama, and 'Life' radio drama. Data collection was undertaken in sixteen locations across the country and interviewer notated responses were gathered from citizens aged fifteen and above. In total, 943 people were interviewed, providing a sample size of 0.05% of the population aged over the fifteen years.



Local data gatherer collecting 'Life' information in Dornod Aimag

Data collection was designed to ensure that information was gathered from as broad a geographical spread as possible. To this end, information for each of the products was collected from aimags in the western, eastern, Gobi and central regions, as well as from the larger urban areas such as Ulaanbaatar and Darkhan. Bearing in mind that the largest percentage of Mongolian National Radio listeners is to be found in the countryside and not the larger urban areas, additional soum and aimag level monitoring exercises were undertaken for the 'Life' radio drama series component.

Pact was able to initiate such a broad data collection undertaking by mobilizing its nation-wide network of data gatherers under the auspices of the Pact Ulaanbaatar-based monitoring team. All data was gathered on the two days following the broadcast of each of the programs.

Product	Location	Aimag	Number of respondents	Total respondents per product
'Blue Book' Television Drama	Ulgii	Bayan-Ulgii	70 respondents	477
	Moron	Hovsgol	72 respondents	
	Ondorkhaan	Hentii	70 respondents	
	Dalanzadgad	Omnogobi	69 respondents	
	Nalaikh	Tov	72 respondents	
	3rd/4th District	Ulaanbaatar	62 respondents	
	City Centre	Ulaanbaatar	62 respondents	
'Life' Radio Drama	Sansar District	Ulaanbaatar	56 respondents	466
	Hovd	Hovd	70 respondents	
	Bayankhongor	Bayankhongor	70 respondents	
	Mandalgobi	Dundgobi	46 respondents	
	Darkhan city	Darkhan -Uul	70 respondents	
	Argalant	Tov	26 respondents	
	Bayankhangai	Tov	17 respondents	
	Lun	Tov	41 respondents	
	Dornod	Choibalsan	70 respondents	
Total respondents				943

'Life' Radio Drama

'Life' radio drama series airs nationwide on Saturday and Tuesday evenings on the Mongolian National Radio (MNR) service. It is set to finish broadcast in early December. The show is centered on a social work university student named Hangal, who lives in Ulaanbaatar, and the legal issues that he his family and his friends, both in the city and countryside, deal with.

The research department of Mongolian National Radio undertook monitoring in Ulaanbaatar and thirteen aimags during the week of October 21-28. A total of 113 programs aired by the national radio broadcaster were monitored. These programs were divided into thirty-six ranks. In terms of ranked position, 'Life' was listed as the twentieth most popular program of the week. The spot was shared with four other programs. Out of the 113 programs, however, 'Life' was in thirtieth position, placing it within the top third of all radio programs broadcast and listened to that week. Of all the programs broadcast during the selected week, the most listened to program was the news. Programs ahead of 'Life' are disparate in topics, don't include any legal programming and do include other Pact programs aimed at a rural audience.

Quotes from informants

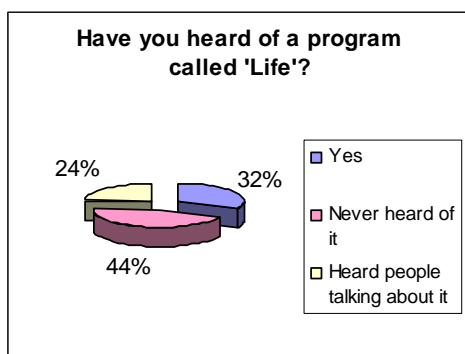
'I love to listen to 'Life' radio drama, which is about legal matters, and has been on air since this October. The program is useful and beneficial for people like me who live in the rural areas.'

Dalanzadgad, Umnugobi aimag
(MNR survey data)

'I want 'Life' radio drama to introduce us to the new laws next year.'

Bayangol soum, Uvurkhangai aimag (MNR survey data)

Pact carried out monitoring activities in nine locations across the country. A total of 466 people were interviewed, fifty-two percent of whom were female, and forty-two percent of whom were male. Forty-two percent of respondents were from cities with a population of more that 30,000 residents; forty percent were from aimag centers, and eighteen percent of all respondents were from soum centers.



Just over half of all the people interviewed responded that they had, at some stage, listened to at least one episode of 'Life' drama series. Of these respondents, nine percent replied that they had heard every episode, and forty-one said that they only listened when they remembered. Fifty percent listened if there was nothing else on.

Of those who reported listening to the program, sixty-nine percent stated that 'Life' had given them a better knowledge of the legal system. Responses received included:

'The program taught me about the law, the legal system and legal acts.'
Twenty-six percent of respondents

'I found the program really useful and interesting.'
Eight percent of respondents

'Life' gives legal knowledge to young people.'
Six percent of respondents

'I learned about legal consulting and where to find it'
Five percent of respondents

The people participating in the survey were asked if they remembered what the overall theme of the programs was. Forty-five percent of those interviewed were able to correctly identify 'Life' as a legal drama series. However, fifty-five percent incorrectly identified the show as focusing on animal husbandry (forty percent), love (fourteen percent) or rural business life (one percent). Therefore, when asked what they remembered most about the programs, sixty-one percent of all answers referred to the incorrect radio programs

Quotes from informants

"Life' taught me that a person needs a good legal knowledge in order to be able to stand up to corruption by people of high rank.'

Hovd aimag centre

'What I remember most about the program is that the laws that were covered are laws that are very useful in everyday life.'

Two respondents, Bayankhongor aimag centre

'The program gave me good advice about how to settle family disputes using the law, and which laws are relevant when there are conflicts within the family. This was very useful information for me.'

Four respondents in Bayankhongor and Dornod aimag centers

and included topics about pasture management, love and talking animals. This may be indicative of stylistic similarities between radio dramas that are produced and aired by Mongolian National Radio and its subsidiary studios. Producing future radio programming through alternative studios will ultimately result in programs that are stylistically fresh and easily identifiable.

Supporting these changes would involve a more transparent tendering process that is inclusive of all radio stations and not limited to the studios that are familiar to Pact, or located within the national broadcaster. This could include FM stations that have the capacity to produce the programming, with assistance from Pact staff and utilization of the Pact radio studio if required. These activities would help to capacitate the FM stations and would be inline with Pact's ethos of capacity development. At the moment, Pact pays the national broadcaster for air time, as well as covering all production costs.

Co-operation with FM stations would expand the reach of each program. Currently, the shows are only broadcast by Mongolian National Radio. Most of the residents of larger urban and peri-urban areas such as Ulaanbaatar, Darkhan, Erdenet, Baganuur, Choibalsan and almost all aimag centers have local FM stations. Eight percent of survey respondents requested that the programs be broadcast on FM stations as they do not listen to MNR. Admittedly, these respondents are from one area and the data collector has strong ties to the local FM station. However, a valid point is brought to

light and ought to be examined. The target audience for the programming is the general population. MNR is generally accessed by those in the countryside, who are unable to receive any other stations. Given that over sixty percent of Mongolia's population is to be found in the urban areas, excluding FM stations means that the potential reach of the programming is stunted.

In constructing the monitoring tools required for this survey, and in compiling this report, the author struggled to establish any indicators and objectives for 'Life'. The lack of process documentation is indicative of the haphazard and somewhat disorganized creation of the series, and makes measuring the impact of the product a challenge, but not impossible. A well structured and participatory content planning session, in which the

scriptwriter and various stakeholders are active, will help to strengthen and focus future programming.

While it is clear that 'Life' has not had the reach and impact that it has the potential to achieve, the successes of the show should not be overlooked. Over two thirds of listeners reported that the program had helped them to better understand and navigate the legal system. Given that processes and management at Pact have undergone radical changes this year, future radio programming is set to benefit from tighter implementation procedures and increased capacity. The findings of this report will inform future radio productions.

Recommendations for future radio programming

- Include a budget line that allows for advertising and awareness raising activities that will inform the public about broadcast times, frequencies and plot.
- Initiate transparent tender processes for all future radio program productions in order to allow stylistic development and capacity building of local radio stations.
- Future JRP radio programming should be aired by Mongolian National Radio as well as local FM radio stations in order to maximize the reach of the series.
- Copy, package and make available past JRP radio productions for distribution to FM, local and community radio stations, bearing in mind financial constraints and delivery systems. A comprehensive desk radio-station mapping would greatly assist this process.
- That future JRP radio drama series be created through a participatory stakeholder process in which the scriptwriter is also involved, and that a clear set of indicators is developed for each of the products.

'Blue Book' television drama

The 'Blue Book' television drama series consists of twelve programs. Each program features a dramatized re-enactment of an actual case, and is followed by scripted questions to lawyers from a studio audience. The program aired in two blocks. Episodes 1-6 were broadcast over the New Year period of 2006-2007, while episodes 7-12 were broadcast between September and October 2007. This monitoring report focuses on the later broadcast period.

'Blue Book' was broadcast by TV9 every Monday evening. TV9 is a private television station with virtual nationwide coverage. TV9 does not have a monitoring or research department, which makes the identification of nationwide viewership figures difficult.

The Press Institute carries out monitoring of television programs on TV9 during selected weeks. Unfortunately, the Press Institute did not carry out any monitoring activities while episodes 7-12 of 'Blue Book' were on air. However, monitoring was conducted in Ulaanbaatar between the 8th and 15th of January 2007, while the first block of 'Blue Book' was being broadcast. According to Press Institute findings, 12,890 people watched the program in Ulaanbaatar on Monday 8th January. This number accounts for 1.6% of the city's population aged above twelve. The program was rated in the top ten programs by viewers aged sixty and over.



Courtroom scene from 'Blue Book'

Quotes from informants

'Sometimes we miss some of the programs due to the channel allowance in our local area. TV9 and TV5 always switch. Please broadcast more frequently.'

Eight percent of television survey SMS respondents

'TV9 is only on once a fortnight. This means that I can't always watch the program, even though I want to. It would be good to be able to watch every week.'

Bayan-Ulgii aimag centre

'The time of the program coincides with MNTV news, and so I can't watch the whole show.'

Nalaikh, Bayan-Ulgii and Hentii aimag centers

Pact recently conducted monitoring exercises for 'Blue Book' episodes 7-12 in seven locations across the country, including two districts in Ulaanbaatar. In total, 477 people were interviewed. Forty-eight percent of respondents were male and fifty-two percent were female.

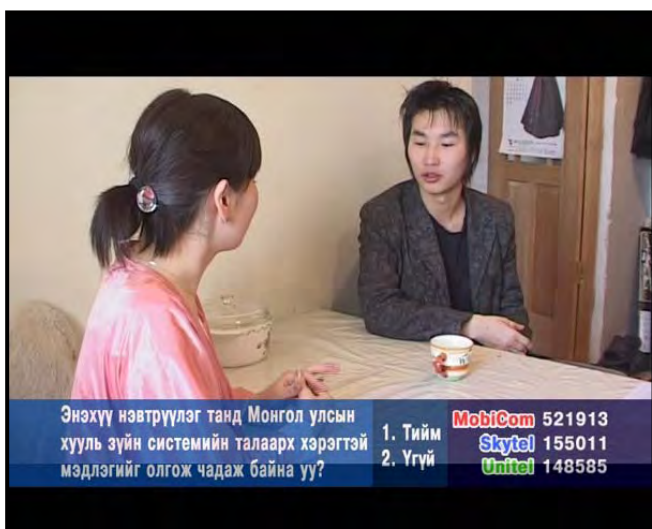
Although the exact broadcast time of the program varied slightly, the show usually aired between 19.30 and 20.45 on a Monday. TV9 is largely nationwide, but there are people who are unable to access it as they do not have cable, or do not receive regular broadcasts as the station alternates nights with other television stations. This means that a viewer may have TV9 on a Monday, TV25 on a Tuesday and so forth, with an irregular pattern. This impedes on the ability of the audience to view the program. This point was raised by a number of respondents as a barrier to having watched the program, as was the timing of the broadcast as it coincides with the Mongolian National Television News broadcast.

Forty-five percent of respondents had heard about the program, while fifty-five percent replied that they had never heard of the show. Thirty-five percent of those interviewed had watched at least one episode of the program, while sixty-five percent had never watched 'Blue Book'. Of those that had watched the program, four percent watched every episode, thirty-six percent watched when they remembered, and sixty percent watched only if there was nothing else on television.

When those that reported having watched the show were asked what the general theme of the series was, ninety-two percent of those interviewed answered correctly that the focus was on legal matters. Eighty five percent of the same respondents went on to say the program had to some degree helped them to better understand the Mongolian legal system. Better advertising and publicity of the show, coupled with increased access to the program via a more regular nationwide broadcaster will no doubt raise the number of viewers who watch the episodes. Given the high number of respondents who stated that the show had helped to better their understanding of the legal system, it may be extrapolated that an increased viewership figure would result in an increased percentage of the general population with an improved comprehension of the laws in Mongolia.

During broadcast of episode twelve of 'Blue Book', which fell during the time in which Pact was conducting monitoring activities, viewers were given the chance to respond to a question posed during the show via cell phone text messaging. The question, 'Is this TV program giving you better knowledge of the Mongolian legal system?' appeared at the bottom of the screen and asked the respondents to reply with a 'yes' or a 'no', along with any additional information they wanted to add. There was no incentive or prize offered for

replies received. Fifty-four messages were received in total. Eighty- one percent of messages agreed that the program had given them a better knowledge of the Mongolian legal system. This is again indicative of the positive impact of the program, and the need to ensure that it is broadcast at a time that will allow viewers maximum access and on a channel with the broadest geographical reach. Twenty-three percent of the text messages received requested that the show provide either detail about where to access legal counseling and consulting, or provide the counseling as part of the broadcast.



Scene from episode twelve of 'Blue Book' with the question and call - in numbers displayed.

According to the National Statistics Yearbook of 2006, there are 362,500 registered television sets in the country, just under twenty percent of which belong to herding households. As of 2006, there were 632,500 households in Mongolia, of which twenty-seven percent were classified as herding households. This translates to sixty-three percent of registered non-herding households and forty-one percent of registered herding households owning a television set. Working with the National Statistics estimation of a household size of 4.1 in 2006, and making allowance for the percentage of population aged fifteen and under, there are 2.9 television viewers aged fifteen and over in every

registered household in Mongolia. This totals a potential viewership number of 1,051,250 citizens.

While it is doubtful that any television program will capture such an enormous number of viewers, and bearing in mind the steadily growing number of local television stations in Mongolia which will further dilute viewership figures, the extrapolated potential number of viewers above serves as an indication of the reach that JRP television programming has. Quality television programs that have been created and produced within a sound behavior change framework and broadcast on a television channel with maximum reach, have the scope to impact on a vast proportion of the country's population and allow these citizens to access much needed information. Likewise, making the programming available to more than one television station, especially once initial broadcast has come to an end, further increases the number of people who are able to watch the programs and access the knowledge.

Financially, such a process allows maximum reach at a minimal cost. Working on a television production budget of 60,000 USD, the cost of reaching one quarter of the number of people mentioned above, i.e. 250,000 viewers, would equal approximately USD 24 cents per target beneficiary.

As with 'Life', the author of this report struggled to find any documentation that spoke to the motivating factors that led to the creation of 'Blue Book', or any intended outcomes from the programming. While this adds an additional challenge to assessing the impact of the productions, it also indicates that the programs were created without a consolidated and well-researched framework. In noting that over three quarters of the participants in the survey who had watched the program said that the show had helped to increase their understanding of the legal system, it must be acknowledged that 'Blue Book' has had a positive impact on the viewers and helped equip them with the skills they need to be productive citizens. There remains vast untapped potential in terms of the number of people who can be reached with vital legal information, and well produced and well planned television programming will have incredible reach and depth.

Quotes from informants

'The program helped to explain factual legal matters in a dramatic, entertaining way.'

Eighteen percent of respondents

'I remember the program about the lady that lets the man use her apartment ownership certificate as surety for a loan from the bank. In the end she loses her apartment as part of the court decision.'

Thirteen percent of respondents

'It is good that the program shows real cases. But what about the problems and 'holes' in the law? It would be good to show these also.'

Bayan-Ulgii aimag center

'I learned that a person should not hurt another person in any way, physically or mentally. If you do, you could be subject to legal action and may have to pay a fine. Hurting someone does not only mean physically.'

Ulaanbaatar city centre

Recommendations for future television programming

- Include a budget line that allows publicity activities that will inform the public about broadcast times, channels and plot.
- Carefully consider the broadcast times of future television programming in order to avoid pitting Pact programs against broadcasts which regularly attract high viewership numbers, such as the news on the national broadcaster.
- Pact needs to readdress its relationship with the national broadcaster. MNB remains the only TV channel that is absolutely accessible to everyone with a television. However, negotiations with MNB need to address the role of a national broadcaster, and take into consideration that Pact pays for production of quality development orientated programming.
- Include a budget line in future television production costs that includes fees for airtime. This will allow the largest possible audience to access the products created.
- Duplicate and distribute JRP television programming to additional television channels, including local aimag stations, thereby increasing the accessibility to the programs by the general population.
- Quality JRP television programming is a cost-effective, far reaching distribution mechanism that allows large numbers of target beneficiaries' to access information they need to ensure informed and empowered participation in society.

Attachment F

Assessment of Activities and Capacity of the National Police of Mongolia

June 19, 2007

By:

Irwin Bakin

Assessment of Activities and Capacity of the National Police of Mongolia

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Introduction

I was requested to conduct an initial assessment of the activities and operational capacity of the National Police of Mongolia for improving its management practices and processes with additional assistance from the Judicial Reform Project. This assessment was conducted during the period of March 29 through May 6, 2007. Although several specific aspects of the Mongolian Police and the oversight mechanism governing it were specified in this commissioned study, I found it necessary to include analysis and recommendations concerning broader issues affecting the oversight of the police, transparency issues and respect for human rights, as well as the need for long-term strategic planning. More specifically, in addition to addressing the required elements of the Statement of Work, I examined some higher level elements of the General Police Department (GPD), its management style and approach, its communications style vis-à-vis oversight organizations, and its focus on Community Based Policing.

Methodology:

My primary methods in this study were interview, site visits and review of relevant legislation and documents prepared by The National Police of Mongolia, the Prosecutor General's Office (PGO), by nongovernmental organizations and others.

Topics Addressed in Scope of Work

1. Oversight procedures of the Ministry of Justice and Home Affairs (MOJHA) over the communications between the MOJHA and the police.
2. Processes related to internal reporting and management oversight along with the development of recommendations with regard to practices such as: optimal reporting practices and procedures for budgeting and other policy decisions, oversight procedures by the Internal Affairs Division including proper job descriptions, quality assurance measures, measures of effectiveness, and ethical criteria for performance evaluations
3. Crime committed by Police employees
4. Case flow processes for proposed pilot police stations to determine the priority areas for JRP assistance in software development and case management.
5. Processes related to complaints registration and case filing along with development of standard procedures and forms.
6. Processes related to arrest and detention, search and seizure, and other procedures that affect the rights of suspects and arrestees, along with the development of recommendations to improve the processes.
7. Flow of information processes internally and externally followed by development/improvement of processes including cooperation/interaction protocols with other legal institutions and enforcement agencies.
8. The openness and transparency of police activities for development of standards for public disclosure of police decisions/information and for improvement of public relations activities based upon the foundation laid by the Mongolian Foundation for Open Society (MFOS) community policing project.

9. To these requirements, I took the liberty of adding another; long-term, comprehensive, strategic planning.

In the following section I will provide an overview of my findings and recommendations for each element in the Statement of Work as listed above.

Summary of Findings and Recommendations:

1. OVERSIGHT PROCEDURES OF THE MINISTRY OF JUSTICE AND HOME AFFAIRS (MOJHA) OVER THE POLICE AND THE DEVELOPMENT OF RECOMMENDATIONS FOR IMPROVEMENT IN OVERSIGHT AND COMMUNICATIONS BETWEEN THE MOJHA AND THE POLICE

Finding #1

In an open democracy the police must be held accountable for their actions. They must account for their results achieved in preventing and solving crimes and eliminating disorder. So, too must police be held to answer for the manner in which those results are achieved. There are few institutions outside of the Justice sector where the issues of process take precedence over results. In other words, the methods, processes and manner in which the police achieve a foothold on crime and disorder are more significant than the crime statistics.

Clearly, the police are charged with upholding the law; however the irony of extra-legal police methods aimed at crime control does not escape this author's notice.

Accordingly, the Government of Mongolia has placed primary responsibility for ensuring police compliance with the rule of law rest firmly in the hands of the MOJHA. For the MOJHA to effectively exercise those enormous responsibilities, it is incumbent upon the MOJHA to set clear guidelines for the police to follow in disclosing their actions and results. Certainly there is a requirement for the police to report in crime statistics and clearances. However, for effective oversight to be meaningful, further detailed and auditable reporting elements must be present.

Recommendation #1

The Office of the MOJHA, in doing their due diligence must develop clear detailed and meaningful police reporting requirements that provide tangible indicia of police practices vis-à-vis compliance with the law and international human rights standards. Additionally, reporting requirements must also address issues of general management of the organization relating to the efficiency and effectiveness of the organization overall. Those reporting requirements must include, but not be limited to the following:

1. Progress made on existing department plans and projects. The GPD is to report on its efforts to develop a strategic plan. The quarterly report will include a project plan with action steps, dates, and responsible units or people. Once formulated, the GPD will report on its progress on each delineated step.
2. Steps taken to improve the overall management of the department including upgrading the skills of managers. This report element will include a skills assessment and needs analysis in upgrading the skills of top managers. Included here are the specific action items necessary to upgrade those skills. This element will be reported on monthly.

3. Actions to upgrade skill levels of staff at the operations levels. The report will include needs analysis evaluated against both the department's mission, skills at upholding human rights and dignity, and complying with the provisions of the Criminal Procedure Code (CPC).
4. Progress on specific plans to improve the quality of the relationship with the PGO. The plans will outline specific needs, identify the steps necessary to meet those needs and identified parties responsible.
These steps should include a statement of the problems, and methods for measuring progress both qualitatively and quantitatively.

For example:

- a. The percentage of cases forwarded to the prosecutor's office that comply with the CPC regarding approvals prior to making arrests, conducting interrogations, and searching for or seizing property.
 - b. The percentage of cases forwarded to the prosecutor that are eventually submitted to the courts without the need for further investigation or prosecutorial intervention.
 - c. The number of meetings between prosecutors and police at the Police Division or Aimag level that results in mutually agreed upon actions steps for improving police – prosecutor relations.
5. The quality of crime investigations.
 - a. Plans and metrics to report on the extent to which investigations are supported with physical evidence.
 - b. The percentage of cases where interrogations are tape recorded.
 6. Plans and metrics to expose and reduce police corruption and gratuities.
 7. Plans and metrics to reduce the average number of days that pre-trial detainees spend in detention.
 8. Complete disclosure of complaints filed by citizens against the police. This reporting element must include a statistical analysis of the cases and arrayed by District, Aimag, findings, discipline imposed and cases referred to other jurisdictions for investigation. Additionally, plans and reported progress at addressing the behaviors prompting complaints.
 9. All report elements are to be fully documented and auditable by staff at MOJHA.
 10. All requirements in this recommendation section shall be included as major elements of the Output Plan of the Police Chief, and cascade through the organization so that all affected employees are in concert with the provisions.
 11. Each element shall include the requirement that the data upon which the report is based be auditable by MOJHA staff.

Findings:

Oversight procedures of the MOJHA over the Police are in need of improvement. Communications between the agencies at the policy level and operations levels can be characterized as failing to meet the requirements of the law. At the policy level there is little in the way of professional dialogue aimed at identifying and addressing areas for improvement. Those dynamics cascade throughout the various levels of both organizations, and hinder the

Prosecutor from any meaningful oversight of the Police while at the same time hampering the exploration of solutions.

Recommendations:

- 1A. Provide both the Police Chief and Minister of Justice with intensive and long-term mentoring which concentrates on win-win negotiations, and mediation skills. Provide mediation to ensure that each party has a clear understanding of its interdependence.
- 1B. Include Police-Prosecutor relations as a major success indicator in each of their Output Agreements
- 1C. Develop prompts in case management systems that monitor the requirement of prosecutorial review and approval (through the courts) of specific intrusive investigative steps, i.e. arrest decrees, detention decrees etc. (See recommendation #4.2.D for details)
- 1D. Develop systems of mandatory supervisory approval backed by definitive policy guidelines before investigatory agents may proceed with intrusive actions under exigent circumstances. (See Recommendation #4.2.G for details)
- 1E. Create a system of regular, periodic face to face meetings between police and prosecutor personnel at each organizational echelon within the respective organizations to identify current problems and issues as well as developing actionable solutions. Provide for a system of recording decisions arrived at during the meetings and a follow-up mechanism to ensure implementation. Identified action steps should constitute a significant element in Output Agreements.
- 1F. Improve the effectiveness of the Special Investigative Unit (SIU) of the Prosecutor General. With the creation of the Anti-Corruption Unit, SIU has lost a substantial portion of its portfolio, and perhaps some of its stature in the minds of the police. The creation of the Anti-Corruption Unit has also fragmented the government's ability to provide a unified and meaningful mechanism of police oversight.

Since the CPC clearly places oversight responsibility and authority in the hands of the Prosecutor General, SIU still seems the best fit for investigating corruption as well as other crimes perpetrated by police.

Therefore, I recommend the introduction of legislation to enable the SIU to conduct undercover operations. Since SIU is not an agency specifically enumerated in the Undercover Law as one that is authorized to conduct such investigations, it is critical that such amendments be introduced. Certainly, should the legislature approve the amendments, the SIU would be in need of intensive training to ensure that it is in compliance with the law, with standard safety practices and a strong set of ethical guidelines.

- 1G. Additional legislative amendments to the Undercover Law should be offered to enumerate the legal mandates of SIU to broaden their legal scope of authority. The enabling legislation should allow for corruption investigations, as well as investigations dealing with serious human rights violations under color of authority.

2. PROCESSES RELATED TO INTERNAL REPORTING AND MANAGEMENT OVERSIGHT REGARDING INTERNAL AFFAIRS

Findings:

- 2A. Internal reporting mechanisms are highly dependant upon the use of Output Agreements which is the Mongolian Government's version of Management by Objectives. Each employee signs an Output Agreement that specifies employee's work output in quantitative terms. These paper-based agreements are reviewed monthly and the aggregated results are used to gauge the periodic achievements of managers throughout the organization. Results determine if employees are granted pay raises, promotions, special recognition, or conversely, salary reductions and demotions.
- 2B. Internal Affairs Division (AID) provides oversight in the form of employee misconduct investigations and announced and unannounced compliance inspections; and management, as well as financial audits. However, the majority of complaint investigations occurs at the district level and is typically conducted by the District Personnel Officer with no oversight by IAD.
- 2C. In police departments throughout the world considerable attention is paid to the investigation and resolution of cases of police misconduct. Sophisticated police agencies have developed elaborate structures, procedures and mechanisms to detect, investigate and address violations and violators. Many jurisdictions have also created non-police investigatory or oversight institutions to deal with these matters, particularly where it is perceived that the police are either incapable or disinclined to do so themselves.

Considerably less attention is paid to mechanisms for the prevention of misconduct. As is the case with prevention of crime, disease and accidents, effective resources invested in prevention can be leveraged to reap considerable returns. Those returns can be measured in fewer human rights abuses and an improvement in the level of trust placed in the police by those they are sworn to serve.

As documented in the Christopher Commission Report on systemic misconduct within the Los Angeles Police Department following the Rodney King Riots, police misconduct follows the Pareto 80-20 principle; meaning that 20% of the officers create 80% of the problems. Using the Pareto principle as a basis, if we were able to identify the officers and circumstances that account for 80% of the problem, we might be on our way to having a significant impact on the problem. But certainly the problem is much more complicated than that. We must also examine the kinds of circumstances that create clusters of problems, such as specific locations, types of locations, times of day, the nature of the incident precipitating police involvement, etc.

As is the case in crime prevention theory – two factors disproportionately influence the commission of a crime; factors in the offender, and factors in the setting. Misconduct is similarly influenced.

I believe that a data analysis project examining factors attributed to officer misconduct may point to specific action items for the management of the GPD. Questions such as:

1. What are the characteristics of officers most prone to misconduct?
2. What kinds of settings (nature of location, incident, victim etc) are most prone to misconduct?

Recommendations:

- 2A. Conduct misconduct data analysis as follows:

I believe that at least two sources of data may be available to apply to this project. They are the Special Investigation Unit of the Prosecutor General, and the GPD (personnel records section and IAD).

In terms of officer characteristics, the following data elements may prove critical:

1. Level of officer seniority – time on the job.
2. Officer education level
3. Officer training level
4. Specific assignment
5. Length of time in assignment
6. Supervisor's name; length of time under that supervisor.
7. Chain of command - names
8. Officers' prior assignments and length of time in each
9. Prior discipline record of officer
10. Officer's pre-employment background record: extent of prior involvement in police incidents, history of violence, domestic issues, traffic issues, excessive debt, evidence of substance abuse, grades in school.

Characteristics within the situation:

1. The specific nature of the misconduct
2. The nature of the incident that prompted police involvement
3. The geographic location of occurrence
4. The type of location; i.e. bar, public park or square, apartment, etc.
5. Time of day
6. day of week
7. month
8. Victim demographics
9. Level of victim intoxication if any.
10. weapons used: by officer, by victim
11. Extent of injury to officer, victim, to other officers.
12. Extent and pattern of sick leave

The data analysis described above may readily reveal windows of opportunities for specific prevention and intervention strategies such as:

1. Strengthening the vetting process
2. Improving entry-level or in-service training in specific topics
3. Specific recommendations relating to supervisory counseling topics
4. Needs for supervisory inspections
5. The needs for management audits and staff inspections
6. The need for strengthening particular chains of command
7. The need to provide specific assistance to officers whose characteristics are consistent with those with histories of misconduct.

Require that the IAD prepares periodic analyses of investigations either conducted by the IAD or by district personnel that details relevant management information that would tend to pinpoint areas of concern and suggest action items for department management, such as:

1. demographics of accused officers
2. longevity on the department
3. assignment including supervisor's name
4. nature of the complaint, rule or law alleged to have been violated

5. nature of the incident that prompted the complaint.
6. date and time of incident
7. the statistical distribution of complaints against the population of officers; i.e. the number of officers receiving more than one complaint, more than two, more than three; etc.
8. findings of complaints
9. discipline imposed.

Data analysis suggestion and data dictionary:

Analysis of Discipline and Complaints Against Officers

1. Hire Date	2. Officer's Name	3. Duty Assignment	4. Horoo Name	5. Address	6. Supervisor's Name	7. Commander's Name	8. Allegations	9. Nature of Incident	10. Date of Incident	11. Time of Incident	12. Findings	13. Discipline	14. Complainant's Name	15. Type of Location
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Notes: (Data Dictionary)

The above is designed for guidance in developing a spreadsheet for use in analysis of disciplinary and complaint cases. To complete the analysis, I suggest the following steps:

- A. Access all cases of discipline and complaints, not just those investigated by the IAD.
- B. Definitions of data elements for each column beginning at the left:
 1. The date the officer was first assigned to a field position following graduation from the Academy
 2. Officer's Name – create a separate record for each accused officer
 3. Duty Assignment – list the District or Functional Division within GPD
 4. Horoo Name, where the incident took place
 5. Address – of the incident, if unavailable, list as unknown (N/A)
 6. Supervisor's name – the name of the involved officer's supervisor at the time of the incident
 7. Commander's Name – The name of the officer's District Chief or Functional Division Chief at the time of the incident
 8. Allegations – Develop a list of frequently occurring allegations against officers. Analyze the list in order to create meaningful groupings for analysis. For example allegations such as "conduct unbecoming an officer" may be too broad because many different types of misconduct may fall under this heading. On the other hand a heading such as "officer reported to work with dirty shoes" may be so narrow as to preclude analysis of allegation type. The Police Law may be a good starting point for developing allegation categories.

9. Nature of Incident – Like item #8, incident types must be categorized in a manner that lends itself to analysis. A good starting point may be the Criminal Complaint Form
10. Date of incident. If unknown, include a range of dates
11. Time of incident, if unknown, include a time range such as 1400-1600 hrs. Or if it cannot be isolated at all indicate: N/A
12. Findings: Choose from the following:
 - a. Unfounded – Allegation was completely investigated and was determined not to have occurred, or the named officer was not involved.
 - b. Not sustained – The allegation was completely investigated and the investigation revealed insufficient facts to determine if the allegations occurred, or the accused officer was involved.
 - c. Partially sustained – The investigation revealed that only some of the allegations occurred.
 - d. Sustained – The investigation revealed sufficient facts to sustain the allegations against the accused officer
 - e. Pending – The investigation followed all available leads but was inclusive; it awaits further information or leads.
13. Discipline: Review the Police Law and categorize discipline accordingly. Convert disciplinary categories into a numerical value and place that value in this column.
14. Complaint's Name – If multiple complainants, list the primary complainant.
15. Type of Location – Use the Criminal Complaint Form as a guide and convert location type to a number and indicate that number here.

Analysis:

1. Once the data described above is entered for all available historical cases. Begin entering all new cases beginning from the time they are first reported.
2. For each relevant column of data such as allegations, location, Supervisor, officer name, assignment, Division Commander, Horoo, etc, perform a frequency distribution. The formula is embedded in Microsoft Excel. The results will reveal those instances having the greatest numbers. For example: It would list the officers having the greatest number of complaints, the Assignments, supervisors, Division Commanders, locations etc. with the greatest number of reported incidents.
3. After reviewing the data revealed in #2 above, determine the extent of variance of the data from the norm by using the formula for standard deviation to determine the extent of variance of these variables from the mean. In those instances having more than two standard deviations from the mean. We are using this data in an attempt to identify patterns of misconduct that once identified, can be:
 - (a) prevented through various forms of training
 - (b) identified for accountability purposes
 - (c) mitigated through greater oversight, policy, procedure or tactics.
4. Share the results with the Police Chief.

5. Conduct further analysis to determine course of action.
Further action may include any one or a combination of the following:
 - a. For individuals (officers, supervisors, Division Commanders), have their superior share the data with them and seek the causes of the variances. Follow-up with counseling, training or other methods to bring the variances into normal ranges. Following the above actions, rerun the data analysis to determine the extent of changes, if any.
 - b. Utilize the data to identify work units in need of focused management audits in managerial and supervisory functions tending to affect these results.
 - c. Use the data to focus on those Districts, work units or individuals to identify potential covert investigations focusing specifically on those practices that provide that lead to the misconduct. For example, if the data points to a particular location such as a bar, the focus may be on the location where there is a multitude of misconduct instances. Or, in cases where the nature of the incident is the issue, investigations should focus there. Certainly were individuals are identified as the nexus, the investigative goals would be focused there.
 - d. Investigative priorities should be:
 1. Human rights violations, particularly those which tend to result in physical injury
 2. Abuse of Power
 3. Corruption

The report will also include recommendations for augmenting training at the in-service level and/or entry levels; and/or policy, procedural or tactical changes that would tend to prevent misconduct.

Additionally, under separate cover, develop provisions for specific training and counseling for officers, supervisors, or work units prone to complaints.

The analysis would also provide focus for proactive investigations by SIU, the Anti-Corruption Unit and Internal Affairs.

- 2B. Present a Legislative Amendment to the Undercover Law that enables IAD to conduct Undercover Operations directed at investigating and uncovering human rights violations within the GPD. If passed, provide clear guidelines and training to ensure that the investigations are thorough, safe, ethical, and avoid the pitfalls of “entrapment”.
- 2C. Mandate that the IAD provides oversight and functional supervision for internal investigations occurring at the District level, and further place the onus on IAD for the quality, timeliness, accuracy and objectivity of the investigation; as well as notifications to interested parties. This recommendation will place the responsibility for internal investigations under one roof.
- 2D. Provide internal regulations directing the IAD to include the use of case biopsies in their periodic and unannounced audits and inspections. The biopsies are to include an inspection of randomly selected cases from beginning to end to verify that legal mandates have been met and department policy and procedures have been complied with. It should include, but not be limited to the following:
 1. Review of any audio or written recordings of the initial call to police
 2. Verification of the timely notification to the Prosecutor for case creation
 3. Review all decrees forwarded to the prosecutor for review and approval
 4. Review of all prosecutor decisions regarding the approval or denial of decrees
 5. Review all physical evidence collected as well as any scientific analysis, along with chain of custody documentation and storage.

6. Review all tape recordings and/or transcriptions of interrogations to determine if the law, policy and procedure and human rights standards have been complied with.
 7. Contact victims, witnesses, suspects and accused to determine the extent to which dealings with those individuals have been consistent with law, policy and procedure and human rights standards.
 8. Any noted violations of law, policy and procedure and human rights standards are to be reported to the Division Chief and the Chief of Police for remedial action.
- 2E. Increase the number of staff assigned to Internal Affairs. The current staff is limited to a total of eight people including the Unit Chief and Financial Officer. Given the number of cases investigated (180-220 per year) and the number of management and compliance audits conducted each year, there tends to be an over-reliance on the use of auxiliary staff to augment the unit to meet work-load demands.
- Furthermore, should the recommendation requiring the IAD's oversight of all internal investigations be enacted, additional staff will be needed as well.
- 2F. Add a provision the Officers' Ethics Code that requires officers to report colleagues' misconduct to a superior officer, or in the case of misconduct on the part of a superior officer, report misconduct to the IAD.

Recommendations that Lend Greater Management Focus on Misconduct Issues:

- 2G. Develop an amendment to the CPC under the section dealing with victim compensation (Chapter forty-four, sections 388-397.1) that enables persons who have suffered emotional distress or indirect damages, i.e. stress, lost wages or business, damage to reputation, undue inconvenience, etc., to petition the court for damages.
- 2H. Develop an amendment to the CPC to enable the court to award punitive damages to complainants in particularly egregious cases of police abuse. Said punitive damages to be awarded should equal a sum up to three times the maximum damages allowable under the existing CPC and paid through garnering the wages of offending officers, with no possibility of the Police Department, or any other entity to directly or indirectly indemnify the officer(s).

3. CRIMES COMMITTED BY POLICE OFFICERS

Findings:

- 3A. Crimes committed by officers are investigated by the SIU of the Prosecutor General and are outside the purview of the police. Investigations conducted by SIU are independent of the police. Investigative results are forwarded to the prosecutor's office for potential indictment, to other governmental investigatory agencies for investigation; or to the police for their information and follow-up in cases resulting in no indictment.
- 3B. Cases where both the Police and the SIU work cooperatively are those involving the use of deadly force by officers, or where the use of force results in serious bodily injury. In those instances both SIU and Internal Affairs respond to the scene and after a cursory investigation, collectively decide if there was justification for the use of force. If they collectively decide that justification for the use of force exists, the case would be investigated by the IAD. If justification for the use of force is insufficient, the case is investigated by SIU.

Recommendations:

- 3A. Develop clear protocols for case transfers. For example, cases originally investigated by the IAD may identify acts by police personnel that are criminal in nature. In those cases, there needs to be clear guidelines for trigger points for the transfer of the cases.
- 3B. Develop investigative protocols that enable a joint investigation of police use of force resulting in injury to a member of the public. The joint investigation would enable both investigations to proceed until a definitive determination can be made concerning the criminal liability of the subject officer.
- 3C. Similarly, protocols should be developed for both Internal Affairs and SIU for transferring cases to the Anti-corruption Unit.

4. CASE FLOW PROCESS FOR PROPOSED PILOT POLICE STATIONS

Real Police work operates locally. It takes place in the streets of neighborhoods, in peoples' homes and in their places of business. Throughout the world it is managed locally, in precincts and in district stations. It is performed by beat officers and detectives. It is they who make the decisions that affect peoples' freedom. It is they who decide what force will be used and against whom. It is here, and not in the remote bastions of police headquarters where justice plays out. Mongolia is no exception.

In my analysis of the information I gathered through interviews of both police insiders as well as through observers from the outside looking in, the National Police of Mongolia have a history of sidestepping legal oversight mechanisms. They have a seemingly deserved reputation for extracting confessions from people using any and all means – legal and otherwise. Despite all the noble work done in the furtherance of the rule of law in other Justice institutions, it is the police who remain at the apex of the problem.

Efforts aimed at tangible change at bringing the police into compliance with the law, and in compliance with international human rights standards must be focused at the nexus of the problem. It must focus locally on the Officers operating at of local Police District Divisions.

Furthermore, changes enacted at the local level need to be sustained. They demand that the broader organization take measures to provide scaffoldings to support the changes while they are grown to scale. Those scaffoldings are resident within the in-service training capabilities of the Police Academy.

It is the Academy that possesses the mechanisms with which to touch each and every officer on the department with periodic mandatory in-service training. And it does so with the authority of the Chief. It provides standardized instruction for all incumbents. Moreover, its influence extends beyond its mission of providing job-related instruction. Its greater role is to help mold the organizational culture.

Street officers respect that dual role as they each witnessed fist hand the power of the Academy experience to transform recruits into full-fledged Police Officers.

These three concepts; the necessity for change, the notion of locally managed police operations, coupled with the need to provide sustainability of those changes have come together to form my recommendations in this section. The systems proposed under the heading of Pilot Police Stations, contain functionality that requires legal compliance and thus delivers a healthy dose of accountability.

The specified applications software contain embedded prompts and required data that mandate documentation of legally required actions resulting in greater accountability. Further each mandatory field is recorded for audit purposes. The systems contain a number of required exception reports that alert managers of decisions and actions that violate required approvals, leaving little room for managers to hide behind the cloak of ignorance. These system requirements likewise hold the local prosecutors to the same standard, thus maintain systemic rather than mere departmental accountability.

The tools built into the pilot systems contain powerful investigative tools as well. These are tools urgently needed by street officers to leverage their ability to solve cases and prevent crime. I am certain that many local practitioners will loathe some of the built-in legal safe-guards; but they will immediately recognize and appreciate the mission-critical functionality of the investigative tools imbedded within the system. Moreover, the neighboring Districts will welcome those tools as well.

In the succeeding pages, I will attempt to detail the system requirements and describe how those requirements facilitate the bolster accountability, transparency and respect for human rights.

Findings:

- 4A. Processes addressing case flow are exclusively paper dependent. The only tangible automation occurs upon case completion. Here the process requires data entry personnel to use automated versions of paper forms to enter relevant data and upload it to GDP for the purposes of statistical gathering, management information and crime analysis. At least one station, the process requires the physical transportation of the manual forms to GDP.
- 4B. Likewise, completed case files prepared by police investigatory units are sent to the prosecutor's office manually. Little if any case related information is shared as the investigation unfolds. This manual system perpetuates the status quo relative to the absence of any meaningful investigative oversight by the prosecutor as required by the CPC. Furthermore, the lack of oversight enables the police to initiate intrusive actions against Mongolian citizens without appropriate and required legal safeguards.

Recommendations:

Pilot Police Stations:

In the succeeding pages, I will attempt to detail the system requirements and describe how those requirements facilitate the bolster accountability, transparency and respect for human rights.

During my study of the Mongolian Police, I had an opportunity to visit and study several administrative and operational units of the department. I reviewed the various units' missions, the demographics and composition of their service community, work volumes, and the capabilities of the management staff. I also explored the work unit's orientation toward community based policing, respect for human rights, attitudes toward operating with transparency and their history and expertise in operating and maintaining computer systems.

It was my responsibility to examine those factors enumerated in the above paragraph and develop a recommendation concerning the feasibility of JRP funding one or more "pilot police stations". Additionally, I was asked to examine case-flow processes as well as other mission-critical processes in an effort to recommend a set of applications software.

Section Outline:

1. Criteria used in the selecting the recommended pilot stations

2. Stations recommended to be designated as pilot stations – installation sites
3. Station characteristics
4. Recommended hardware configurations
5. Recommended connectivity and interfaces
6. Recommended applications software requirements
7. Preconditions for system implementation

Criteria:

1. Assessment of the ability of the management and technical staff to appropriately utilize and maintain the system.
2. Needs analysis
3. Assessment of the extent to which those systems, once placed in operation, will improve oversight practices, human rights practices and transparency.

Recommended Installations Sites

1. Bayangol Police District
2. Baganuur Police District
3. The Police Academy and the Police Culture and Community Center.

Bayangol District Police Division: The Bayangol Police District is one of nine Districts in Ulaanbaatar and has the highest population density of any district in the city. It is staffed by 265 personnel and is comprised of 20 Horoos. I learned during my site visit that this District is a center for bars, restaurants and shops, resulting in a high concentration of people visiting Bayangol from other parts of the city.

In my discussion with Bayangol District Chief Amarzaya, he revealed that he was quite aware of the potential for this project and he felt that he and his staff were fully capable of putting the system to effective use.

We discussed two general kinds of benefits that would accrue from the system; efficiency and effectiveness. Effectiveness benefits relate to more effective crime fighting and prevention and those relating to improving the effectiveness of oversight mechanisms, transparency and improvements in the area of respect for human rights.

Administrative Efficiency

Chief Amarzaya and his staff indicated that the use of the systems would improve the efficiency of his operation and would lead to a reduction in the administrative staff. He indicated that he would reassign the displaced staff to enforcement related and crime prevention assignment. Reallocated staff would tend to improve their ability to prevent and detect crime by adding resources to that function. Additionally, he felt that internal information exchange would improve in terms of the quality, quantity and timing of the information.

Crime Fighting and Crime Prevention

Mr. Bataa, Assistant Chief of the Criminal Division, indicated that an essential benefit of the system from his perspective would be the ability to exchange information with other Districts in real time regarding crimes recently committed in one District where the perpetrator fled to another District. Additionally, tactical information describing serial crime can be more effectively shared resulting in a greater ability to prevent such crimes and apprehend those responsible.

Respect for human rights

1. Chief Amarzaya and his staff explained that oftentimes motorists and pedestrians are stopped by the police for traffic infractions or suspicious activities and are detained for

extended periods while their identity is verified and vehicle documents are checked. Staff explained that these steps are needlessly delayed because the District lacks access to automated databases maintained by GPD. I was informed that the District intended to use the computer system to conduct automated fingerprint Identification (AFIS) checks to verify identity. That process would reduce by hours the length of these temporary detentions.

2. Furthermore, ready access to information stored on centralized databases would reduce officers' dependence on the use of intrusive interrogation techniques.

Baganuur District Police Division: This Division is located approximate 90 minutes drive from Ulaanbaatar. It is administered by the Chief of Capital City Police. The commander is Chief Batchuluun, who has been in his assignment for 6 years.

The District has a population of 25,000 people and is responsible for 70% of all coal mining in the country. The Unit has been selected for "Best District" honors for the years 2003-2005.

In 2005, with assistance of UNICEF, a facility was built to facilitate the humane handling of juvenile suspects, victims and witnesses. The juvenile facility also enables the monitoring and video taping of interviews conducted with juveniles so that those interviews could be viewed by interested parties such as the prosecutor or family members. These capabilities allow for greater transparency in addressing crimes involving children.

In terms of their computer capabilities, the District currently has several stand-alone desk-top computers, none of which has connectivity with GPD, the prosecutor's office or any other element of the justice sector.

The Division has been quite innovative in the development of its computer capabilities, limited as they are. Chief Batchuluun indicated that he organized a competition at the District that encouraged employees to acquire equipment through competitive bid and through local donations. They acquired their complement of desktop computers nearly exclusively through those means. Their acquisitions were of used machines purchased at a fraction of the cost of new ones, or alternatively had the used machines donated.

Despite the machines' limited functionality, the staff of the District created software in-house that automated the call intake process at the front desk, and wrote a program that provided management information relating to queuing and workload analysis. It was the only such system that existed in any of the stations I visited.

They also installed a digital voice recorder at the intake desk that enables to Desk Officer to perform quality control reviews in his personnel's handling of the calls.

Chief Batchuluun stated that his entire staff is computer literate, and that his resident technical staff has the ability to configure a LAN and maintain the systems.

Chief Batchuluun stated that it was his belief that a computer system installed within his station will promote better relations with the prosecutor and will provide the means for efficient and real-time prosecutorial oversight of local investigations and inquiries.

It is my assessment that each of the benefits listed under the Bayangol Division will also accrue to the Baganuur Division.

The Police Academy and the Police Culture and Community Center: In my visits to both the Police Academy and the Police Culture and Community Center, and reinforced through my

interviews, it became clear that the function of in-service training would greatly benefit from the use of a locally networked system of computers.

The Police Academy currently trains 1,700 cadets at a given time. It is staffed by 120 faculty and 100 support staff. The Academy also provides in-service training for the entire department as well as training for private security guards.

I learned in my interview with Colonel Davaakhuu, Chief of the Police Culture and Community Center, that there were approved plans underway to remodel his facility which was originally built as a recreation center for Russian Military Officers. He stated that the first phase of the remodel project is funded, and construction is scheduled to begin in May and be completed in October.

The overall purpose of the center is to create a space for recreation and cultural events for the police as well as the community, with a significant amount of event programming to enable healthy interaction between the police and the community.

The second main purpose of the facility is to house an in-service training facility for police, community groups, NGO's and joint training of mixed groups.

In support of his in-service training objectives, he developed a plan to install a thirty station computer training lab. Colonel Davaakhuu presented a detailed equipment list that included the 30 networked units as well as ancillary equipment, the total cost of which was estimated at \$35,000 USD.

The Colonel indicated that he and the department have sufficiently trained staff with which to maintain and operate the system.

Recommendations:

I recommend that the JRP fund these three projects providing that sufficient resources are available.

Recommended System Hardware Configuration:

Bayangol and Baganuur District Divisions:

Each District Division would be supplied five intelligent workstations each with a connected printer and internet access.

Allocation of workstations:

One workstation for each of the following:

- a. District Chief
- b. One unit to be shared by the Assistant Chiefs
- c. Finance Officer
- d. Desk Officer
- e. Records Function

Police Academy and Police Culture and Community Center:

A system of thirty intelligent workstations configured in a classroom setting with related hardware and printers.

Connectivity:

Bayangol and Baganuur District Divisions:

The workstations are to be connected via LAN and have high-speed connectivity to the local prosecutor's office and GPD, as well as a high speed internet connection.

Police Academy:

Each workstation will be connected via LAN and will have high-speed connectivity to the GPD as well as high-speed internet access.

Applications Software Specifications:

District Divisions:

The following is a recommended list of applications to be resident on the LAN:

1. A full compliment of Microsoft Office Products or its equivalent.
2. A case management system with the following functionality:
 - A. Automated case files created in a format compatible with installed software resident in the respective District's local prosecutor's office.
 - B. Case file software with the capability of documenting and transmitting decrees issued by Investigators, Inquiry Officers and Criminal Police and transmitted to the prosecutor's office.
 - C. Documentation of the prosecutor's decision effecting the execution of the decrees issued by Inquiry Officers, Investigators and Criminal Police.
 - D. This module will date, time stamp and log the transmission of decrees as well as prosecutor's decisions impacting those decrees. The log will include the names of the sending and receiving parties, and will have the capability of creating an audit trail with the ability to run regular management reports as well as ad hoc queries. This module will also verify the date stamps against time limits mandated under the CPC for approval requests and execution of decrees issued by Investigators, Inquiry Officers and Criminal Police, the subsequent prosecutor's decision, and create periodic exception reports for those cases falling outside the required limits. The exception reports will be forwarded to the District Chief and the respective investigatory supervisors.
 - E. Automatically extract relevant and required data from case files for the creation of statistical reports currently being performed in the records units, for the purpose of uploading to the GPD Statistics Unit.
 - F. Crime Analysis: The case management system will be sorted to identify crime trends and detect serial crimes. Daily reports will be generated at the District, Horoo, and Unit levels to create user-defined "conditions" reports providing time-sensitive information on crime and administrative violations. These reports are to be used by beat, patrol, emergency officers and their supervisors.

- G. The case management system will also provide for the recording and time and date stamping of supervisor approvals of actions taken by investigatory officers acting under exigent circumstances in matters relating to interrogations, arrests, detentions, and search and seizure. Regular periodic exception reports will be automatically generated and forwarded to appropriate supervisors as well as the District Chief.
- H. The case management system will create appropriate statistical reports for timely public release.
- I. The case management system will have a module for case assignments and case loads.

Electronic Interfaces:

- A. Electronic interfaces to GPD systems and databases will be installed on each local area network. The interfaces will include but not be limited to:
 - 1. Automated fingerprint identification system
 - 2. Automated mugshot system, if any
 - 3. Motor vehicle and driver license records
 - 4. National registry of citizens
 - 5. Wanted and missing persons
 - 6. Stolen property.
- B. All queries run against the databases will require password protection to facilitate the creation of audit trails to ensure that all queries are executed by properly authorized staff for the exclusive purpose of furthering police investigations, rather than for personal reasons.

BOLO System (be on the lookout)

Development of software to create a “BOLO” function. This application would enable investigatory personnel to transmit BOLO information including wanted persons’ names, addresses, personal descriptive data, the event prompting the BOLO, last direction of travel, vehicle description (if any), known associates and frequented addresses as well as the contact information of the authorizing or issuing investigatory personnel.

The BOLO record would contain instructions regarding actions to be taken if the subject or vehicle is located; i.e. detain, notify issuing officer. This function will require a criminal case number and supervisor’s approval and will log the approval in the BOLO record as well as the date and time issued and an automatic cancellation date recorded in the log as well as in the BOLO itself. The system will reject BOLOs lacking the appropriate supervisor’s approval and case number. Copies of BOLOs will be sent to Districts and work units specified by the sender, or logical collections of Districts or work units. Additionally, BOLOs will automatically be forwarded to the approving supervisor if different from the investigatory officer’s supervisor.

Duty Officer Front Desk Software Support

- A. Computer Aided Dispatch System
 - Call receipt:
Develop software to digitally record and store all incoming calls for service from the public to the District Division. The system will date and time stamp the call and allow for efficient playback for the purpose of quality control.

B. Call Dispatch:

1. Develop a system to log incidents requiring the dispatch of officers to a location requiring police service.
2. The log will date and time stamp the following events:
 - a. generate a unique sequential number to identify the call
 - b. received time (captured from the call receipt system above)
 - c. time of dispatch of officers to the scene
 - d. arrival time
 - e. automatic calculated response time (from call receipt to arrival time)
 - f. work time (from arrival time to completion of work at the scene)
 - g. the nature of the incident as reported by the calling party
 - h. the nature of the call as reported by the responding officer
 - i. the nature of the actions taken by the officer (provided information, arrest, administrative violation, transport to sobering station, etc)
 - j. the address or location of the call.

C. Management information sub-system:

1. create periodic as well as user-defined ad hoc reports that generate frequency distributions of incoming calls, response times and other user-defined parameters.
2. generate exception reports of calls falling outside user defined response time goals
3. create an audit trail log of calls to facilitate the reconstruction of events.

Computer Aided Walk-in System

1. Customer Support Sub-system

- A. Develop software which would time and date stamp the arrival of each person approaching the front desk seeking information or other police services.
- B. Capture the person's name, purpose of the visit, and time that service was rendered.
- C. Track repeat customers to determine if customer's request was not satisfied on the first visit.
- D. Should the customer require service from other police personnel, track the name and work unit of the person to whom the customer was referred.
- E. Log the time the customer left the facility to capture the total time needed to satisfy his/her needs.

2. Management Information Subsystem:

- a. develop software for queuing analysis to meet quality parameters, and determining staffing needs
- b. generate exception reports identifying wait times outside normal parameters, and total time customer spent at the station. Automatically forward to the Duty Officer and District Chief.

Academy and Police Culture and Community Center Applications Software Requirements.

1. Full complement of Microsoft Office or similar.
2. Full compliment of District Division software
3. Software capable of supporting programmed learning
4. Educational Administration Software supporting scheduling, test development, test grading, and attendance.
5. Logging software to track completion of required and elective in-services classes.
6. Exception reporting to Academy Director and officers' unit Chief, of officers failing to complete required training within user defined time-frames.

7. Reports detailing training provided by or for NGO's, or other non-police organizations. Report to include the course topic, learning objectives, length of course, persons attending, name(s) or represented organization and associated dates.

Requirements for All Software and Systems

1. A full set of documentation will be provided to each installed site to facilitate hardware and software maintenance.
2. A full set of user manuals written in laymen's language
3. Hands-on user training for all users – conducted at each user's site.
4. The availability of a help-desk function staffed 24x7 for a minimum of thirty days following system installation and acceptance.
5. All system logs as defined in the above requirements will remain resident on the system for at least two years. Logs relating to the case management system will be maintained for a two year period following the disposition of the case.

Preconditions for System Implementation. Contractual agreement with the following provisions:

1. That GPD will maintain and operate the system consistent with the recommendations contained within this document for the term of the contract.
2. That GPD certifies that there will be coordination between the Academy and the Police Cultural Center regarding the use of the computer system if said system becomes resident within the facility managed by the Police Culture and Community Center. Should the in-service training function not move into the Police Culture and Community Center, the system will be installed within the Academy grounds in a manner to be determined by the Academy.
3. GPD will conduct a thorough evaluation of each installed system after one full year's use. The evaluation will include, but not be limited to:
 - a. technical capabilities
 - b. functional capabilities
 - c. a detailed analysis of the extent to which the system facilitated improved communications and oversight capabilities vis-à-vis the prosecutor's office, facilitated greater respect for human rights and greater transparency on the part of the Department. Additionally, the analysis will assess the ability of the system to be replicated in similar work settings.
4. That the Bayangol and the Baganuur Districts coordinate and standardize their software applications during system design.
5. That written agreements be executed with NGO's and the GPD ensuring that NGO's will be consulted and utilized to present training consistent with the mission of the NGO's. And that NGO's will participate in joint trainings with the department consistent with the mission of the NGO.
6. That trainers trained during the Train the Trainer sessions conducted between April 23 and April 27, 2007 be used as primary instructors in human rights classes taught during in-service training.

This recommendation is likely to meet with significant resistance from GPD, as it required a significant and long term departure from the status quo. It will affect human rights, accountability and transparency, and will affect the operations at District Divisions to a large degree.

5. PROCESSES RELATED TO COMPLAINTS REGISTRATION AND CASE FILING ALONG WITH DEVELOPMENT OF STANDARD PROCEDURES AND FORMS

Findings:

Criminal case registration is under the jurisdiction of the prosecutor's office. It is the prosecutor that registers cases and issues control numbers as well as assigns cases to the appropriate jurisdiction for investigation. The prosecutor's office currently uses automated systems provided by the JRP for this purpose. Reports of crime received directly by the police are addressed and recorded by desk personnel under the direction of the District level Duty Officer. Recommendations concerning complaint handling at that level are addressed under Recommendation 4, Case Flow Process for Proposed Pilot Police Stations; Section dealing with Computer Aided Dispatch System above.

6. PROCESSES RELATED TO ARREST AND DETENTION, SEARCH AND SEIZURE, AND OTHER PROCEDURES THAT AFFECT THE RIGHTS OF SUSPECTS AND ARRESTEES

Findings:

- 6A. One process stands out among all others as one which tends to encourage the violation of human rights and dignity; that process is the Output Agreement. This process, which is the Mongolian form of Management by Objectives, sets specific numerical targets for investigators and inquiry officers to meet in calculating their salary on a monthly basis. Those targets are weighted according to its perceived level of importance. Case clearances float to the top of the list and drive outcomes for effected employees.
- 6B. Furthermore, those results are aggregated to determine the rewards of managers at all levels of the organization. The salary adjustments dependent on those outcomes range from -5% to +40%. Based upon anecdotal data I received consistently throughout my interviews, it became clear that investigators and inquiry officers' judgment is influenced to an unhealthy degree by the promises of financial reward for clearing cases. This unintended consequence is exacerbated by the fact that managers are likewise rewarded by those efforts.
- 6C. Moreover, the predominant method used for case clearance is interrogation. Many graphic examples of human rights violations occurring during the interrogation process have been documented in detail in the 2006 Report of the Mongolian Commission on Human Rights
- 6D. I have also learned through several interviews of the wide-spread pattern and practice of rude and verbally abusive behavior towards the public by police employees at all levels. The pattern of rudeness and verbally abusive behavior extends to victims, witnesses, suspects, accused persons, and during casual contact with the public.
- 6E. Interviews have also revealed a seemingly growing number of public demonstrations, particularly at the Aimag level. Those interviews cited several incidents where police action was perceived to lack a certain professional distance from the issues and parties represented in the demonstrations. I was provided with anecdotal evidence concerning the indiscriminate use of force perpetrated against ostensibly peaceful demonstrators.

- 6F. In my numerous contacts with police personnel through interviews and training, I observed that there is inconsistent application of the practice of wearing badges and identification name plates on the uniform. I was informed by several members of a class I taught that it is not uncommon for officers to neglect to wear their proper identification.

This transgression mitigates the notion of accountability by making it difficult for community members to identify officers who have been involved in misconduct. Further, where multiple officers are involved in a police operation such as a public demonstration or disturbance, it is difficult to attribute specific actions to individual officers.

Recommendations – Background

Protection of human rights and dignity should extend beyond the human rights mandates of the UN treaty relating to the treatment of witnesses, victims, detainees, suspects, and juveniles; and should extend to the treatment of all people who come in contact with the police. Since most of the contact the public has with the police does not fall within the strict boundaries covered by the UN Treaty on Human Rights, the department must recognize and address these more casual contacts by reinforcing the notion of community trust and service to the community.

Accordingly, the department's organizational culture, particularly at the grass roots level, must be examined and molded into one that fosters and embraces the notion of courtesy and respect rather than fear.

Recommendations:

- 6A. The GPD will provide intensive "customer service" training for all police employees at all levels of the department. The learning objectives are to include, but not be limited to the following:
1. The importance and value of treating all people with dignity and respect
 2. The impact of inappropriate treatment of the public on community trust
 3. The strategic importance of public trust to the mission of the Department
 4. The notion of the "golden rule"
 5. Experiential learning on the art of courtesy in greeting the public by:
 - a. providing your name, badge number, and supervisor's name upon request
 - b. providing any and all information requested; or if unavailable, provide the means for acquiring such information.
 6. Telephone courtesy
 - a. greetings
 - b. returning phone calls within a reasonable time.
 7. Courtesy at public counters
 - a. length of wait times
 - b. providing referral information for access to other personnel, or agencies.
 - c. setting and complying with appointments.
- 6B. Statistically significant public surveys (pre and post-training) will be conducted within each Police District at least annually to gauge the level of the public's perception of police courtesy. The results will be published in widely read periodicals and posted on the public website. The Department will conduct a timely analysis of the results and take such actions to ensure that appropriate standards as outlined in the training are met.

- 6C. Reduce the reliance on interrogation as the principal tool in investigations. Since internal reporting on progress relating to meeting the goals and objectives of the GPD is highly dependent on the Output Agreement system, the following recommendations are proffered:

Develop a mechanism to require that Output Agreements of investigatory personnel place a higher priority on quality rather than on quantity. Specifically, investigations and inquiry officers' evaluations must be dependent on the quality of their investigations, i.e.

1. thoroughness in gathering objective evidence
 2. the extent to which their investigations are in compliance with the law in terms of presenting decrees to the prosecutor
 3. compliance with time limits
 4. their comportment relative to upholding human rights standards
 5. the quality and extent of their interaction with case prosecutors throughout the course of the investigation.
- 6D. Propose an amendment to the CPC that includes the requirement to notify parties to the investigation of their constitutional rights regarding compelled statements, notification of charges and the right to representation, and that appropriate notifications of those rights, along with the requirement to document such notifications be included in each relevant element of the CPC.
- 6E. Propose an amendment to existing legislation requiring recording, (including announcements of the date, time and location) of all interrogations, all persons present, and include on tape announcements of break times and times that the tape recording recommences.
- 6F. Propose an amendment to existing legislation that requires the documentation of every prisoner movement or reassignment of cells or transfers to another facility. This documentation should also include the names of other prisoners present in those cells as well as the dates and times they were assigned to those cells, and when they were transferred out.
- 6G. Require supervisor permission to interview detainees and require that the investigator, inquiry officer or Criminal Police document, in the case file, the receipt of that permission as well as the supervisor's name and date and time the permission was granted.
- 6H. Propose legislation that limits the scope of investigators, inquiry officers and Criminal Police ability to subpoena subjects for interrogation. Although the CPC as currently enacted restricts the length of time of interrogation sessions, there is no provision that limits the number of times a subpoena is issued.
- 6I. Propose an amendment to the CPC providing for an "exclusionary rule" that makes evidence gathered in violation of the CPC (such as interrogations conducted without the benefit of judicial approval) inadmissible in court.
- 6J. With respect to policing demonstrations, I recommend the following:
1. Provide the entire Department with both classroom and practical training on laws, procedures and tactics to be employed when policing a demonstration. Particular attention must be paid to the role of the police in peace keeping. The training should include hands-on drills using simulated demonstrations. Critiques should follow the simulations for quality assurance purposes.

2. In those Commands where demonstrations are more frequent or more likely, periodic drills (once per quarter) should be conducted, filmed and reviewed for critique purposes.
 3. Command Officers in particular should receive tactical and legal training on policing demonstrations, and must be held accountable when their officers violate participants' human rights.
 4. Top management as well as District Chiefs should be trained on the technique of multilateral demonstration planning. See appendix #1 for details.
- 6K.1. Ensure that each officer is issued a police badge with a unique serial number, and a name plate to be worn on his/her uniform. The name plate should be designed to be read from a distance of up to three feet.
- 6K.2. Ensure through daily roll call inspections that both the badge and nameplate are properly secured to each officer's uniform and are in serviceable condition.

6L. Arrest and Detention:

I have three additional recommendations each of which should result in reducing the length of pre-trial detentions.

1. CPC defining criteria for classifying a person as a suspect.
2. Implementing an investigatory priority system that requires that investigative personnel have as their highest priority, those cases where the accused is detained under guard.
3. Implement a formal review system that uses scheduled police-prosecutor face-to face meetings to discuss and review the need for further pretrial detention of cases still under investigation.

1. CPC Amendment Refining the Definition of "Suspect".

Under the Mongolian CPC Article 36.1; the status of a detainee awaiting the conclusion of an investigation is neither an accused person (one against whom a decree is issued for prosecution) nor a defendant (a person who is brought to trial). The legal status of detainees can only be inferred from a reading of Article 59.1 of the CPC describing the arrest procedure. In this Article the person is only described as a "person *suspected* of committing a crime". Furthermore, the CPC offers little in the way of guidance to investigatory personnel or prosecutors for determining if a person should be considered a "suspect".

By contrast, case law as well as state penal codes go to great length in providing clarification to the term; "probable cause" for making an arrest of a suspect. Although the law does not give practitioners a "bright line" for which to definitively classify investigative leads or persons of interest from suspects, it does provide clear criteria and with that; constraints on officer and prosecutorial discretion.

I therefore recommend that an amendment to the CPC be enacted that delineates the circumstances under which a person is to be considered a suspect and therefore potentially subject to detention under guard. The guidance must be sufficiently specific to enable a reasonable police officer or prosecutor to weigh the evidence in a case to determine if the evidence available at that instance would be sufficient to proceed to trial. Should the weight of evidence fall short of that standard, the person must be released.

2. Investigatory Priority System:

The Investigatory Priority System as outlined below and described more fully under the section: Workforce Allocation, will require investigatory personnel to pursue their case loads in a more methodic manner, giving top priority to active cases where a person is detained awaiting the outcome of a case under investigation.

As described in the section dealing with workforce allocation and investigative case management, I suggest a reexamination of the case priority system as represented below:

Case priority:

1. Active:
 - a. The suspect is in custody
 - b. There is a missing person who is missing involuntarily and that person is in danger.
 - c. Suspect is known, but more investigative work needs to be done
 - d. A request from a prosecutor for further investigation (where there is no pre-trial detention)
2. Inactive
 - e. No suspect is known, and there are no workable leads.
 - f. Incident involving non-crime

My recommendation is to implement this system and ensure that investigatory personnel and their supervisors adhere to its provisions; particularly with respect to ensuring that cases where a subject is in pre-trial detention are given top priority. This requires that no other cases within the investigator's case load proceed until all in-custody cases are completed.

3. Case Review: Pre-Trial Detention

- a. Implement a protocol for pre-trial detention case review. The protocol would establish face-to-face meetings between assigned prosecutors and investigatory personnel along their respective supervisors to review progress on cases where a subject is detained while the case is still under investigation. The investigator would also provide written permission from his supervisor to proceed with a request for extending the period of detention. The face-to face meetings will occur prior to the initial fourteen day detention time-limits described the CPC Article 69.1.
- b. Assigned investigatory personnel would present his/her rationale for extending the period of detention and would be provided with the opportunity to specify the investigative steps necessary to complete the case, and provide a time-line for those remaining steps.
- c. The prosecutor would evaluate the rationale provided by the investigatory personnel and would review the investigator's case load to make a judgment regarding the investigator's adherence to his case priorities. In other words the prosecutor would determine if the investigator's work in the instant case was consistent with its top priority.
- d. If, in the judgment of the prosecutor, the investigator's actions were in fact in accordance with the priority system, the prosecutor would review the rationale for the initial detention decree based on the provisions of the CPC Article 68. If, in the opinion of the prosecutor, all conditions are met (case was handled as top priority, CPC provisions remain compelling), and the investigator's request for additional time is reasonable, the prosecutor may decide to issue a decree to allow continued detention. However, that extension would be granted for a maximum period defined

by the lesser of the additional investigative time needed to indict or release, or a maximum of two months from the commencement of the initial detention (as described in CPC Article 69.2).

- e. Absent any of the aforementioned conditions, the prosecutor would be compelled to issue a decree for the immediate release of the prisoner.
- f. In the event that continued incarceration is recommended by the prosecutor, a future meeting (second review of pre-trial incarceration cases) would be convened prior to date set by the prosecutor under item d. above.
- g. Second review – In attendance at this meeting is: the assigned investigator, his/her supervisor, the Chief of the Criminal Police at the District level, and their counterparts within the prosecutor's office.
- h. At this meeting the same processes described in a-e above would apply, except in this instance, the prosecutor would raise the threshold of evidence before agreeing to continue the pre-trial detention. In these cases the prosecutor may only consider cases where probable cause exists to lead a reasonable person to believe that release of the prisoner will pose a credible threat of serious physical injury to another person.
- i. Absent all conditions enumerated above, or the absence of any person from the chain of command described in h above, the prosecutor will immediately issue a decree directing the immediate release of the prisoner.
- j. The proceedings of each of the meetings will be memorialized and appended to the relevant case files.

7. FLOW OF INFORMATION PROCESSES INTERNALLY AND EXTERNALLY FOLLOWED BY DEVELOPMENT/ IMPROVEMENT OF PROCESSES INCLUDING COOPERATION/INTERACTION PROTOCOLS WITH OTHER LEGAL INSTITUTIONS AND ENFORCEMENT AGENCIES

Findings:

- 7A. The flow of internal information is documented and is primarily based on crime trends updated monthly. Additionally information is circulated relating to new legislation and related department procedures. It appears from my interviews that internally, information flows rather freely within the constraints of manual systems. Additionally, within the GPD, the primary direction of information flow is top down.
- 7B. Two notable exceptions were identified at District Divisions. Two District Chiefs indicated that suggestion boxes were installed for citizen and internal staff input. However after being told of the existence of the suggestion boxes at one station, I asked to see them, and was told that they were removed so that the boxes could be remodeled. I did observe the suggestion boxes at the second District.
- 7C. Information flowing from the police to the PGO is limited to that which is legally mandated, and then only after the fact.
- 7D. There is a formal annual meeting of the heads of each element of justice institutions where formal presentations are made, but little discussion of substantive issues takes place.

- 7E. It is clear from frank discussions with the Prosecutor General and the Chief of GPD, that each leader is circumspect in his dealings with the other. Each held the belief that any attempt at mediating meaningful discussion would garner no practical results.

Recommendations: Internal Communication

- 7A. Improve upward flow of information by creating face to face opportunities for employees to identify issues in need resolving, along with suggested solutions.
- 7B. Create policy that provides for regularly scheduled opportunities for lateral communications between patrol officers, beat officers, emergency police, investigators, inquiry officers and criminal police for the exchange of information, the identification of problem areas in their respective Horoos and potential solution. Such meetings should be scheduled at least monthly.

Recommendations: External Communications

- 7C. Police Chief, Prosecutor General as well as the Minister of Justice and Home Affairs should make clear definitive joint statements to each of their departments that is supportive of information sharing across department lines.

Those statements should be accompanied by the release of policy and procedures that outline specific steps that their respective departments must take to further communication and coordination.

- 7D. Those statements must include clear guidance regarding appropriate comportment when carrying out such actions, along with the proviso that severe disciplinary action will be taken for violations.
- 7E. Joint police-prosecutor team-building training, to include practical exercises will be scheduled and announced contemporaneously with the joint statement.
- 7F. Agency heads will visit work units in person and reiterate the policy.
- 7G. Periodic surveys will be conducted within all relevant levels of the organizations to determine the extent of progress and pinpoint any problem areas.
- 7H. Policy will be created that holds management staff at all levels accountable for actions of subordinates that violate those policies.

8. THE OPENNESS AND TRANSPARENCY OF POLICE ACTIVITIES FOR DEVELOPMENT OF STANDARDS FOR PUBLIC DISCLOSURE OF POLICE DECISIONS/INFORMATION AND FOR IMPROVEMENT OF PUBLIC RELATIONS ACTIVITIES BASED UPON THE FOUNDATION LAID BY THE MONGOLIAN FOUNDATION FOR OPEN SOCIETY (MFOS) COMMUNITY POLICING PROJECT

Findings:

In my readings of the MFOS community policing project, there were numerous recitations of favorable results that emanated from the project in areas such as transparency, community outreach, training and human rights. However, in my interviews with top and mid-level managers, it was clear that programs initiated through the community based policing program and sustaining follow-on efforts bore little fruit. Managers whose operations would have been directly impacted by those programs had no knowledge of their existence.

Background on Community Policing:

Community Based Policing is an overarching approach and philosophy relating to the delivery of police services to the community. Its dominant strategies include developing community trust and partnerships, problem identification and resolution, and operating with transparency both inside and outside the police organization.

It is based upon service to the community and providing police services that enhances community freedom and safety. It is community-focused as well as community-based. Therefore, the establishment of isolated or ad hoc programs that address specific issues does not in itself constitute community based policing.

For community based policing to take hold, wholesale changes must take place; changes in the community's willingness to hold the police accountable, and changes in the community's willingness to support the police in providing for community safety.

For police organizations, community based policing requires that police organizations re-examine each of its processes, procedures, training, personnel practices, management philosophy, goals and objectives, and organization culture and values; to deliver services consistent with community based policing philosophy.

It is difficult work for both the police and the community. The required changes are dramatic and require considerable time and effort over long periods of time. In fact, the very nature of community based policing is that it is dynamic and evolves as community conditions change.

Mistakes will inevitably occur; however open unequivocal acknowledgement of those mistakes and a clear plan to move forward will, over time, build the kind of trust that strengthens rather than tears at the relationship.

In order to truly embark in a community based policing philosophy, a high level, well respected change agent should be appointed for an extended period of time to cut through the inertia of red tape and free the organization from its bureaucratic binds. The change agent should have the authority, both formal and personal, to cross organizational lines to achieve results. He or she must interact with a diagonal slice of the organization to create task groups that have the organization's blessing and authority to create change.

The above notwithstanding, specific targeted programs thoughtfully designed to achieve a greater sense of community safety, more openness and a higher regard for human rights are admirable. In fact, many police agencies "back into" community based policing using an weight of those deliberate and incremental steps creates a tipping point for the organization and lends impetus for more dramatic changes.

As an outsider, I lack the organizational insight to recommend the "right" path. However, I will recommend changes that will begin to develop the kind of community trust that lays the foundation for community dialogue, cooperation and mutual trust.

Recommendations:

- 8A. Promulgate policy and procedures that make victims and witnesses aware of each stage in the development of his or her case. Provide the victim and witnesses with the written case number, name of the assigned investigator or inquiry officer, the name of the assigned prosecutor, the direct phone numbers of each along with the name and telephone number of the investigator's, inquiry officer's and prosecutor's supervisor. Include in the case file the date and time that the information was provided.

- 8B. The Department will publish (through notices to the media, postings on public websites, or through paid advertisements) the quarterly crime and traffic statistics sorted by type of crime or traffic accident, and clearance data. The data is to be sorted by Aimags, Soum, and Horoo. Additionally, similar data is to be published about complaints against officers.
- 8C1. The Department will organize semiannual community meetings at the District level to present crime statistics, trends, and crime prevention suggestions.
- 8C2. A portion of meeting time should be set aside for community feedback on problems associated with crime and disorder as well as treatment by the police.
- 8C3. Meeting notices shall be published in media outlets and through other means. Media representatives shall be invited to participate.
- 8C4. In an effort to underscore the importance of these community meetings, the Chief will attend at least one such meeting per month.
Priority #3: Implement with no assistance from JRP
- 8C5. The meeting will also provide training for the community on constitutional rights and rights provided for under police procedures; i.e. the right of victims to obtain completed investigation files on their case.
Priority #3: Implement with some assistance from JRP
- 8D. The GPD shall issue procedures requiring the release of complete case files pertaining to the investigation of each citizen complaint against personnel of the Police Department to the complainant upon his/her request. The case file will include, but not be limited to:
1. the specific allegations
 2. details of the investigation
 3. the name of the investigator(s)
 4. the findings of the case
 5. the name of the person responsible for issuing the findings
 6. the discipline imposed, if any.
- 8E. The Academy: The future success of the Department is in the hands of its newest members. Since all of the department's future leaders come from the pool of Academy graduates, it is important that the Academy groom future leaders early in their careers. Therefore it is incumbent upon the Academy to develop and present training that develops the creative capacity of its future leaders to bring effective and creative management tools and practices with them to the field.

This training will assist in empowering the newly emerging leadership pool with creative energy and ideas with which to innovate and provide new solutions to deliver excellent service to the community.

Therefore, curricula at the Academy is to be reviewed and required course work is to be included on modern management principles of planning, organizing, leading and controlling. The management courses should make extensive use of case studies and other forms of experiential learning. (It should be noted that the latest release of a glossy Academy brochure revealed a structure that included twenty different academic departments, but lacked a Management Department.) The learning objectives will include, but not be limited to the following:

- a. Leadership – including strategic planning, effective presentations, and communications skills.
- b. Supervision, including employee coaching, teaching, and mentoring
- c. Listening skills
- d. Conducting effective meetings
- e. Time management
- f. Goal setting, including prioritizing
- g. Management by Objectives
- h. Managing for quality
- i. Problem Identification
- j. Problem Solving
- k. Decision making, including decision tools
- l. The principles of community based policing
- m. Community crime prevention
- n. Working with NGO's
- o. Mediation and negotiations skills
- p. Emerging trends that impact police:
 - 1. domestic violence
 - 2. trafficking in people
 - 3. environmental issues
 - 4. substance abuse
 - 5. women's rights
- q. The importance of operating with transparency
- r. The development of an organizational culture and values
- s. International trends in Police Management:
 - 1. The Comstat process
 - 2. Problem Oriented Policing
 - 3. Early Intervention Personnel Systems
- t. personnel practices and principles

9. STRATEGIC PLANNING

On May 4, 2002 the State Great Khural adopted the Strategic Plan for the Justice System in Mongolia. It resulted from the work of many contributors over an extended time-frame. It was described by Dashpuntsagiin GANBOLD, Minister of Justice and Chairman of General Council of Courts as; ...“An essentially important event for the judiciary and law enforcement bodies of Mongolia”. The document is framed by the six fundamental values of: independence, accountability, responsiveness, accessibility, fairness and human rights. Within the framework of those fundamental values are specific action steps, benchmarks and corresponding responsibilities. It was truly a giant step forward for the people of Mongolia in establishing the rule of law consistent with the needs and desires of a developing democracy.

The Strategic Plan offers in one document, a comprehensive and unified approach to reform that cannot be delivered through ad hoc actions or a collection of narrowly focused one-time programs. Rather, it offers an overarching approach to tangible, sustainable reform across relevant elements of the Justice Sector. It likewise provides a blueprint for planners and decision-makers in formulating policy and practice within the sector. It provides the citizenry with a set of expectations for their judiciary.

At this point the Strategic Plan has had over six years to bear fruit. During that period decision makers and planners have had the opportunity to witness the significant impacts the plan has had

on the principles it defined. At this juncture, it is critical for the plan to extend to perhaps the most visible institution of justice; the Police.

For many cultures, the police are the most visible symbol of government. The uniformed police are a symbol of their government that is visible every day of their lives. Since most of the population may have limited contact with other governmental workers in their official capacities, the police; more than any other element of government; is the government. The manner in which the police carry out their daily duties affect the safety and order in neighborhoods, and shape the citizenry's perception of their freedom.

In a developing country, the police are critical to economic development. Although the police is certainly not an economic engine in itself; but it is the platform upon which that engine rests. Risk adverse foreign investors are keen to evaluate the level of safety and stability of the community within which their capital flows, but also evaluate the level of safety for their workers, customers and products. Shareholders too are becoming increasingly concerned about investments in societies that are seen as repressive, corrupt or violate people's human rights.

Further, the nature of police work is extraordinarily complex and dynamic. It is responsible for the safety and security of people from all social strata. It enforces a broad range of laws, administrative violations, as well as quelling disorders of national and neighborhood interest. Its methods incorporate the use of high technology, as well as old fashioned person-to-person contact. In a rapidly changing society like that of Mongolia, it is imperative that at this juncture, that the National Police of Mongolia embark on the development of a strategic plan. Lesser efforts to improve upon select aspects of the Department are likely to achieve random results. Those results are also likely to lack sustainability.

It is therefore my recommendation that the Strategic Plan for the National Police of Mongolia follows the path laid by the Judiciary, and develops a comprehensive, over-arching, and long-term plan. The plan must encompass principles that touch every element of the Department. But first it must be based upon a clear mission and a clear set of guiding principles. The process described would not be unlike the process used by major businesses in their strategic planning efforts.

Step 1: Conduct an environmental scan to assess the context within which the police is and will be operating in during future years.

Questions addressed here are: Who are our customers and who should they be?

Answers to those questions can be found in an analysis of socio-economic data and trend information.

Data elements to be studied include:

- i. Age of the population
- ii. Education levels
- iii. Trends in family structure
- iv. Emerging societal values such as family, mores
- v. Demographic shifts, geographic and others
- vi. Attitudinal changes regarding women's issues, environmental conservation, attitudes toward government and other institutions.
- vii. Trends relating to social structure: is the society moving towards more social interaction, or isolation.
- viii. Attitudes and trends about alcohol and other substance abuse

- ix. Economic and employment trends – Which sectors are supplying jobs? What is the nature of those jobs? Are they high technology, skilled labor, service sector or manual labor type jobs?
- x. An examination of community leadership – formal and informal. Who has real authority in communities? Who shapes public opinion?
- xi. What are the trends in social classes? Is the middle class growing?
- xii. What are the trends in the tourism industry?
- xiii. What is the direction taken by organized labor?
- xiv. What role do religious leaders play in influencing public opinion? Is their role increasing or diminishing?
- xv. What is the role of the leadership of the business community? Are they activist in terms of shaping social issues?
- xvi. What is the nature of disorder (graffiti, hooliganism) in communities? Is it organized? What is the community's level of tolerance for disorder?

These and other questions will enable planners to understand the nature of the environment in which they operate, as well as enable them to spot emerging trends that directly impact the planning efforts.

Step 2: What business are we in, and what business should we be in?

Data gathering in Step 2 examines the nature of the work that the police is currently doing and the nature of the kind of work it should be doing in the future.

Questions addressed under step 2 should include the following:

- 1. What are community expectations of the police?
- 2. How concerned is the community about reducing crime, compared with the protection of human rights?
- 3. To what extent are we in the business of reducing crime and disorder vs. being in the business of making arrests?

Another approach in this stage of the plan development is the use of a process called SWOT analysis. Here the organization would examine its internal Strengths and Weaknesses and external Opportunities and Threats. In this analysis, the department studies the strengths of its human resources, policies and procedures, funding stream, technological expertise, and the use of external resources such as NGO's, businesses, the community, and volunteers.

It also looks externally at opportunities that may be advantageous in meeting its mission. For example, the Department may explore opportunities to prevent juvenile crime by assigning officers to work with school children. It may examine opportunities to protect lives by providing emergency medical or first aid services.

Strategic threats are also examined to identify those incidents, trends or factors that threaten the organization's ability to accomplish its overall mission. For example; should the police handle a large highly volatile demonstration in a way that causes significant injury to the demonstrators, the results may cause major ripples within the leadership, increased scrutiny and a loss of public trust. Similarly, should wide-spread corruption be uncovered by external organizations, the department would lose much of its trust as well.

Strategic threats also look at issues of competition. Although the police appear to have a monopoly in the arena of law enforcement, a closer examination may prove otherwise.

Step 3: Development of a Mission Statement

This involves extensive input from both internal and external sources. Internally, personnel at all levels must be encouraged to participate in surveys, focus groups and task groups. Similarly stakeholders from all segments of society must be encouraged to provide their voices as well. This too, involves surveys, community meetings, focus groups and interviews.

A critical aspect of this portion of the data gathering process is assuring that conveners of meetings and focus groups are viewed as trustworthy, open and non-defensive. Should the community sense that their comments, criticisms or suggestions are being rejected out of hand, or that bias towards the status quo by police is evident, the feedback provided will be of little worth. I suggest using trained and unbiased facilitators for this purpose.

Careful work must be accomplished in capturing the ideas of other segments of the justice community, as well as other decision makers in government, business and NGO's.

This process is iterative. Several drafts must be tested in order to finalize a document that is acceptable internally and externally; and more importantly, captures the commitment and energy of those involved in the process.

Step 4: Identify Core Values

Using a similar process, the Department must define its core values; the principles that underlie its policies, procedures and decisions.

Step 5: Enumerate the steps that must be taken to accomplish the mission. These become the Department's annual goals.

Step 6: Ensure that the structure of the Department as well as its processes and procedures are consistent with the mission and guiding values of the organization. This process may be one of the more critical elements of the plan because it institutionalizes the plan by ensuring the entire department is operating under its guidance.

Elements needing analysis include:

1. Organizational culture
2. Recruitment and selection
3. Training
4. Leadership and management
5. Personnel policies and practices
6. Policy and procedures
7. Reward systems
8. Promotional practices
9. Supervision
10. Command and control
11. Evaluation systems
12. Internal and external communications
13. Audit and compliance inspections
14. Discipline system – fair, timely, accurate, and effective
15. Appropriate resources to implement the plan
16. Processes to ensure openness and accountability to all sectors of society
17. Comprehensive annual department report card reporting on measures important to community.
18. Surveys about neighborhood safety, or other indicators important to customers.
19. Processes to ensure that mistakes and setbacks are dealt with transparently
20. Periodic review and assessment of the Strategic Plan

21. Strong relationship with media.
22. Strong emphasis on improving the skills of beat, patrol officers, and other personnel having frequent public contact.

Change Agent

As indicated in the section on Community Based Policing, when an organization is involved in a major change initiative, it is critical that the initiative has a champion, a change agent. The change agent takes on the role of creating a groundswell for the cause. He or she is vested with characteristics such as leadership ability, organization knowledge, high energy level, a penchant for results, and formal as well as informal authority to cut through bureaucratic red tape to move the change process forward. Likewise, the change agent facilitates the anchoring of the changes within the organizational culture, processes and procedures, thus assuring sustainability.

In the corporate world, change agents are appointed to lead major change efforts such as the implementation of new information systems that affect the entire enterprise, major mergers and acquisitions, new product lines, and new strategies. In an organization such as the National Police of Mongolia, where tradition is a highly prized commodity, lesser change efforts may need the efforts of a change agent.

When deciding which of the various recommendations contained in this document warrants implementation, it may prove prudent to identify a person within the Department to take on the role of change agent. During my stay in Mongolia, I have encountered a large number of officers through the classes I conducted, through site visits and interviews. Several of those officers appeared to be fine candidates for the role. The officers I had in mind seemed to have the energy, intelligence, leadership capacity and creativity to fill the role effectively. My assessment is lacking however in its inability to determine their stature in the organization. My question at this point is whether those people enjoy a degree of informal authority within the organization such that they would garner the kind of respect necessary for the role. Furthermore, I am certain that there are many other similarly qualified people within the organization whom I have not had the opportunity to meet and assess.

However, I will provide a short list of potential candidates.

1. Chingis, R. – 40 years of age, Police Lt. Colonel, Chief of the Division for Combating Economic Crime and Corruption, Criminal Police Department.
Mr. Chingis has a Masters degree in Criminal Justice from the University of Colorado, is intelligent, passionate about the need for changes within the organization, and articulate. He was a member of the one day management seminar.
2. Batbayar, ???, Police Colonel, Deputy Chief of Personnel. I interviewed the Colonel two times and observed him during the second session of the management training. I was impressed by his passionate dedication to duty, his intellect, and his sincerity. For example, during our interviews, I asked several questions about the vetting process used in selecting new officers. He had several follow-up questions for me about personnel selection practices in the US, particularly concerning the use of psychologists. Following the training session, he engaged me in conversation about the use of psychologists and indicated that he is in the process of engaging some psychologists in their selection process. He was eager to learn more.
3. Batchuluun, Ts. – Police Colonel, Chief of Baganuur Police Division.
I met the Colonel on a site visit to his Division. I interviewed him at length about the activities of his Division. I was impressed with his ability to innovate. He acquired a number of used computers and installed software that significantly improved his operation. He seemed to have a good working knowledge of Community Based Policing, and indicated that he meets regularly with community groups. He also placed into operation a digital voice recording system that his Duty Officer uses for quality control purposes. Additionally, his command received “Best District” honors for three years. He had a very passionate, energetic and intelligent Assistant Chief who was present throughout the interview, but

whose name I neglect to note. I had difficulty determining if it was the work of the Assistant Chief that drove the innovations, or the synergy of the two that created the environment where innovation seemed to rule the day.

4. Mr. Badarch, translator for the first Management Training. Mr. Badarch is a graduate of the FBI National Academy and is currently a student at the Police National Academy in Russia. He appeared to be a strong leader, was very intelligent, energetic and quite politically savvy. He certainly struck me as someone who is destined to be a strong leader of the Department.

As a starting point, I would recommend suggesting those names to the Department leadership for their reaction, particularly as relates to their standing amongst their peers. I also recommend seeking other suggestions for potential change agents from the leadership group; however I would remain cautious about the sincerity of those recommendations.

Conclusion:

The people and government of Mongolia have made significant strides in their efforts towards building a democracy. In the years since Soviet influence, Mongolia, and particularly the Mongolian National Police have created an organization that has benefited from a variety of programs sponsored by international donors. Significant progress has been made in developing mechanisms for operating in a mode allowing for greater transparency. Improvements have been noted in respect for human rights.

At this point the National Police of Mongolia is at a crossroads. It is critical that the recommendations contained in this document be implemented. To ignore the recommendations or to pay them lip service is to squander the progress made to date. In my face to face meetings with the leadership of the National Police of Mongolia, as well as leaders in other elements of the Justice community as well as leaders of indigenous NGO's, I encountered people with strong convictions concerning the direction Mongolia must take in order to continue its progress towards an open and thriving democracy. I trust that the collective leadership has the will and energy to transform those convictions into action.

Acknowledgements:

I would like to thank the staff of the NCSC JRP for their unwavering assistance in making this report possible. In particular, I would like to thank Sukheemaa Dugersuren, Program Coordinator, for her insights, political acumen, and thoughts and ideas in improving this report. Her assistance in providing expert language translations has been an enormous help.

Likewise, I'd like to thank Munkhtsetseg Ulziikhutag for lending her expertise in translating and preparing documents that were critical to the success of this mission. On a personal note, her assistance in arranging my calendar and providing assistance organizing accommodations was greatly appreciated.

Colonel Khorolsuren, Head of the International Relations Division, was of enormous assistance with her insight into the culture and history of the Mongolian National Police, as well as her insight into the values and culture of the People of Mongolia.

Lastly, I would like to extend my appreciation to Garry Ledbetter, Chief of Party, for his guidance and understanding throughout this project.

SUMMARY OF TOP PRIORITIES FOR 2007-2008

This summary will first include a list of the recommended top five priorities for the Mongolian National Police for 2007-2008 using assistance from USAID. It will be followed by the top five recommendations requiring little or no assistance from USAID, and will conclude with a list of the five top legislative priorities.

It should be noted that there are two additional recommendations which taken together hold promise to significantly improve the capabilities of the Mongolian National Police with respect to their human rights record and transparency of operation and overall service delivery. Those include a strategic plan, and a comprehensive community based policing plan. Both of those projects will require a significant amount of time and resources to implement. They therefore fall outside the scope of the USAID project. Should additional funding be identified, these projects would provide an ideal opportunity to have significant and lasting impact upon overall judicial reform in Mongolia.

Top five priorities for USAID funding:

1. Police Pilot Stations Project (Page 17)
2. Case Review: Pre-Trial Detention (Page 27)
Implement a protocol for pre-trial detention case review.
3. Develop systems of mandatory supervisory approval backed by definitive policy guidelines before investigatory agents may proceed with intrusive actions under exigent circumstances. (Page 7)
4. Require that the IAD prepares periodic analyses of investigations either conducted by the IAD or by district personnel that details relevant management information that would tend to pinpoint areas of concern and suggest action items for department management. (Page 11)
5. Policing Demonstrations (Page 30)

Priorities requiring little or no USAID assistance:

1. Include Police-Prosecutor relations as a major success indicator in each of their Output Agreements (Page 7)
2. Reduce the reliance on interrogation as the principal tool in investigations. Since internal reporting on progress relating to meeting the goals and objectives of the GPD is highly dependent on the Output Agreement System. (Page 29)
3. Require supervisor permission to interview detainees and require that the investigator, inquiry officer or Criminal Police document, in the case file, the receipt of that permission as well as the supervisor's name and date and time the permission was granted. (Page 30)
4. Add a provision the Officers' Ethics Code that requires officers to report colleagues' misconduct to a superior officer, or in the case of misconduct on the part of a superior officer, report misconduct to the IAD. (Page 15)
5. Joint police-prosecutor team-building training. (Page 36)

Recommended legislative amendments

1. Additional legislative amendments to the Undercover Law should be offered to enumerate the legal mandates of SIU to broaden their legal scope of authority. (Page 8)
2. Present a Legislative Amendment to the Undercover Law that enables Internal Affairs to conduct Undercover Operations directed at investigating and uncovering human rights violations within the GPD. If passed, provide clear guidelines and training to ensure that the investigations are thorough, safe, ethical, and avoid the pitfalls of “entrapment”. (Page 10)
3. Develop an amendment to the CPC under the section dealing with victim compensation (Chapter forty-four, sections 388-397.1) that enables persons who have suffered emotional distress or indirect damages, i.e. stress, lost wages or business, damage to reputation, undue inconvenience, etc., to petition the court for damages. (Page 15)
4. Develop an amendment to the CPC to enable the court to award punitive damages to complainants in particularly egregious cases of police abuse. (Page 15)
5. Propose an amendment to existing legislation requiring recording of all interrogations. (Page 30)

Attachment G

Sant Maral 2007

**Trend lines in Public Perception
of Judicial System Administration
in Mongolia**

**(Comparative study based on
Nationwide surveys 2001, 2003, 2005, 2007)
-draft-**

**L. Sumati
Ts. Sergelen**

1. Key Findings

- § *Major changes in public attitude toward judicial system had occurred between 2001-2003. Changes that occurred between 2003-2005 were of minor significance level. Starting from 2005 there emerged significant changes in public attitudes of negative nature.*
- § *By 2007 the confidence to the Legislature, Advocates office had worsened significantly. There is also a dramatic drop of confidence to Supreme court and Tsets.*
- § *Continued high migration level to capital Ulan Bator¹ is strongly diminishing attitudinal differentiation between Rural – Urban areas.*
- § *The number of population involved in court activity (experienced) remained stable – approximately one fourth of the interviewed people*
- § *Differentiation between experienced and non-experienced group is not as significant starting from 2005 as it was in previous years.*
- § *On a participation level the biggest drop was observed from 2005 to 2007 in a number of defendants and plaintiffs. There was a drop of personal involvement of almost all categories in the rural area.*
- § *2007 had become a year of the major shift in personal experience in courts. Although the positive feelings are still dominating over negative, there was a triple increase of “very negative” attitudes comparing to the situation in 2005. The gross of negative feelings were accumulated by plaintiffs.*
- § *At the process of decision making outside court process the role of Governor had declined from 40.8% to 14.2%, while person to person action through “mutual agreement” increased from 20.8% to 64.6%. The role of NGOs had also decreased significantly.*
- § *There is a sharp increase from 2005 of those who “strongly disagree” on a variety of positive statements like: “The court personnel would assist me in the process”, “Do you feel that you would be treated fairly by the court if you had to go to court today?” etc*
- § *As in previous years, along with the growing democratization process in courts there is a strong public awareness of interference in court decisions.*
- § *There is continuing awareness growth of bureaucracy inefficiency in courts*
- § *At the principal component analysis the “Court Democratization level” (positive) is continuing to be the leading factor forming public attitudes toward Judiciary.*
- § *“People with high influential positions” remained most favored by courts closely followed by “wealthy people” and by “relatives and friends” throughout surveys.*
- § *“Corruption”, “bureaucracy” and “not fair treatment” are contributed most to the reasons why community court is badly performing, while “good management”, “good personnel” and “high professionalism” turned up as the main three reasons for performing well.*
- § *Fair treatment is considered as the best way to improve courts by 41.3% of respondents but only 13.7% said that local courts are doing well because of “fair treatment”*
- § *TV channels are continuing to be the most frequently used source of legal information. Internet become a new source of information for those who look for other sources*
- § *If general population has more positive evaluation of courts comparing to the situation one year back, experienced people have more negative assessment.*

¹ NSO had estimated as 50000-60000 annual migration rate to capital from rural areas in 2005. By unofficial sources more than 50% of Mongolians are populating UB area

2. Methodology and Sample structure

2.1 Stages of Research

1) The first stage of Judicial System Administration survey was conducted by the SMF in November 2001 under a contract with the National Center of State Courts/USAID. The capital Ulaanbaatar and five aymags – Umnugobi, Dundgobi, Arkhangai, Uvs and Sukhebaatar were selected for sampling. In face-to-face interview the sample of 2203 respondents was collected.

2) Using the same content of questionnaire and data collection methodology the SMF conducted the second survey in May 2003. Altogether 2 258 respondents were interviewed in the capital Ulaanbaatar, the Darkhan city and four aymags - Dundgobi, Arkhangai, Uvs and Sukhebaatar.

3) In March 2005, the SMF conducted third survey drawn from a new sample of 2274 respondents to test public attitude/perception trends and variations. SMF collected its sample in Ulaanbaatar and five aymags - Umnugobi, Dundgobi, Arkhangay, Uvs and Sukhebaatar.

4) From 1 to 21 September, 2007 the SMF had provided the final survey among 1613 respondents. The data was collected in Ulaanbaatar and four aymags - Umnugobi, Arkhangay, Uvs and Sukhbaatar areas

2.2 Methodology

- Ø Face-to-face interview is the only methodology used in this study.
- Ø Multi-stage random sampling (only for settled dwellers) with probability sample in an area cluster design was implemented. After selecting the city and aymags, a number of blocks were selected for each district/somon and horoo / bag. Finally, at the block level, a cluster of three-five individual households were interviewed
- Ø In case of nomadic population, hot ail (households) were selected on a random basis while travel between settled areas
- Ø The target population is the adult population above 18 years old .

2.3 Sample structure

The table 1 shows the general information of collected samples from 2001 to 2007. The table 2 presents more detailed information about sample distribution on the level of sums within selected aymaks for the September 2007 survey.

Table 1. Sample distribution by areas in three surveys

Nov 2001	May 2003	Mar 2005	Sep 2007
Urban area Ulan Bator (865) -	Urban area Ulan Bator (820) Darhan (290)	Urban area Ulan Bator (900)	Urban area Ulan Bator (646)
Rural area Arhangay (258) Dundgobi (173) Umnugobi (320) Sukhebaat (290) Uvs (297)	Rural area Arhangay (271) Dundgobi (286) ----- Sukhebaat. (297) Uvs (294)	Rural area Arhangay (298) Dundgobi (153) Umnugobi (350) Sukhebaat. (289) Uvs (284)	Rural area Arhangay (240) Umnugobi (246) Sukhebaat.(245) Uvs (246)
Total 2203	2 258	2274	1613

Table 2. Sample distribution by aimags and somons

UB & aimags	Sample Size
Ulaanbaatar	646
Khan-Uul	49
Bayanzurkh	126
Sukhbaatar	96
Chingeltei	94
Bayangol	94
Songinokhairkhan	147
Nalaikh	20
Baganuur	20
Sukhbaatar	235
Baruun-Urt	157
Khalzan	39
Asgat	39
Umnugobi	246
Dalanzadgad	166
Bayandalai	40
Khankhongor	40
Arkhangay	240
Tsetserleg	160
Ikh Tamir	40
Khotont	40
Uvs	246
Ulaangom	156
Tarialan	22
Sagil	40
Turgen	28
Total	1613

The data collection statistics are presented in table 3. The complexity of the survey had resulted in a higher than usual refusal rate.

Table 3. Data collection statistics

Area	Not present at home	Refused to give interview	Completed interview	Rejected	Valid
Ulan-Bator	153	51	656	10	646
Sukhbaatar	65	35	237	2	235
Umnugobi	81	27	246	-	246
Arkhangai	92	27	240	-	240
Uvs	82	57	246	-	246
<i>Total</i>	473	197	1625	12	1613

3. Demographic part

There is a bit smaller presentation of young groups in sampling than in National Statistics mainly due to a higher refusal rate from younger respondents. As the percentage of females by 2006 NSO was 52% there is a higher representation of females that was corrected by putting weights.

Table 3. Age groups band by surveys

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
agroup1	18 - 24	13.7%	12.2%	9.4%	13.0%	12.0%
	25 - 29	16.9%	13.8%	14.6%	13.6%	14.8%
	30 - 39	30.5%	29.9%	31.0%	26.8%	29.8%
	40 - 49	23.7%	26.7%	25.1%	24.3%	25.0%
	50 - 59	9.6%	11.4%	12.2%	13.3%	11.5%
	60 +	5.6%	5.9%	7.7%	9.0%	6.9%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

(after weighing)

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
Age group	18 - 24	24.7%	24.7%	25.3%	25.7%	25.1%
	25 - 29	15.9%	15.1%	15.3%	13.0%	15.0%
	30 - 39	26.6%	25.3%	25.2%	23.4%	25.2%
	40 - 49	15.5%	16.5%	16.6%	18.7%	16.7%
	50 - 59	8.3%	8.9%	8.4%	9.9%	8.8%
	60 +	9.0%	9.4%	9.1%	9.3%	9.2%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 4. Gender band by surveys

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
gender	Male	48.9%	48.5%	48.0%	45.4%	47.9%
	Female	51.1%	51.5%	52.0%	54.6%	52.1%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

(after weighing)

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
gender	Male	48.9%	48.9%	49.2%	48.0%	48.8%
	Female	51.1%	51.1%	50.8%	52.0%	51.2%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

The proportion of people with high education is around of a quarter in each surveys. There is no significant changes observed in employment as well. In marital status there is a rise in registered married respondents that coincides with the slight decline of unregistered couples. The most visible growth is observed in households monthly income

Table 5. Education band by surveys

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Primary/ uncompleted secondary	18.4%	13.2%	14.4%	15.6%	15.4%
	High school	39.3%	41.2%	42.1%	39.7%	40.6%
	Some university/technical training school	18.4%	17.8%	17.0%	17.4%	17.7%
	University degree	24.0%	27.8%	26.4%	27.3%	26.3%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 6. Employment band by surveys

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
What is your current work status?	Working now , 20+hrs./wk	47.9%	49.0%	46.5%	46.2%	47.5%
	Unemployed	22.9%	25.3%	21.8%	24.5%	23.6%
	Retired	12.0%	11.0%	10.2%	11.9%	11.2%
	Disabled	1.8%	1.7%	2.1%	1.9%	1.9%
	Homemaker	5.0%	4.9%	7.5%	4.6%	5.6%
	Student	8.9%	8.1%	11.8%	11.0%	9.9%
	9 n/a	1.5%				.4%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 7. Marital status band by surveys

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
Marital status	Married /registered	57.4%	55.3%	51.0%	61.3%	55.8%
	Married /not registered	9.2%	9.6%	11.4%	5.6%	9.2%
	Single	25.3%	26.7%	28.4%	25.5%	26.6%
	Separated/divorced	3.4%	2.7%	3.4%	3.7%	3.3%
	Widowed	3.4%	4.5%	4.8%	4.0%	4.2%
	9 n/a	1.3%	1.3%	.9%		.9%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 8. Income (household monthly, in MNT) band by surveys

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
Income group	< 20 000	16.6%	2.6%	1.3%	.9%	5.6%
	20 000 - 50 000	28.7%	21.4%	11.4%	3.4%	17.1%
	50 000 - 100 000	26.2%	35.7%	36.5%	20.4%	30.5%
	100 000 - 150 000	14.5%	18.3%	17.0%	21.4%	17.5%
	150 000 - 250 000	4.9%	9.3%	13.3%	27.1%	12.7%
	250 000 - 350 000	1.4%	2.2%	3.6%	12.6%	4.4%
	350 000 +	1.0%	1.0%	2.1%	7.9%	2.7%
	9 n/a	6.7%	9.4%	14.8%	6.4%	9.6%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

3. Confidence level

In a list of non-legal institutions the least trusted appeared to be Media people. The means calculated from the range “Great deal of confidence”=1 to “Not at all”=4 showed highest confidence to schools². The confidence ranking appeared with a small value variations over time but fixed order.

Table 3.1 Non-legal institutions confidence level

survey		Confidence in schools	Confidence in office of governor in your aimag	Confidence in media	Confidence in medical profession
NOV 01	Mean	1.68	2.35	2.67	1.86
	Std. Deviation	.806	.939	.895	.851
MAY 03	Mean	1.75	2.19	2.60	1.95
	Std. Deviation	.821	.920	.922	.884
MAR 05	Mean	1.78	2.25	2.56	1.98
	Std. Deviation	.816	.890	.949	.920
SEP 07	Mean	1.75	2.40	2.40	2.09
	Std. Deviation	.886	1.031	1.039	1.026
Total	Mean	1.74	2.29	2.57	1.96
	Std. Deviation	.829	.943	.950	.918

As for legal institutions the situation is different. Overall, there is a shortage of confidence to legal institutions and the trend of improvement in 2003-2005 turned to the worse in 2007. By 2007 the confidence to the Legislature and Advocates office had dropped significantly. There is a dramatic decline of confidence to Supreme Court and Tsets. The median of Tsets evaluation had shifted from positive evaluations in previous years (1.98 in 2005) to substantially negative 2.43 in 2007.

² Such scale makes 2 as a separation point for positive – less than two, and negative – more than two evaluations

Table 3.2 Legal institutions confidence level

survey		q1.3 Confidence in your local police	q1.4 Confidence in your local prosecutor's office	q1.5 Confidence in your local advocate's office	q1.8 Confidence in legislature	q1.9 Confidence in the Mongolian Supreme Court	q1.10 Confidence in Tsets	q1.11 Confidence in your community courts
NOV 01	Mean	2.58	2.41	2.29	2.46	2.08	1.94	2.55
	Std. Deviation	.980	.926	.909	.917	.943	.877	.929
MAY 03	Mean	2.44	2.35	2.29	2.32	2.01	1.99	2.41
	Std. Deviation	.941	.889	.895	.903	.903	.888	.906
MAR 05	Mean	2.42	2.34	2.21	2.29	2.04	1.98	2.37
	Std. Deviation	.968	.895	.891	.953	.893	.911	.912
SEP 07	Mean	2.55	2.55	2.43	2.64	2.42	2.43	2.60
	Std. Deviation	1.059	1.028	1.025	1.018	1.022	1.041	.999
Total	Mean	2.49	2.40	2.30	2.41	2.11	2.06	2.47
	Std. Deviation	.984	.931	.926	.952	.946	.940	.936
Sigma								

4. Evaluation of handling cases by community courts

In evaluation of community courts activity the public gave a distinct priority to handling family cases. On a scale from 1 – “excellent” to 5 – “very poor”³ the means ranked family cases as the best handled. Civil cases were second and criminal cases as the last.

This ranking has not changed over six year period. The evaluation of criminal cases is declined more to the negative evaluation (3.07 in 2007) while civil cases and family cases are biased more to positive evaluation. The difference between urban and rural population appears in more positive attitudes of the rural community toward handling cases. Thus overall evaluation (of a total 6 year sample) of civil cases is slightly negative in UB and positive in rural area. Experienced respondents have the evaluation closer to UB dwellers but they have much stronger negative feelings toward handling of criminal cases than general population.

Table 4.1 Handling Cases by community courts

survey		q2.1 How courts in your community handle civil cases?	q2.2 How courts in your community handle criminal cases?	q2.3 How courts in your community handle family relations cases?
NOV 01	Mean	2.90	3.12	2.74
	Std. Deviation	.779	.944	.788
MAY 03	Mean	2.91	3.03	2.78
	Std. Deviation	.718	.885	.754
MAR 05	Mean	2.90	2.97	2.81
	Std. Deviation	.765	.956	.801
SEP 07	Mean	2.98	3.07	2.80
	Std. Deviation	.899	1.019	.928
Total	Mean	2.92	3.05	2.78
	Std. Deviation	.784	.948	.810

Table 4.2 Handling Cases by community courts in UB

survey		q2.1 How courts in your community handle civil cases?	q2.2 How courts in your community handle criminal cases?	q2.3 How courts in your community handle family relations cases?
NOV 01	Mean	3.08	3.18	2.83
	Std. Deviation	.799	.938	.817
MAY 03	Mean	2.99	3.12	2.81
	Std. Deviation	.742	.910	.749
MAR 05	Mean	2.98	2.94	2.82
	Std. Deviation	.803	1.012	.823
SEP 07	Mean	3.01	2.98	2.82
	Std. Deviation	.875	.979	.923
Total	Mean	3.01	3.06	2.82
	Std. Deviation	.801	.965	.821

³ 3 is the separation point between positive and negative evaluation.

Table 4.3 Handling Cases in community courts in rural area

survey		q2.1 How courts in your community handle civil cases?	q2.2 How courts in your community handle criminal cases?	q2.3 How courts in your community handle family relations cases?
NOV 01	Mean	2.78	3.08	2.68
	Std. Deviation	.742	.946	.761
MAY 03	Mean	2.86	2.97	2.76
	Std. Deviation	.697	.862	.757
MAR 05	Mean	2.84	2.99	2.79
	Std. Deviation	.732	.913	.784
SEP 07	Mean	2.96	3.13	2.78
	Std. Deviation	.916	1.042	.932
Total	Mean	2.85	3.03	2.75
	Std. Deviation	.765	.936	.801

**Table 4.4 Handling Cases in community courts
(by experienced respondents)**

survey		q2.1 How courts in your community handle civil cases?	q2.2 How courts in your community handle criminal cases?	q2.3 How courts in your community handle family relations cases?
NOV 01	Mean	3.00	3.35	2.68
	Std. Deviation	.860	1.029	.798
MAY 03	Mean	2.96	3.17	2.76
	Std. Deviation	.760	.970	.797
MAR 05	Mean	2.94	3.05	2.79
	Std. Deviation	.856	1.000	.862
SEP 07	Mean	3.22	3.29	2.98
	Std. Deviation	.941	1.091	1.025
Total	Mean	3.01	3.22	2.79
	Std. Deviation	.852	1.023	.863

5. Personal experience with courts

Approximately a quarter of sampling population was regularly personally involved in courts. The reversed trend of participation in UB vs. rural dwellers is an interesting factor. If in 2001 30% of UB against 32.3% rural dwellers had court experience. In 2007 it had become 20.8% in UB against 24.4% in the countryside.

Table 5.1 Have you ever had any personal involvement in the courts?

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
Have you ever had any personal involvement in the courts?	Yes	24.8%	25.1%	20.9%	22.9%	23.5%
	No	75.2%	74.9%	79.1%	77.1%	76.5%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 5.2 Have you ever had any personal involvement in the courts? (Ulaanbaatar(UB))

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
Have you ever had any personal involvement in the courts?	Yes	30.0%	29.3%	21.2%	20.8%	25.5%
	No	70.0%	70.7%	78.8%	79.2%	74.5%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 5.3 Have you ever had any personal involvement in the courts? (rural)

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
Have you ever had any personal involvement in the courts?	Yes	21.3%	22.3%	20.7%	24.4%	22.0%
	No	78.7%	77.7%	79.3%	75.6%	78.0%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

The general trend for personal participation in courts shows rather non-significant fluctuation around the average. The biggest drop was observed from 2005 to 2007 in a number of defendants and plaintiffs. There was a decrease of personal involvement in almost all categories in the rural area. The difference of UB and countryside appears at a higher defendants proportion in rural area. That trend was not observed in earlier than 2007 surveys.

Table 5.4 Way of personal involvement in the courts

	survey				Total
	NOV 01	MAY 03	MAR 05	SEP 07	
Have you ever been a defendant?	32.3%	34.0%	32.8%	25.4%	31.6%
Have you ever been a plaintiff?	45.1%	46.6%	46.0%	41.2%	45.0%
Have you ever been a witness in a court proceeding?	23.1%	24.3%	24.8%	23.5%	23.9%
Have you ever observed proceedings in a court?	27.9%	36.8%	37.6%	32.7%	33.7%
Have you ever been involved in the courts in any other way?	18.5%	8.2%	7.6%	4.9%	10.3%
Have you ever been involved in any process to settle a dispute that did not involve a court proceeding??	13.6%	15.5%	13.2%	14.1%	14.1%

Table 5.5 Way of personal involvement in the courts (UB)

	survey				Total
	NOV 01	MAY 03	MAR 05	SEP 07	
Have you ever been a defendant?	36.4%	33.0%	35.3%	20.6%	32.5%
Have you ever been a plaintiff?	53.6%	44.9%	41.2%	46.1%	46.8%
Have you ever been a witness in a court proceeding?	26.7%	22.1%	20.1%	28.4%	24.0%
Have you ever observed proceedings in a court?	34.4%	40.1%	36.0%	34.3%	36.5%
Have you ever been involved in the courts in any other way?	13.8%	6.0%	5.4%	6.4%	8.3%
Have you ever been involved in any process to settle a dispute that did not involve a court proceeding??	19.7%	18.4%	14.9%	13.6%	16.8%

Table 5.6 Way of personal involvement in the courts (rural)

	survey				Total
	NOV 01	MAY 03	MAR 05	SEP 07	
Have you ever been a defendant?	28.7%	35.0%	30.9%	28.4%	30.9%
Have you ever been a plaintiff?	37.3%	48.3%	49.6%	38.4%	43.7%
Have you ever been a witness in a court proceeding?	19.7%	26.3%	28.3%	20.5%	23.9%
Have you ever observed proceedings in a court?	21.9%	33.7%	38.6%	31.4%	31.4%
Have you ever been involved in the courts in any other way?	22.6%	10.1%	8.9%	3.9%	11.7%
Have you ever been involved in any process to settle a dispute that did not involve a court proceeding??	9.4%	13.6%	12.0%	14.4%	12.2%

In the types⁴ of cases involved, there are no changes in frequency ranking. Thus Civil cases are followed by criminal cases for Defendants, Plaintiffs, Witnesses and for “others”. The situation is reversed for Observers who are more involved in criminal cases. Administrative cases appeared only recently and usually occupy around 10%.

Table 5.7 Types of Defendants cases (multiple responses)

		survey			
		NOV 01	MAY 03	MAR 05	SEP 07
Type	Civil case	47.2%	49.6%	40.2%	42.3%
	Criminal case	38.9%	39.2%	39.8%	36.2%
	Family relations case	17.4%	21.8%	16.5%	9.6%
	Administrative case	.0%	.0%	13.0%	12.9%
	Other	2.6%	3.2%	.0%	3.0%
	DK	2.8%	1.0%	.4%	.0%

Table 5.8 Types of Plaintiffs cases (multiple responses)

		survey			
		NOV 01	MAY 03	MAR 05	SEP 07
Type	Civil case	63.0%	56.9%	52.7%	45.2%
	Criminal case	25.4%	29.0%	25.1%	26.1%
	Family relations case	11.7%	18.2%	17.2%	16.0%
	Administrative case	.0%	.0%	10.9%	12.6%
	Other	2.2%	4.2%	1.5%	2.2%
	DK	4.6%	2.0%	.3%	1.9%

Table 5.9 Types of witness cases (multiple responses)

		survey			
		NOV 01	MAY 03	MAR 05	SEP 07
Type	Civil case	50.1%	45.2%	40.3%	46.6%
	Criminal case	31.7%	49.2%	33.0%	38.3%
	Family relations case	15.0%	20.6%	21.7%	16.6%
	Administrative case	.0%	.0%	8.5%	11.7%
	Other	.5%	2.2%	.0%	.0%
	DK	6.7%	3.1%	.6%	.0%

Table 5.10 Types of observer cases (multiple responses)

		survey			
		NOV 01	MAY 03	MAR 05	SEP 07
Type	Civil case	40.3%	51.6%	44.1%	40.4%
	Criminal case	52.6%	58.2%	49.3%	52.3%
	Family relations case	16.2%	23.7%	17.6%	19.4%
	Administrative case	.0%	.0%	9.5%	11.4%
	Other	2.1%	1.5%	.9%	.0%
	DK	6.9%	3.8%	.4%	2.4%

⁴ To avoid high sub-sampling error the UB-rural band is excluded from some tabulations

Table 5.11 Types of other cases (multiple responses)

		survey			
		NOV 01	MAY 03	MAR 05	SEP 07
Type	Civil case	60.4%	65.5%	56.7%	62.1%
	Criminal case	36.0%	60.3%	60.5%	33.5%
	Family relations case	13.4%	45.9%	27.9%	21.3%
	Administrative case	.0%	.0%	4.7%	4.3%
	Other	2.4%	.0%	.0%	.0%
	DK	.9%	2.6%	4.5%	.0%

September 2007 had become a major shift in public feelings about personal experience in courts. Although the positive feelings are still dominating over negative, there was a triple increase of “very negative” attitudes comparing to the situation in 2005. As it is seen from the table 5.12, the gross of negative feelings were accumulated by plaintiffs. In plaintiff’s case negative feeling are predominant with quarter of them describing the attitude as a “very negative”.

Table 5.12 Feelings about personal experience in court proceedings

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
How did you feel about your experience in a court?	VERY POSITIVE	2.0%	2.9%	1.1%	1.9%	2.0%
	POSITIVE	31.1%	33.1%	33.3%	30.3%	32.1%
	NEUTRAL	42.2%	47.1%	46.9%	40.5%	44.4%
	NEGATIVE	17.0%	10.5%	12.7%	10.2%	12.7%
	VERY NEGATIVE	7.7%	6.4%	6.0%	17.1%	8.8%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 5.13 Feelings about personal experience in court proceedings by type of participation

		Type of participation				Total
		plaintiff	defendant	witness	observer	
How did you feel about your experience in a court?	VERY POSITIVE	1.3%	3.4%		.9%	1.9%
	POSITIVE	24.7%	29.2%	29.1%	33.3%	30.3%
	NEUTRAL	37.3%	44.9%	54.7%	42.7%	40.5%
	NEGATIVE	10.7%	13.5%	5.8%	9.4%	10.2%
	VERY NEGATIVE	26.0%	9.0%	10.5%	13.7%	17.1%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

6. Personal experience outside courts' proceedings

The percentage of resolving disputes outside the court had been significantly higher in UB - 19.7% than in countryside 9.4% in 2001. However the difference was slowly disappearing. By September 2007 both Rural and UB had evenly ~14% of respondents settling there disputes outside court rooms. The property and land issues are most frequent in resolving outside the court. The employment and landlord/tenant issues are somehow declining. Landlord issues had dropped from 22.9% in 2001 to 12.7% in 2007. Employment issue had dropped from 24.9% to 16.1% at the same time.

Also at the level of decision making the participation of Governor declined from 40.8% to 14.2%, while "mutual agreement" of disputing sides increased from 20.8% to 64.6%. The role of NGOs had also decreased significantly.

Table 6.1 Personal involvement in disputes outside of the courts

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
Have you ever been involved in any process to settle a dispute that did not involve a court proceeding??	Total	13.6%	15.5%	13.2%	14.1%	14.1%
	UB	19.7%	18.4%	14.9%	13.6%	16.8%
	Rural	9.4%	13.6%	12.0%	14.4%	12.2%

Table 6.2 Type of disputes outside of the courts

			survey			
			NOV 01	MAY 03	MAR 05	SEP 07
Outside court	Property dispute		26.3%	24.2%	32.3%	27.2%
	Land issue dispute		13.0%	17.7%	13.5%	24.2%
	Landlord/tenant issue		22.9%	19.2%	13.7%	12.7%
	Employment issue		24.9%	19.8%	20.4%	16.1%
	Family relations iss		14.9%	17.8%	16.4%	14.4%
	Business law issue		6.3%	12.2%	9.6%	5.3%
	Banking and finance		6.1%	4.5%	8.8%	5.4%
	Tax and insurance is		7.3%	8.5%	4.4%	6.1%
	Other contractual is		9.3%	9.6%	4.5%	2.6%
	Other		5.2%	2.2%	4.4%	3.9%

Table 6.3 What type of process to settle such dispute outside the court system was this?

			survey			
			NOV 01	MAY 03	MAR 05	SEP 07
	Decision by the governor	%	40.8%	39.1%	20.2%	14.2%
	Decision by other gov. agency		10.0%	4.9%	3.9%	4.6%
	Decision by law enforcement		24.1%	25.9%	25.3%	17.4%
	Decision by a NGO		10.3%	13.9%	2.4%	3.9%
	Decision through mutual agree.		20.8%	26.6%	52.1%	64.6%
	Other		.0%	.0%	2.8%	1.0%

Overall the assessment of the last settlement outside the court is remaining stable. Despite some ups and downs there is much stronger positive assessment (Tab 6.4 A to D) than a negative one. It is further confirmed (E) by unwillingness of shifting the settlement to the court room.

Table 6.4 Assessments of last dispute outside court

A

The settlement was fair		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Strongly Agree	31.2%	38.6%	31.7%	32.4%	33.8%
	Somewhat Agree	34.4%	39.2%	34.5%	34.7%	35.9%
	Somewhat Disagree	19.1%	17.3%	18.8%	18.7%	18.4%
	Strongly Disagree	15.2%	4.9%	15.0%	14.2%	11.9%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

B

The settlement was quick		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Strongly Agree	25.7%	38.0%	30.1%	35.0%	32.3%
	Somewhat Agree	31.1%	27.2%	24.8%	24.1%	27.0%
	Somewhat Disagree	28.6%	25.7%	24.5%	24.1%	25.8%
	Strongly Disagree	14.6%	9.0%	20.6%	16.8%	14.9%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

C

I was satisfied with the settlement		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Strongly Agree	30.8%	35.6%	31.4%	29.1%	32.1%
	Somewhat Agree	30.5%	34.4%	26.5%	38.6%	32.2%
	Somewhat Disagree	19.0%	16.8%	22.3%	14.1%	18.2%
	Strongly Disagree	19.7%	13.2%	19.9%	18.2%	17.5%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

D

The process was easy to understand		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Strongly Agree	38.9%	46.4%	33.8%	41.8%	40.4%
	Somewhat Agree	34.3%	31.0%	35.5%	28.2%	32.4%
	Somewhat Disagree	17.1%	13.3%	16.7%	17.7%	16.0%
	Strongly Disagree	9.6%	9.3%	13.9%	12.3%	11.2%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

E

I would have preferred if this would have been decided in court		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Strongly Agree	29.4%	25.3%	26.3%	13.1%	24.3%
	Somewhat Agree	12.9%	17.8%	20.4%	22.1%	18.0%
	Somewhat Disagree	18.6%	28.6%	28.1%	30.5%	26.3%
	Strongly Disagree	39.1%	28.3%	25.3%	34.3%	31.4%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

7. Evaluation of Courts and Judges

7.1 Court procedures

The majority of respondents - 70% think that they know how the court process works. 74% think that they know where to turn for help.

Although the number of those expecting court personnel to assist is 66% in 2007, there is a sharp increase from 2005 of those who “strongly disagree” with this statement

In 2007 there is a high number of those (69%) who thinks that court procedures are too complicated but there is a growth by 7% of those who thinks the opposite way.

Overwhelmingly (86%) people think that it takes long time for court to take any decision and around 60% think that this decision still will not solve the problem.

Table 7.1.1 I would know how the process works

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Strongly Agree	25.4%	25.2%	17.0%	21.4%	22.3%
	Somewhat Agree	35.4%	41.0%	39.5%	34.5%	37.9%
	Somewhat Disagree	22.1%	21.5%	26.2%	19.8%	22.6%
	Strongly Disagree	17.1%	12.3%	17.3%	24.3%	17.2%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 7.1.2 I would know where to turn to for help

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Strongly Agree	45.1%	46.8%	29.1%	35.1%	39.3%
	Somewhat Agree	30.8%	33.8%	39.4%	32.5%	34.3%
	Somewhat Disagree	14.4%	13.0%	21.1%	15.9%	16.1%
	Strongly Disagree	9.7%	6.4%	10.4%	16.5%	10.3%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 7.1.3 The court personnel would assist me in the process

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Strongly Agree	39.4%	42.2%	24.5%	32.8%	34.9%
	Somewhat Agree	35.8%	36.8%	44.8%	33.1%	38.0%
	Somewhat Disagree	18.6%	14.9%	23.0%	20.4%	19.1%
	Strongly Disagree	6.2%	6.1%	7.8%	13.7%	8.0%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 7.1.4 Court procedures are too complicated to understand

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Strongly Agree	39.4%	32.0%	34.2%	36.1%	35.3%
	Somewhat Agree	34.7%	42.4%	42.0%	33.3%	38.5%
	Somewhat Disagree	18.7%	19.9%	18.1%	20.5%	19.2%
	Strongly Disagree	7.2%	5.8%	5.8%	10.0%	7.0%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 7.1.5 It would take very long for the court to decide

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Strongly Agree	61.7%	55.1%	46.8%	54.1%	54.4%
	Somewhat Agree	23.0%	31.5%	39.5%	31.9%	31.5%
	Somewhat Disagree	10.9%	9.1%	10.4%	9.3%	10.0%
	Strongly Disagree	4.4%	4.3%	3.4%	4.8%	4.2%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 7.1.6 The court's decision would not solve the problem

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Strongly Agree	33.6%	26.0%	17.7%	24.2%	25.4%
	Somewhat Agree	31.7%	35.1%	38.2%	35.2%	35.1%
	Somewhat Disagree	21.8%	26.6%	30.5%	22.5%	25.6%
	Strongly Disagree	12.9%	12.3%	13.6%	18.1%	13.9%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

The majority ~60% think that the court is an easy to get to although “strong disagreement” had also raised in 2007. The number of those who are expecting fair treatment is stable – around 27-28% throughout the time - while the number of those who do not - had increased by 10% from the 2005.

Table 7.1.7 The court is very easy to get to

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Strongly Agree	29.7%	33.2%	22.6%	25.8%	28.0%
	Somewhat Agree	30.8%	33.3%	33.8%	29.9%	32.1%
	Somewhat Disagree	27.6%	23.4%	28.9%	22.7%	25.9%
	Strongly Disagree	11.9%	10.1%	14.7%	21.6%	14.0%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 7.1.8 Do you feel that you would be treated fairly by the court if you had to go to court today?

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Yes, I do	26.7%	28.7%	26.3%	28.0%	27.4%
	No, I don't	23.3%	18.7%	16.9%	26.6%	21.0%
	I don't know	50.0%	52.6%	56.8%	45.4%	51.7%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

7.2 Courts favoritism.

The majority of respondents - 68% - considered that they are treated the same way as other people. Somehow there is a trend that started from 2001 showing the growing assessment of treatment as being worse. The traditional orientation (being treated the same way) is dominating in gender questions relating to treatment of men and women in courts.

Table 7.2.1 How courts treat different groups: People like you

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Far better	1.0%	.9%	.8%	1.2%	1.0%
	Somewhat better	4.1%	2.6%	3.0%	2.1%	3.0%
	Same	62.3%	74.9%	69.4%	62.8%	67.8%
	Somewhat worse	23.5%	18.8%	22.8%	26.5%	22.6%
	Far worse	9.1%	2.8%	4.0%	7.4%	5.6%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 7.2.2 How courts treat different groups: Men

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Far better	.7%	.2%	.5%	1.2%	.6%
	Somewhat better	8.8%	6.2%	5.4%	6.8%	6.8%
	Same	72.5%	81.4%	80.7%	77.6%	78.2%
	Somewhat worse	16.0%	10.9%	11.8%	11.8%	12.7%
	Far worse	2.0%	1.3%	1.5%	2.5%	1.8%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 7.2.3 How courts treat different groups: Women

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Far better	1.0%	1.4%	1.2%	1.9%	1.3%
	Somewhat better	8.2%	9.0%	8.3%	8.3%	8.5%
	Same	72.9%	80.0%	80.1%	77.9%	77.8%
	Somewhat worse	16.0%	8.4%	9.1%	9.6%	10.8%
	Far worse	1.9%	1.2%	1.2%	2.3%	1.6%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Wealthy people are considered as being treated better by 89% of the total sample. It equals to people with influential positions that are favored by courts in the eyes of 90% of total sample population. They are closely followed by relatives and friends of court personnel – 88%.

Foreigners are considered as treated equally by 43% of the sample although 51% thinks that they are treated better.

Table 7.2.4 How courts treat different groups: Wealthy people

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Far better	44.0%	40.7%	45.7%	39.1%	42.6%
	Somewhat better	46.4%	47.4%	44.0%	47.6%	46.2%
	Same	8.8%	11.4%	9.7%	12.6%	10.5%
	Somewhat worse	.5%	.4%	.4%	.5%	.4%
	Far worse	.2%	.2%	.1%	.1%	.2%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 7.2.5 How courts treat different groups: People with influential official position

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Far better	56.7%	48.9%	55.8%	49.9%	53.0%
	Somewhat better	34.5%	39.9%	36.8%	38.5%	37.3%
	Same	8.2%	10.6%	7.1%	11.0%	9.1%
	Somewhat worse	.3%	.4%	.1%	.5%	.3%
	Far worse	.4%	.2%	.2%	.1%	.2%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 7.2.6 How courts treat different groups: Relatives and friends of court personnel

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Far better	43.9%	38.3%	44.8%	41.2%	42.1%
	Somewhat better	43.4%	49.5%	45.6%	45.1%	46.0%
	Same	12.2%	11.7%	9.2%	12.9%	11.4%
	Somewhat worse	.3%	.2%	.3%	.4%	.3%
	Far worse	.2%	.2%	.1%	.3%	.2%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 7.2.7 How courts treat different groups: Foreigners

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Far better	13.1%	13.2%	16.2%	17.9%	14.9%
	Somewhat better	37.0%	34.5%	36.4%	34.8%	35.8%
	Same	43.6%	46.6%	41.9%	39.9%	43.3%
	Somewhat worse	4.7%	4.6%	3.9%	6.0%	4.7%
	Far worse	1.5%	1.0%	1.5%	1.6%	1.4%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

By comparing means rather little data fluctuation around means of total population is revealed over time. Somehow more feminist orientation is appearing in a gender assessment of court favoritism by 2007.

Table 7.2.8 Means of groups favoritism

SURVEY		People like you	Men	Women	Wealthy people	People with influential official position	How courts treat different groups: Relatives and friends of court personnel	q7.7 How courts treat different groups: Foreigners
NOV 01	Mean	3.36	3.10	3.10	1.66	1.53	1.70	2.44
	Std. Deviation	.744	.588	.591	.675	.694	.711	.832
MAY 03	Mean	3.20	3.07	2.99	1.72	1.63	1.74	2.46
	Std. Deviation	.569	.477	.527	.692	.702	.680	.817
MAR 05	Mean	3.26	3.08	3.01	1.65	1.52	1.65	2.38
	Std. Deviation	.617	.497	.521	.681	.653	.664	.856
SEP 07	Mean	3.37	3.08	3.02	1.75	1.62	1.73	2.39
	Std. Deviation	.702	.576	.589	.696	.708	.718	.899
Total	Mean	3.29	3.08	3.03	1.69	1.57	1.71	2.42
	Std. Deviation	.661	.533	.556	.686	.690	.692	.847

7.3 Knowledge of courts

The knowledge level of population about the courts in the community is barely changing over time. The proportion of total sample is 65% with a little or no knowledge to 35% of those with some or a lot of knowledge. This proportion is kept more or less same over 6 years time.

The majority of Mongolians are receiving information from TV and newspapers. The band by Education shows that Newspapers channel is correlated to Education level. Higher education is also followed by much higher frequency of information need.

Table 7.3.1 How much do you know about the courts in your community?

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	A lot	2.6%	3.7%	2.4%	2.8%	2.9%
	Some	28.0%	32.6%	33.2%	33.2%	31.7%
	A little	48.6%	46.7%	53.2%	46.3%	48.9%
	Nothing at all	20.8%	17.0%	11.2%	17.7%	16.6%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 7.3.2 How often do you watch news on television?

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Regularly	48.1%	60.8%	53.6%	54.6%	54.3%
	Sometimes	42.7%	35.5%	41.2%	39.8%	39.8%
	Hardly ever	8.4%	3.4%	4.1%	4.3%	5.1%
	Never	.5%	.2%	.9%	.7%	.6%
	Don't know	.3%	.1%	.2%	.6%	.3%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 7.3.3 Television band by education (2007)

		education				Total
		Primary/ incomplete secondary	High school	Some university/tech nical training school	University degree	
	Regularly	51.2%	47.8%	56.2%	65.4%	54.6%
	Sometimes	38.9%	46.3%	37.0%	32.6%	39.8%
	Hardly ever	7.9%	4.8%	4.6%	1.4%	4.3%
	Never	1.6%	.6%	.7%	.5%	.7%
	Don't know	.4%	.5%	1.4%	.2%	.6%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 7.3.4 How often do you read newspapers?

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Regularly	28.0%	33.4%	24.4%	25.9%	28.0%
	Sometimes	55.9%	52.6%	54.0%	46.0%	52.6%
	Hardly ever	14.2%	12.0%	20.2%	21.3%	16.6%
	Never	1.4%	1.7%	1.2%	5.8%	2.3%
	Don't know	.6%	.3%	.2%	1.0%	.5%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 7.3.5 Newspaper band by education (2007)

		education				Total
		Primary/ incomplete secondary	High school	Some university/tec hnical training school	University degree	
	Regularly	15.9%	19.5%	29.2%	38.7%	25.9%
	Sometimes	36.9%	51.3%	40.9%	46.7%	46.0%
	Hardly ever	31.0%	23.6%	21.7%	12.3%	21.3%
	Never	13.9%	5.0%	6.4%	2.1%	5.8%
	Don't know	2.4%	.6%	1.8%	.2%	1.0%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 7.3.6 How often do you listen news on radio?

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Regularly	20.7%	13.9%	8.1%	10.6%	13.4%
	Sometimes	35.8%	37.1%	33.2%	25.9%	33.5%
	Hardly ever	30.8%	34.4%	42.3%	35.8%	35.9%
	Never	7.8%	12.7%	14.5%	25.4%	14.4%
	Don't know	4.9%	1.7%	2.0%	2.3%	2.7%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 7.3.7 How often do you listen to talk shows, discussions on radio?

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Regularly	11.2%	11.0%	7.2%	7.7%	9.3%
	Sometimes	35.9%	35.1%	29.5%	24.6%	31.7%
	Hardly ever	35.8%	36.1%	41.6%	35.5%	37.4%
	Never	10.6%	14.8%	18.6%	28.7%	17.5%
	Don't know	6.6%	3.1%	3.2%	3.5%	4.1%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 7.3.8 How often do you watch TV programs about legal issues like "Legal Hour", "Blue Notebook" and so on?

		survey	Total
		SEP 07	
	Regularly	18.9%	18.9%
	Sometimes	51.5%	51.5%
	Hardly ever	17.1%	17.1%
	Never	7.9%	7.9%
	Don't know	4.6%	4.6%
Total		100.0%	100.0%

The court related information sources are much correlated to the ranking of information channels. So TV and radio news is a dominant source of information about courts. It is followed by printed news. Overall, 28.6% of respondents in 2007 told that they never used other sources than mentioned. Those who used other information sources mentioned most frequently the experience of other people, legal professionals and the personal experience with court, and in 2007 additionally the internet.

Table 7.3.9 Where do you most frequently get information about courts: TV or radio news

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Regularly	22.8%	33.8%	29.2%	31.3%	29.2%
	Sometimes	60.1%	56.8%	59.6%	55.2%	58.2%
	Hardly ever	15.1%	8.6%	10.2%	12.0%	11.4%
	Never	1.9%	.8%	1.0%	1.5%	1.3%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 7.3.10 Where do you most frequently get information about courts: Newspaper/magazines/print news

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Regularly	12.6%	19.8%	13.9%	15.7%	15.5%
	Sometimes	61.0%	59.1%	55.4%	50.5%	56.9%
	Hardly ever	24.4%	19.6%	26.7%	26.5%	24.2%
	Never	2.0%	1.5%	3.9%	7.2%	3.4%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 7.3.11 Where do you most frequently get information about courts: TV or radio shows/movies

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Regularly	17.3%	20.5%	13.4%	16.0%	16.8%
	Sometimes	45.5%	50.3%	50.7%	49.3%	49.0%
	Hardly ever	32.3%	26.5%	29.9%	27.3%	29.0%

	Never	4.9%	2.7%	6.0%	7.5%	5.1%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

**Table 7.3.12 Where do you most frequently get information about courts:
Other sources**

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Regularly	3.7%	4.8%	3.9%	5.9%	4.5%
	Sometimes	33.5%	39.4%	36.9%	34.1%	36.2%
	Hardly ever	40.2%	35.5%	40.1%	31.4%	37.2%
	Never	22.6%	20.2%	19.1%	28.6%	22.2%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 7.3.13 Other sources

		survey			
source		NOV 01	MAY 03	MAR 05	SEP 07
	People you know who are legal professionals	20.4%	30.0%	24.3%	17.3%
	Having been a citizen representative	2.8%	4.4%	3.7%	5.0%
	Other personal court experiences	18.7%	27.1%	16.7%	27.2%
	People you know who have been citizen representatives	5.4%	8.7%	8.0%	6.5%
	People you know who have had other court experiences	55.4%	67.7%	59.4%	54.6%
	From your school or library	9.2%	15.1%	18.8%	14.8%
	From the courts themselves	6.5%	12.6%	9.4%	9.3%
	Internet	.0%	.0%	.0%	18.0%
	Other	18.7%	3.9%	8.0%	13.3%

7.4 Feelings about community courts

On a scale from 1 – “Strongly Agree” to 4 – “Strongly Disagree” the biggest change of 2007 occurred in a variable “Judges are generally honest and fair in deciding cases”. It increased by 0.25 showing significant increment of disagreement with the statement. The tabulation shows that it happened due to raise of the strong disagreement with the statement.

Another observation is a considerable growth comparing to 2005 of “Strong Agree” in following statements:

- § *Judges do not give adequate attention and time to each individual case,*
- § *Courts are out-of-touch with what's going on in their communities,*
- § *Courts do not make sure their orders are enforced*
- § *The media's portrayal of the courts is mostly accurate*
- § *When a person is in court again the government , the court generally favor the government*

On the other side “Strong Disagree” significantly raised in

- § *Courts protect defendants' constitutional rights*
- § *Judges are generally honest and fair in deciding cases*
- § *The media's portrayal of the courts is mostly accurate*
- § *Judges decisions are based only the facts presented at the law*

Table 7.4.1 Means of feelings toward community courts

survey	Courts protect defendants' constitutional rights	Judges are generally honest and fair in deciding cases	Judges do not give adequate attention and time to each individual case	Courts are out-of-touch with what's going on in their communities	Court rulings and decisions are understood by the people involved in cases	Courts do not make sure their orders are enforced	The media's portrayal of the courts is mostly accurate	Judges decisions are based only the facts presented at the law	Judges decisions are influenced by other government officials	When a person is in court against the government , the court generally favor the government	I would prefer that a judge ignore the law to ensure that a defendant is convicted
NOV 01	1.97	2.21	1.98	2.20	1.84	2.01	1.99	1.78	1.84	1.66	2.51
MAY 03	1.80	2.04	2.03	2.20	1.81	2.07	1.98	1.68	1.82	1.78	2.36
MAR 05	1.85	2.03	2.15	2.34	2.08	2.28	2.09	1.81	2.00	1.91	2.45
SEP 07	1.89	2.28	2.09	2.15	2.06	2.15	2.06	1.91	1.92	1.78	2.33
Total	1.87	2.13	2.06	2.23	1.94	2.12	2.03	1.79	1.89	1.79	2.42

Table 7.4.2 Courts protect defendants' constitutional rights

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Strongly Agree	33.1%	39.1%	37.4%	39.4%	37.1%
	Somewhat Agree	42.8%	45.2%	44.2%	39.4%	43.2%
	Somewhat Disagree	18.0%	12.7%	14.8%	13.5%	14.8%
	Strongly Disagree	6.1%	3.0%	3.6%	7.7%	4.9%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 7.4.3 Judges are generally honest and fair in deciding cases

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Strongly Agree	19.6%	27.4%	25.7%	21.1%	23.7%
	Somewhat Agree	47.3%	46.7%	49.8%	42.5%	46.9%
	Somewhat Disagree	25.5%	20.0%	20.3%	23.6%	22.2%
	Strongly Disagree	7.6%	5.9%	4.1%	12.9%	7.2%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 7.4.4 Judges do not give adequate attention and time to each individual case

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Strongly Agree	34.7%	31.4%	22.6%	32.6%	30.1%
	Somewhat Agree	38.5%	39.5%	45.3%	34.9%	39.9%
	Somewhat Disagree	21.1%	24.3%	26.6%	23.8%	24.0%
	Strongly Disagree	5.7%	4.9%	5.5%	8.7%	6.0%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 7.4.5 Courts are out-of-touch with what's going on in their communities

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Strongly Agree	24.7%	22.5%	19.9%	31.7%	24.1%
	Somewhat Agree	40.1%	43.1%	37.8%	33.2%	39.0%
	Somewhat Disagree	25.8%	26.4%	30.3%	23.1%	26.6%
	Strongly Disagree	9.5%	8.0%	12.1%	12.0%	10.2%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 7.4.6 Court rulings and decisions are understood by the people involved in cases

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Strongly Agree	39.3%	41.0%	28.5%	33.6%	35.8%
	Somewhat Agree	41.3%	40.5%	42.1%	36.0%	40.3%
	Somewhat Disagree	15.7%	14.6%	21.9%	20.7%	18.0%
	Strongly Disagree	3.6%	3.9%	7.5%	9.7%	5.9%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 7.4.7 Courts do not make sure their orders are enforced

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Strongly Agree	33.3%	30.9%	24.2%	33.0%	30.1%
	Somewhat Agree	39.8%	38.8%	35.8%	31.2%	36.8%
	Somewhat Disagree	19.5%	23.0%	28.2%	23.4%	23.6%
	Strongly Disagree	7.4%	7.3%	11.8%	12.3%	9.5%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 7.4.8 The media's portrayal of the courts is mostly accurate

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Strongly Agree	30.3%	29.9%	24.6%	33.1%	29.2%
	Somewhat Agree	45.6%	46.6%	47.4%	37.2%	44.8%
	Somewhat Disagree	18.8%	18.6%	22.1%	20.7%	20.0%
	Strongly Disagree	5.2%	4.9%	5.9%	9.1%	6.0%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 7.4.9 Judges decisions are based only the facts presented at the law

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Strongly Agree	45.5%	48.3%	39.3%	39.9%	43.5%
	Somewhat Agree	34.1%	37.5%	42.9%	37.7%	38.1%
	Somewhat Disagree	17.0%	11.7%	15.3%	14.3%	14.6%
	Strongly Disagree	3.3%	2.5%	2.5%	8.1%	3.8%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 7.4.10 Judges decisions are influenced by other government officials

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Strongly Agree	43.2%	44.4%	33.7%	41.0%	40.5%
	Somewhat Agree	35.6%	34.1%	40.3%	35.1%	36.4%
	Somewhat Disagree	15.1%	16.3%	18.7%	14.9%	16.4%
	Strongly Disagree	6.1%	5.3%	7.3%	9.0%	6.7%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 7.4.11 When a person is in court again the government , the court generally favor the government

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Strongly Agree	54.1%	46.1%	39.7%	49.9%	47.2%
	Somewhat Agree	30.0%	34.7%	36.0%	30.6%	33.0%
	Somewhat Disagree	11.5%	13.7%	18.1%	10.7%	13.8%
	Strongly Disagree	4.4%	5.5%	6.2%	8.7%	6.0%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 7.4.12 I would prefer that a judge ignore the law to ensure that a defendant is convicted

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Strongly Agree	26.1%	30.3%	22.1%	29.0%	26.7%
	Somewhat Agree	22.0%	23.9%	30.4%	28.4%	26.1%
	Somewhat Disagree	26.8%	25.3%	27.6%	23.1%	25.9%
	Strongly Disagree	25.0%	20.5%	19.9%	19.5%	21.3%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

7.5 Courts activity assessment

The most stable part of courts assessment is “Court personnel are helpful and courteous”. Comparing to other variables, the mean is 2.72 over time which is also the most negative assessment among nine variables. There is also a growing negative assessment of “Courts adequately monitor the progress of cases”. From 2.17 in 2001 it reached 2.34 in 2007. “Judges decisions are influenced by political considerations” had changed from positive assessment in 2005 to negative in 2007.

Table 7.5.1 Courts activity assessment

survey	When a person sues a company, the courts generally favor the company over the person	Judges decisions are influenced by political considerations	Judges decisions are influenced by their own personal interests	Courts generally make reasonable efforts to ensure that individuals have adequate attorney representation	It would be possible for me to represent myself in court if I wanted to	It is affordable to bring a case to court	Cases are not resolved in a timely manner	Courts adequately monitor the progress of cases	Court personnel are helpful and courteous
NOV 01	1.62	2.13	1.87	1.79	2.01	1.90	1.58	2.17	2.72
MAY 03	1.71	1.99	1.91	1.75	1.75	1.66	1.73	2.22	2.72
MAR 05	1.81	2.11	2.06	1.98	1.98	1.80	1.83	2.24	2.73
SEP 07	1.69	1.89	2.01	2.07	1.98	1.92	1.80	2.34	2.71
Total	1.71	2.04	1.96	1.88	1.92	1.81	1.73	2.24	2.72

Significant growth of “Strongly agree” comparing to 2005 was observed in

- § *When a person sues a company, the courts generally favor the company over the person*
- § *Judges decisions are influenced by political considerations*
- § *Judges decisions are influenced by their own personal interests*

There was a visible growth of “Strongly disagree” in

- § *Courts generally make reasonable efforts to ensure that individuals have adequate attorney representation*
- § *Court personnel are helpful and courteous*
- § *It is affordable to bring a case to court*
- § *Courts adequately monitor the progress of cases*

Table 7.5.2 When a person sues a company, the courts generally favor the company over the person

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Strongly Agree	54.7%	50.0%	40.5%	52.1%	49.1%
	Somewhat Agree	31.7%	34.0%	42.6%	32.1%	35.4%
	Somewhat Disagree	10.1%	11.4%	11.8%	10.2%	10.9%
	Strongly Disagree	3.4%	4.6%	5.0%	5.5%	4.6%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 7.5.3 Judges decisions are influenced by political considerations

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Strongly Agree	28.5%	34.0%	28.3%	41.2%	32.4%
	Somewhat Agree	38.3%	40.4%	40.8%	37.3%	39.4%
	Somewhat Disagree	24.6%	18.3%	22.6%	12.6%	20.0%
	Strongly Disagree	8.6%	7.4%	8.3%	9.0%	8.2%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 7.5.4 Judges decisions are influenced by their own personal interests

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Strongly Agree	38.9%	37.4%	29.3%	37.3%	35.6%
	Somewhat Agree	40.1%	40.8%	43.0%	34.9%	40.1%
	Somewhat Disagree	16.0%	14.7%	20.0%	17.4%	17.0%
	Strongly Disagree	5.0%	7.1%	7.7%	10.4%	7.3%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 7.5.5 Courts generally make reasonable efforts to ensure that individuals have adequate attorney representation

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Strongly Agree	43.0%	42.5%	30.8%	31.8%	37.4%
	Somewhat Agree	38.2%	42.6%	46.8%	39.3%	41.9%
	Somewhat Disagree	15.4%	12.0%	16.1%	19.0%	15.4%
	Strongly Disagree	3.5%	2.8%	6.3%	9.9%	5.3%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 7.5.6 Court personnel are helpful and courteous

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Strongly Agree	8.1%	7.6%	8.1%	13.6%	9.0%
	Somewhat Agree	33.9%	36.2%	33.4%	30.4%	33.7%
	Somewhat Disagree	36.4%	33.4%	35.9%	27.2%	33.7%
	Strongly Disagree	21.6%	22.8%	22.7%	28.7%	23.6%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 7.5.7 Cases are not resolved in a timely manner

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Strongly Agree	59.2%	49.3%	40.6%	45.5%	48.8%
	Somewhat Agree	26.8%	33.2%	39.7%	35.0%	33.6%
	Somewhat Disagree	10.4%	13.1%	16.0%	13.6%	13.3%
	Strongly Disagree	3.6%	4.4%	3.6%	5.9%	4.3%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 7.5.8 It is affordable to bring a case to court

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Strongly Agree	43.4%	53.6%	41.9%	39.4%	45.0%
	Somewhat Agree	32.2%	30.7%	41.1%	37.5%	35.2%
	Somewhat Disagree	16.0%	12.3%	12.5%	15.0%	13.8%
	Strongly Disagree	8.4%	3.5%	4.5%	8.0%	5.9%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 7.5.9 It would be possible for me to represent myself in court if I wanted to

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Strongly Agree	44.9%	55.3%	40.6%	43.6%	46.3%
	Somewhat Agree	22.3%	22.7%	31.6%	29.6%	26.3%
	Somewhat Disagree	19.3%	14.1%	16.9%	12.5%	16.0%
	Strongly Disagree	13.5%	7.9%	10.9%	14.3%	11.4%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 7.5.10 Courts adequately monitor the progress of cases

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	Strongly Agree	20.0%	21.0%	18.6%	20.2%	19.9%
	Somewhat Agree	50.5%	44.3%	46.4%	39.4%	45.6%
	Somewhat Disagree	22.0%	26.0%	27.7%	26.4%	25.5%
	Strongly Disagree	7.4%	8.7%	7.3%	14.0%	9.0%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

7.6 The Principal Component Analysis

The principal component analysis based on 25 variables⁵ had bind them in five factors over the years from 2001 to 2005

Table 7.6.1. Factors appeared from 2001-2005

2001	2003	2005
1.Positive attitudes toward courts 2.Negative attitudes toward courts 3.Court's democratization level 4.Interference in court decisions 5.Letter or spirit of law	1. Court's democratization level 2. Interference in court decisions 3. Negative attitudes toward courts 4. Self-representation in court 5. Letter or spirit of law	1. Court's democratization level 2. Interference in court decisions 3. Negative attitudes toward courts 4. Court's bureaucracy 5. Letter or spirit of law

What appeared different in 2007 is splitting 25 variables in six factors which are recollection of combined 2003 and 2005. The 2007 distribution of variables through factors is fairly close to previous years. Same is observed with the factor sequence. The Court's Democratization Level is continuing to be the leading while single variable "Letter or spirit of Law" is at the bottom .

Table 7.6.2 Six factors in 2007 (variables are sorted by coefficient size)

Factor I Court's democratization level	1. Courts protect defendants' constitutional rights 2. Judges are generally honest and fair in deciding cases 3. Judges decisions are based only on the facts presented at the law 4. It is affordable to bring a case to court 5. Court rulings and decisions are understood by the people involved in cases 6. The court personnel would assist me in the process 7. Court personnel are helpful and courteous 8. The media's portrayal of the courts is mostly accurate 9. Courts adequately monitor the progress of cases 10. Courts generally make reasonable efforts to ensure that individuals have adequate attorney representation
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⁵ The detailed analysis is in 2005 report of SMF

Factor II Interference in court decisions	1. Judges decisions are influenced by political considerations 2. Judges decisions are influenced by their own personal interests 3. When a person sues a company, the courts generally favour the company over the person 4. When a person is in court against the government, the court generally favour the government 5. Judges decisions are influenced by other government officials 6. Cases are not resolved in a timely manner ⁶
Factor III Negative attitudes toward courts	1. Judges do not give adequate attention and time to each individual case 2. Courts do not make sure their orders are enforced 3. Courts are out-of-touch with what is going on in their communities
Factor IV Court's bureaucracy	1. Court procedures are too complicated to understand 2. It would take very long for the court to decide 3. The court's decisions will not solve the problem
Factor V Self-representation in court	1. It would be possible for me to represent myself in court if I wanted to 2. The court is very easy to approach
Factor VI Letter or spirit of law	1. I would prefer that a judge ignore the law to ensure that a defendant is convicted

⁶ This variable has also a strong weight in Factor III – negative attitudes.

8. Items contributing to the costs of going to court

On a scale from 1 – “a lot” to 4 – “none” the highest ranking contributor to court costs is court fee. It is followed by “complexity of law”. “Unethical behavior” is also considered as a factor contributing to the cost. These three variables are generally keeping the lead over six year time.

Somehow “Unethical behavior” and “Complexity of law” decreased significantly comparing to 2005 getting closer to total values and showing higher weight on costs.

The mean of an amount of spent personal time had decreased in 2005 and 2007 comparing to the previous measurements that shows lesser influence on costs.

Table 8.1 Means of court cost main contributors

survey	How much the cost of having a lawyer contributes to the cost of going to court?	How much the court fees contribute to the cost of going to court?	How much the slow pace of justice contributes to the cost of going to court?	How much the complexity of the law contributes to the cost of going to court?	How much the amount of personal time required contributes to the cost of going to court?	How much the having to pay a bribe contributes to the cost of going to court?	How much the unethical behavior contributes to the cost of going to court?
NOV 01	1.68	2.08	1.72	1.94	1.45	1.57	1.92
MAY 03	1.62	2.08	1.73	2.03	1.64	1.72	2.04
MAR 05	1.75	2.15	2.00	2.30	1.91	1.84	2.25
SEP 07	1.71	2.09	1.80	2.09	1.88	1.74	2.00
Total	1.69	2.10	1.82	2.09	1.71	1.72	2.06

Table 8.2 How much the cost of having a lawyer contributes to the cost of going to court?

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	A lot	38.9%	43.6%	35.6%	41.9%	39.9%
	Some	55.5%	51.5%	54.8%	46.8%	52.6%
	A little	4.3%	3.7%	8.4%	9.5%	6.3%
	None	1.2%	1.1%	1.2%	1.8%	1.3%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 8.3 How much the court fees contribute to the cost of going to court?

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	A lot	12.9%	13.0%	18.2%	22.4%	16.1%
	Some	68.5%	68.5%	53.7%	50.8%	61.2%
	A little	16.8%	16.0%	22.6%	22.1%	19.1%
	None	1.8%	2.5%	5.5%	4.7%	3.5%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 8.4 How much the slow pace of justice contributes to the cost of going to court?

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	A lot	47.4%	46.9%	32.4%	40.9%	42.0%
	Some	35.4%	36.9%	40.5%	40.2%	38.1%
	A little	14.7%	12.4%	21.3%	16.9%	16.3%
	None	2.6%	3.8%	5.7%	1.9%	3.6%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 8.5 How much the complexity of the law contributes to the cost of going to court?

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	A lot	36.7%	30.8%	18.5%	27.6%	28.4%
	Some	38.5%	42.6%	42.4%	42.0%	41.3%
	A little	19.3%	19.2%	30.3%	24.1%	23.2%
	None	5.5%	7.5%	8.8%	6.2%	7.1%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 8.6 How much the amount of personal time required contributes to the cost of going to court?

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	A lot	65.7%	53.5%	37.1%	39.1%	49.5%
	Some	25.8%	32.7%	38.3%	37.5%	33.3%
	A little	6.7%	10.2%	20.8%	19.9%	14.0%
	None	1.8%	3.7%	3.7%	3.5%	3.2%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 8.7 How much the having to pay a bribe contributes to the cost of going to court?

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	A lot	55.6%	46.8%	40.0%	45.8%	47.1%
	Some	33.8%	38.7%	39.1%	36.1%	37.0%
	A little	8.2%	9.9%	17.3%	15.9%	12.6%
	None	2.4%	4.5%	3.6%	2.1%	3.3%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

Table 8.8 How much the unethical behavior contributes to the cost of going to court?

		survey				Total
		NOV 01	MAY 03	MAR 05	SEP 07	
	A lot	33.9%	30.2%	21.3%	34.1%	29.5%
	Some	43.3%	43.2%	39.6%	37.5%	41.2%
	A little	19.4%	19.5%	31.3%	22.8%	23.3%
	None	3.4%	7.1%	7.7%	5.6%	6.0%
Total		100.0%	100.0%	100.0%	100.0%	100.0%

9. Reasons of doing poor or well in the community court

Corruption and bureaucracy are considered as the reasons of doing poor by the majority of respondents in 2007. Corruption had a sustainable growth from 2003.

On the other hand, there is a decrease of weight of “poor management” and “ethical violence” categories.

There is a very close attitudinal correlation between experienced group and general population. The difference emerged on a higher percentage of responses by experienced people.

Table 8.1 Reasons of doing poor by community courts (multiple)

Total sample		survey		
		MAY 03	MAR 05	SEP 07
	Poor Management & Org	22.4%	13.5%	13.2%
	Personnel	13.5%	9.1%	12.8%
	Bureaucracy	47.1%	31.6%	37.2%
	Low level of Profess	25.2%	13.2%	16.2%
	Not fair treatment	27.0%	26.9%	26.3%
	Flow in Legislation	23.6%	25.6%	24.5%
	Ethical violence	39.3%	18.4%	16.3%
	Corruption	21.3%	33.8%	38.1%
	Low income of courts	1.3%	18.5%	12.9%
	Other	.0%	.9%	.5%
	All mentioned	.0%	.0%	1.4%

Experienced respondents		survey		
		MAY 03	MAR 05	SEP 07
	Poor Management & Org	23.7%	13.6%	13.6%
	Personnel	16.7%	11.1%	17.6%
	Bureaucracy	52.9%	33.8%	40.3%
	Low level of Profess	24.8%	13.1%	21.7%
	Not fair treatment	28.4%	27.4%	32.1%
	Flow in Legislation	29.9%	23.6%	25.6%
	Ethical violence	39.2%	25.1%	20.4%
	Corruption	24.1%	29.0%	40.1%
	Low income of courts	1.5%	22.6%	17.6%
	Other	.0%	1.0%	.9%
	All mentioned	.0%	.0%	.9%

High level of professionalism, good personnel and good management are remaining key points of doing well by courts. This attitude is kept on both general population and experienced group level.

However, the number of respondents who answered the question about the courts doing well was always less than the number of those who answered the question about the courts doing poor.

Table 8.2 Reasons of doing well by community courts (multiple)

Total sample		survey		
		MAY 03	MAR 05	SEP 07
	Good Management & Or	28.9%	25.9%	21.3%
	Good Personnel	25.6%	31.1%	30.6%
	Good Service	15.5%	8.1%	10.7%
	High level of Profess	35.0%	33.4%	35.5%
	Fair treatment	16.5%	12.4%	13.7%
	Legislation & Law enforce	9.4%	10.9%	14.3%
	Ethical values	3.6%	8.3%	8.0%
	Other	.0%	1.8%	1.9%

Experienced respondents		survey		
		MAY 03	MAR 05	SEP 07
	Good Management & Or	27.5%	28.1%	21.6%
	Good Personnel	23.6%	27.7%	33.5%
	Good Service	14.9%	7.6%	10.3%
	High level of Profess	39.5%	35.9%	34.0%
	Fair treatment	15.6%	13.2%	12.3%
	Legislation & Law enforce	8.9%	11.8%	17.4%
	Ethical values	4.2%	9.1%	7.4%
	Other	.0%	2.0%	1.2%

Since 2003 the highest weight in improving community courts is expectation of “fair treatment”. “Improving legislation” and “strong control over courts” are following. “Increasing income of court employees” as a way of improving is getting increasingly less popular from 28% in 2003 to 15.8% in 2007. For experienced group “the control of the court” has a definite lead over “improving legislation” in 2003 and 2007.

Table 8.3 Ways to improve community courts (multiple)

Total sample		survey		
		MAY 03	MAR 05	SEP 07
	Improve Management &	35.2%	18.2%	20.2%
	Improve level of Professionalism	47.4%	22.6%	24.6%
	Fair treatment	55.4%	36.3%	41.3%
	Improve Legislation	38.3%	28.2%	31.9%
	Strong control of courts	48.1%	27.0%	31.8%
	Increase courts' budget	21.3%	14.9%	14.5%
	Make independent court	17.9%	16.9%	16.4%
	Increase income	28.0%	21.9%	15.8%
	Other	1.5%	.9%	1.4%

Experienced respondents		survey		
		MAY 03	MAR 05	SEP 07
	Improve Management & Improve level of Professionalism	40.4%	18.0%	21.9%
		46.4%	22.9%	27.2%
	Fair treatment	60.1%	38.4%	47.9%
	Improve Legislation	40.7%	30.0%	32.3%
	Strong control of courts	49.8%	29.4%	35.5%
	Increase courts' budget	19.7%	13.8%	14.9%
	Make independent court	21.6%	17.6%	18.4%
	Increase income	31.1%	21.5%	21.4%
	Other	2.4%	1.2%	1.9%

In 2007 there is a quite different assessment between the experienced group and the general population of court developments.

For the general population the overall development is more positive – 18.8% think that courts improved against 13% thinking that it is worsened. For experienced group the number of those who think that situation had been worsened is much higher than of those thinking that it is improved: 21.3% against 16.7%. The negative evaluation had almost doubled if compared to the year 2005.

Table 8.4 How do you feel about courts in your community when you compare with situation one year back?

General		survey			Total
		MAY 03	MAR 05	SEP 07	
	It is improved	15.2%	12.5%	18.8%	15.1%
	It is the same	77.0%	79.3%	68.3%	75.6%
	It is worsened	7.7%	8.2%	13.0%	9.3%
Total		100.0%	100.0%	100.0%	100.0%

Experienced		survey			Total
		MAY 03	MAR 05	SEP 07	
	It is improved	17.4%	15.3%	16.7%	16.5%
	It is the same	71.7%	73.1%	62.0%	69.7%
	It is worsened	11.0%	11.5%	21.3%	13.8%
Total		100.0%	100.0%	100.0%	100.0%

LIST OF LAWS AND PROCEDURES REGULATING ACTIVITIES OF CRIMINAL CASEFLOW MANAGEMENT AT THE FIRST INSTANCE COURTS

Attachment 6

N		1	2	3	4	5	6
Criminal case registration and caseflow activities		<i>Registration of criminal case received from Prosecutor Office</i>	<i>According to case assignment procedure, chief judge assigns the case. After the assignment, the case is registered in software Judge 2005 and in general registrar of criminal cases</i>	<i>Assigned judge reviews the case within 15 days and issues decision to bring the accused to court</i>	<i>Schedule a trial date</i>	<i>To the accused without restraint measure, duties are explained and register with court police officer (bail, restraint measure are attached to case file)</i>	<i>Judge responsible for registrar of "restraint measures of suspect and accused" approves the order on restraint measure</i>
Official Responsible	Bayanzurkh	Information and inquiry secretary registers complaint, gives it to chief judge for assigning bench, and provides the case to assigned judge	Information and inquiry secretary provides case	Judge, secretary	Assistant to criminal judge or secretary		Judge
	Bayangol	Secretary in charge of registrars of criminal cases receives criminal case and provides it to chief judge	Secretary for criminal cases registrar transfers the case to assigned judge	Judge, secretary	Every Thursday secretary schedules trials	Secretary in charge of criminal case registrar	Judge
	Khan-uul	Information and inquiry secretary receives criminal case	Information and inquiry secretary	Judge, secretary	Assistant to criminal judge or secretary		Judge
Official Responsible for Monitoring	Bayanzurkh	Chief judge, court administrator	Chief judge, court administrator	Chief judge, court administrator	Judge, court administrator		Chief judge
	Bayangol	Chief judge, court administrator	Chief judge, court administrator	Chief judge, court administrator	Judge, court administrator	Chief judge, court administrator	Chief judge, court administrator
	Khan-uul	Chief judge, court administrator	Chief judge, court administrator	Chief judge, court administrator	Judge, court administrator		Chief judge, court administrator
Regulation	Decisions issued from CCC	Attachment of CCC chief judge's decision 10 of January 30, 2003					Attachment of the CCC chief judge's decision 17 of August 29, 2003
	Order, decisions issued from GCC and SC	Attachment XXIX, of the GCC decision 58 of July 1, 2003					Attachment XXVIII of the GCC decision 58 of July 1, 2003
	Legal Provisions	Art. 32.2, 219 of CrimPrCode and Art.39.1.4 of Law on Courts	Art. 32.2, 62.2, 64,65, 67, 69 of the CrimProcCode and Art.68 of the Law on Courts	Art. 225.3, 226, 227 of the CrimProc Code	Art. 228.2.1 of the CrimProc Code	Art. 62.2, 64, 65, 67, 69 of the CrimProc Code	Art. 59 of the CrimProc Code
Explanations		Although registration of criminal cases are regulated by decisions 10 and 58, the CCC chief judge's decision 20 of 2002 shall apply	Assigning of cases is regulated by procedure set by Judges' Council				

[illegible]

N		12	13	14	15	16	17
Criminal case registration and caseflow activities		<i>Getting signature in a form to acknowledge that conviction sentence was acquainted</i>	<i>Register forms of handing out the conviction or acquittal sentence and attach it to case file</i>	<i>Enter decision of criminal case into software Judge 2005. (numbering of adjudication event is taken)</i>	<i>Enter to software Judge 2005 number of the criminal judge's decision</i>	<i>Enter to software Judge 2005 data on materials sent by prosecutor office</i>	<i>Registration of bail, transfer of money to CCC account, and prove of money transfer is given to judge and signed by judge</i>
Official Responsible	Bayanzurkh		Assitant to criiminal judge and secretary	Secretary of criminal trial is responsible for entering data to software and for keeping the orginial copy of the decision	Assitant to criiminal judge and secretary	Assistant to chief judge	Information and inquiry secretary
	Bayangol	Assitant to judge and secretary	Assitant to criiminal judge and secretary	Assitant to criiminal judge and secretary	Secretary in charge of criminal case registrar	Assistant to chief judge	Secretary in charge of criminal case registrar
	Khan-uul		Assitant to criiminal judge and secretary	Information and inquiry secretary	Information and inquiry secretary	Secretary to chief judge	Information and inquiry secretary
Official Responsible for Monitoring	Bayanzurkh		Judge	Judge	Judge	Chief judge, court administrator	Court Administrator
	Bayangol		Chief judge, court administrator	Chief judge, court administrator	Chief judge, court administrator	Chief judge, court administrator	Chief judge, court administrator
	Khan-uul		Chief judge, chairman of the criminal chamber of the CCC	Chief judge, court administrator	Chief judge, court administrator	Chief judge, court administrator	Court Administrator
Regulation	Decisions issued from CCC		Attchment 1 of CCC chief judge's decision 19 of July 27, 2006	Data of manual registrars should fit to numbering of software Judge-2005 approved by attachment 2 of the CCC chief judge decision 10 of January 30, 2003	Chief judge, court administrator	Attachment 2 of the CCC chief judge's decision 10 of January 30, 2003	The CCC Court administrator's order 24 of March 5, 2005 on "Procedure on receiving, storing, and trasnferring assets, values, money related to bail"
	Order, decisions issued from GCC and SC			Attachment XIV of the GCC decision 58 of July 1, 2003	Chief judge, court administrator	Attachment XIV of the GCC decision 58 of July 1, 2003	
	Legal Porvisions	Art. 299, 302.3 of the CrimProc Code	Art. 302 of the CrimProc Code				Art. 67.2, 67.4 of the CrimProc Code
Explanations							

N		18	19	20	21	22
Criminal case registration and caseload activities		<i>In case of return of case for additional investigation and inquiry, the case file with decisions, evidences, and the accused are returned to prosecutor offices</i>	<i>Registration of numbering of convicting or acquittal decisions</i>	<i>Registration of delivery of conviction forms</i>	<i>Registration of outgoing sentences(acquittals) to detention places, and other documents</i>	<i>Registration of sentences other than imprisonment sent to Police and other organizations</i>
Official Responsible	Bayanzurkh	Assitant to crimiinal judge and secretary	Criminal trial secretary is responsible for keeping the registration along with the decisions and original copies of it	Trial secretary fills out conviction forms, gives to court administrator and delivers to Polcie	Assitant to crimiinal judge and secretary	Assitant to crimiinal judge and secretary
	Bayangol	Assitant to crimiinal judge and secretary	Secretary in charge of criminal case registrar	Criminal trial secretary	Assitant to crimiinal judge and secretary	Assitant to crimiinal judge and secretary
	Khan-uul	Assitant to crimiinal judge and secretary	Information and inquiry secretary	Assitant to crimiinal judge and secretary	Assitant to crimiinal judge and secretary	Assitant to crimiinal judge and secretary
Official Responsible for Monitoring	Bayanzurkh	Judge, court administrator	Court Administrator	Judge	Court Administrator	Judge
	Bayangol	Judge, court administrator	Court Administrator	Judge	Court Administrator	Court Administrator
	Khan-uul	Judge, court administrator	Court Administrator	Judge	Court Administrator	Court Administrator
Regulation	Decisions issued from CCC		Attachment 2 of the CCC chief judge's decision 10 of January 30, 2003	Attachment 2 of CCC chief judge's decision 10 of January 30, 2003	Attachment 2 of CCC chief judge's decision 10 of January 30, 2003	Attachment 2 of CCC chief judge's decision 10 of January 30, 2003
	Order, decisions issued from GCC and SC		Attachment XIII, of the GCC decision 58 of July 1, 2003	Attachment XXVI of the GCC decision 58 of July 1, 2003	Attachment XXIV of the GCC decision 58 of July 1, 2003	Attachment XXV of the GCC decision 58 of July 1, 2003
	Legal Porvisions	Art. 225.1.2, 225.2, 230 of the CrimProc Code			Art. 330.1.1 of the CrimProc Code	Art. 330.1.2, 330.1.3 of the CrimProc Code
Explanations				Attachment 2 of joint decision 09,63,17,02 of February 23 of 2002 of the CJ of SC, GP, Minister of the MOJ, and Chairman of the GCC	Attachment 2 of joint decision 09,63,17,02 of February 23 of 2002 of the CJ of SC, GP, Minister of the MOJ, and Chairman of the GCC	Attachment 2 of joint decision 09,63,17,02 of February 23 of 2002 of the CJ of SC, GP, Minister of the MOJ, and Chairman of the GCC

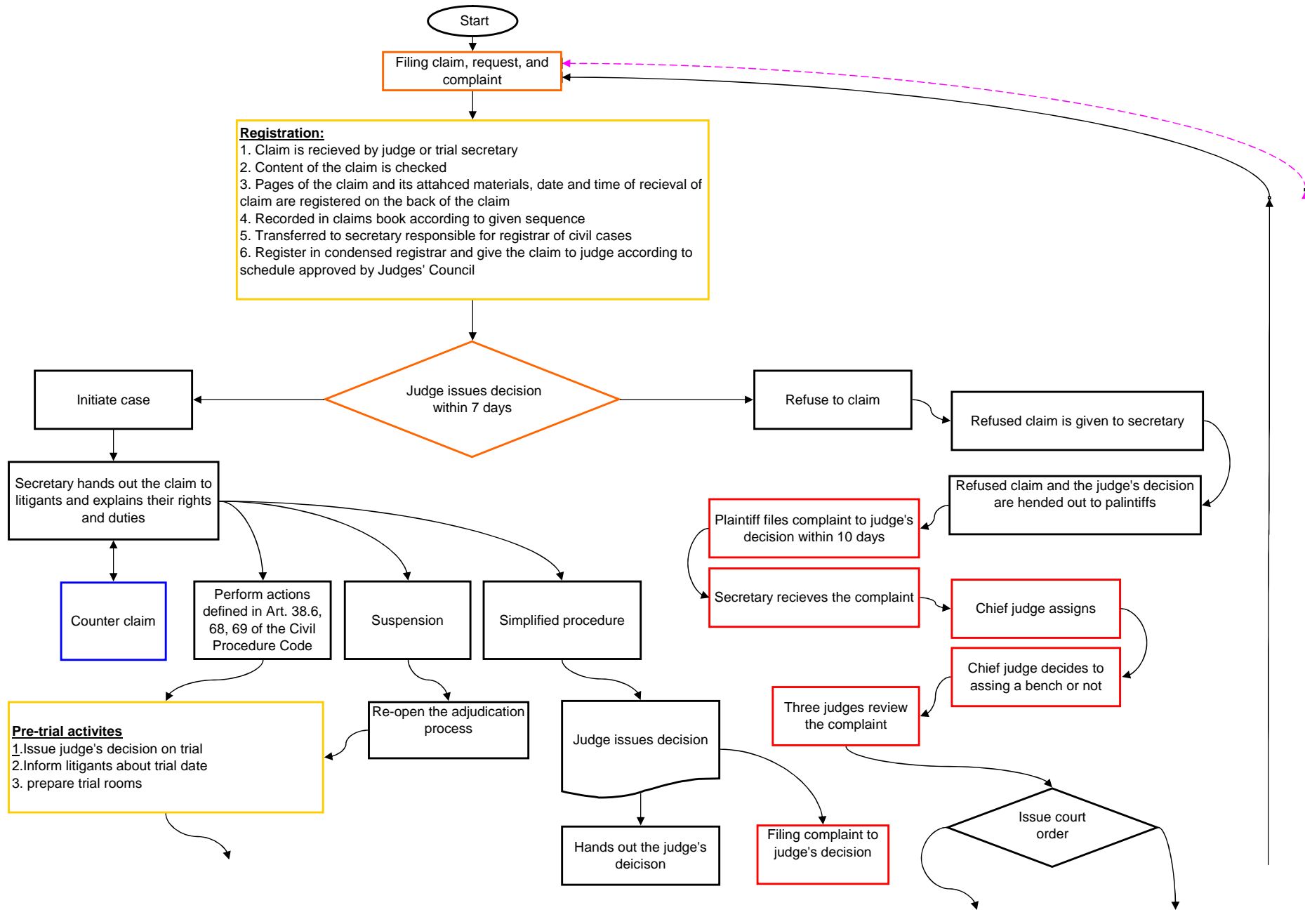
N		23	24	25	26	27
Criminal case registration and caseload activities		<i>Registration of escapers</i>	<i>Registration of criminal cases reviewed by appellate and supervisory instances</i>	<i>Taking measures to perform conviction in case there was no appeal</i>	<i>Making decision about evidences</i>	<i>Registration of criminal and administrative cases for archive</i>
Official Responsible	Bayanzurkh		Information and inquiry secretary keeps the registration. Assistant to criminal judge and secretary receives the complain, undertakes legally defined actions and sends the case to the CCC (Appeals to SC is received by information and inquiry secretary, chief judge reviews it and the case is sent to the SC)		Committee assigned by chief judge	Assistant to criminal judge and secretary
	Bayangol		Notice of appeal is received by secretary responsible for criminal cases and transferred to secretaries	Assistant to criminal judge and secretary	Committee assigned by chief judge	Criminal cases are received from secretaries and kept in archive
	Khan-uul		Information and inquiry secretary		Committee assigned by chief judge	Assistant to criminal judge and secretary
Official Responsible for Monitoring	Bayanzurkh		Court Administrator		Chief judge, court administrator	Judge, court administrator
	Bayangol		Court Administrator		Chief judge, court administrator	Court Administrator
	Khan-uul		Court Administrator		Chief judge, court administrator	Judge, court administrator
Regulation	Decisions issued from CCC	Attachment 2 of CCC chief judge's decision 10 of January 30, 2003	Attachment 2 of CCC chief judge's decision 10 of January 30, 2003		The CCC chief judge's decision 13 of May 11, 2006	Attachment 1 of the Joint decision of the CCC chief judge and court administrator 12/61 of May 25, 2005
	Order, decisions issued from GCC and SC	Attachment XXVII of the GCC decision 58 of July 1, 2003	Attachment XVI of the GCC decision 58 of July 1, 2003			
	Legal Provisions		Art. 304, 305, 306.6 of the CrimProc Code	Art. 327-330 of the CrimProc Code	Art.88, 298.1.2 of the CrimProc Code	
Explanations		no comments from courts				

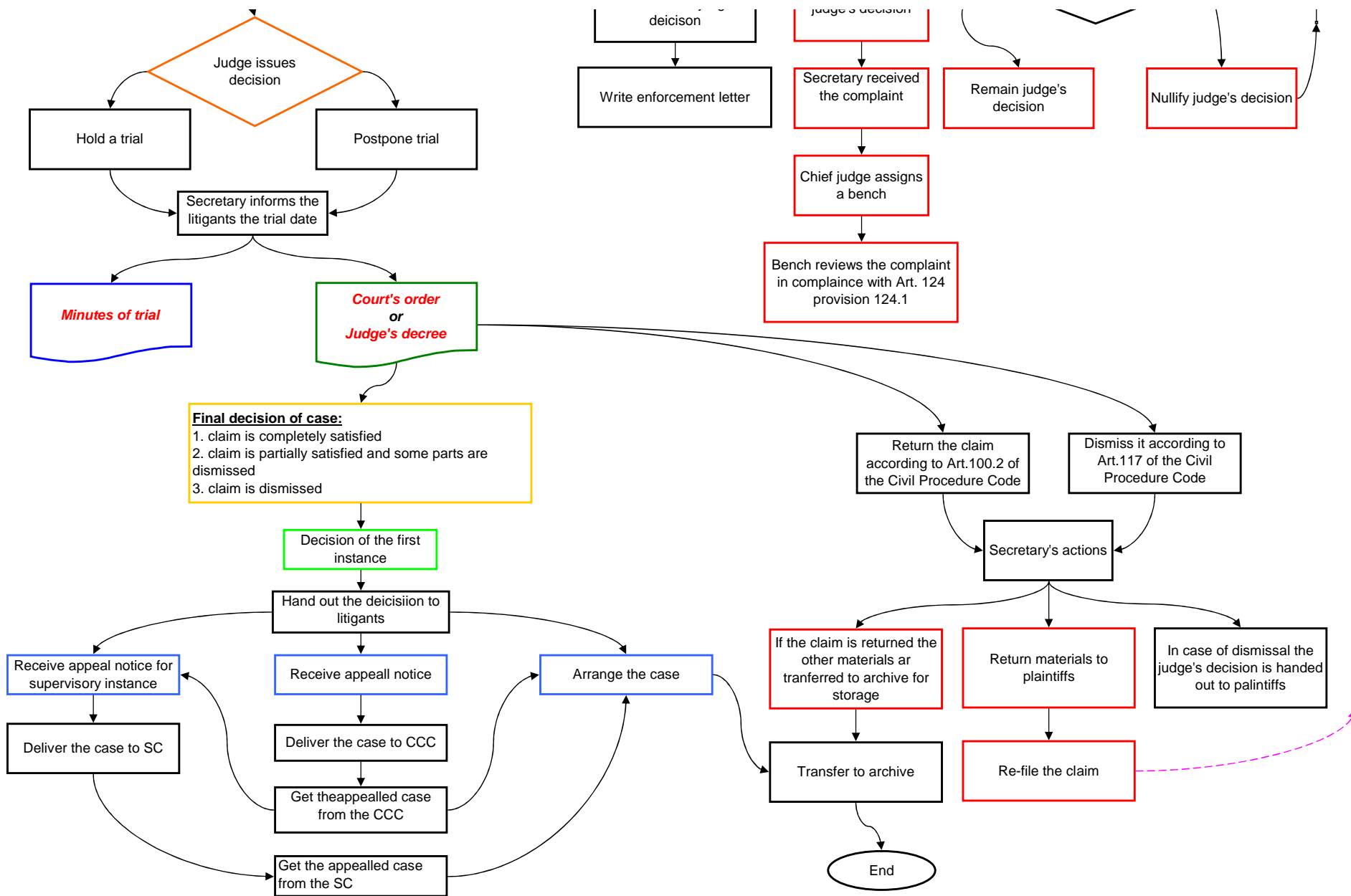
N		28	29	30	31	32	33
Criminal case registration and caseload activities		<i>Registration book of probations</i>	<i>Registration of court decisions related to minors</i>	<i>Registration of numbering of criminal enforcement letter(written right after conviction)</i>	<i>Getting original copies of varies decision of courts from secretaries</i>	<i>Registration of administrative violations</i>	<i>Acquaint violater about the decision</i>
Official Responsible	Bayanzurkh	Information and inquiry secretary	Criminal trial secretary	Criminal trial secretary sends enforcement letter to Court Decision Enforcement Agency one day of every week	Information and inquiry secretary	Assistant to chief judge	
	Bayangol			Registration is kept by court administrator. Secretary prepares enforcement letter	Secretary in charge of registration of criminal cases	Judge	Assitant to crimiinal judge and secretary
	Khan-uul			Assitant to crimiinal judge and secretary	Information and inquiry secretary	Secretary of chief judge	
Official Responsible for Monitoring	Bayanzurkh		Judge, court administrator	Judge	Court Administrator	Chief judge, court administrator	
	Bayangol	Court Administrator		Judge	Court Administrator	Chief judge, court administrator	Judge
	Khan-uul			Judge, court administrator	Court Administrator	Chief judge, court administrator	
Regulation	Decisions issued from CCC			The CCC chief judge's decision 8 of January 25, 2003			
	Order, decisions issued from GCC and SC						
	Legal Porvisions			Art. 330.1.3 of the CrimProc Code		Art 7.1, 10.1, 17, 18 of the Law on Resolving Administrative Cases	Art. 18.4 of the Law on Administrative Cases
Explanations							

Forms are approved by attachments of the CCC chief judge's decision 10 of January 30, 2003 and attachments of the GCC decision 58 of July 1,, 2003

CIVIL CASEFLOW CHART

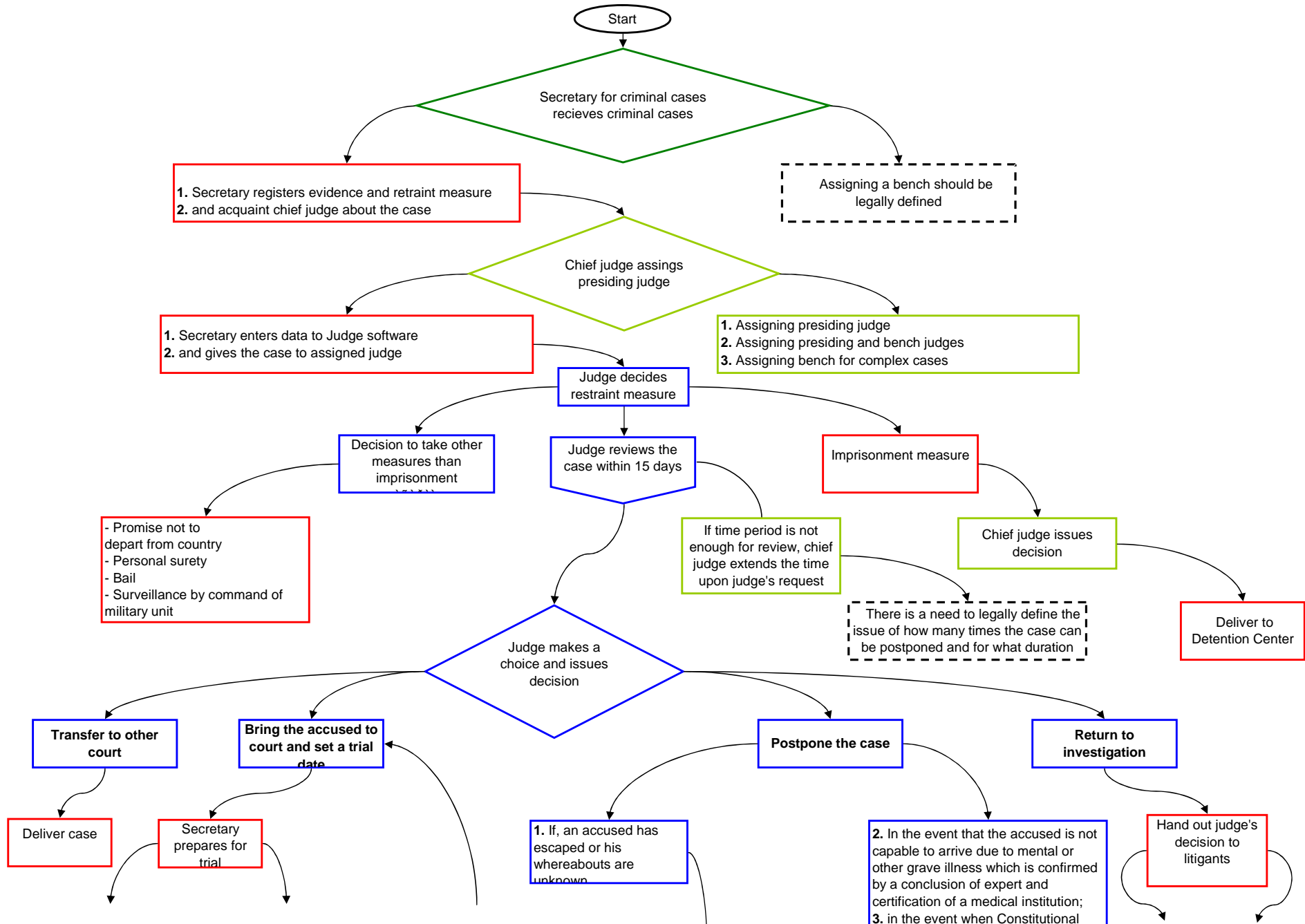
Chart -2

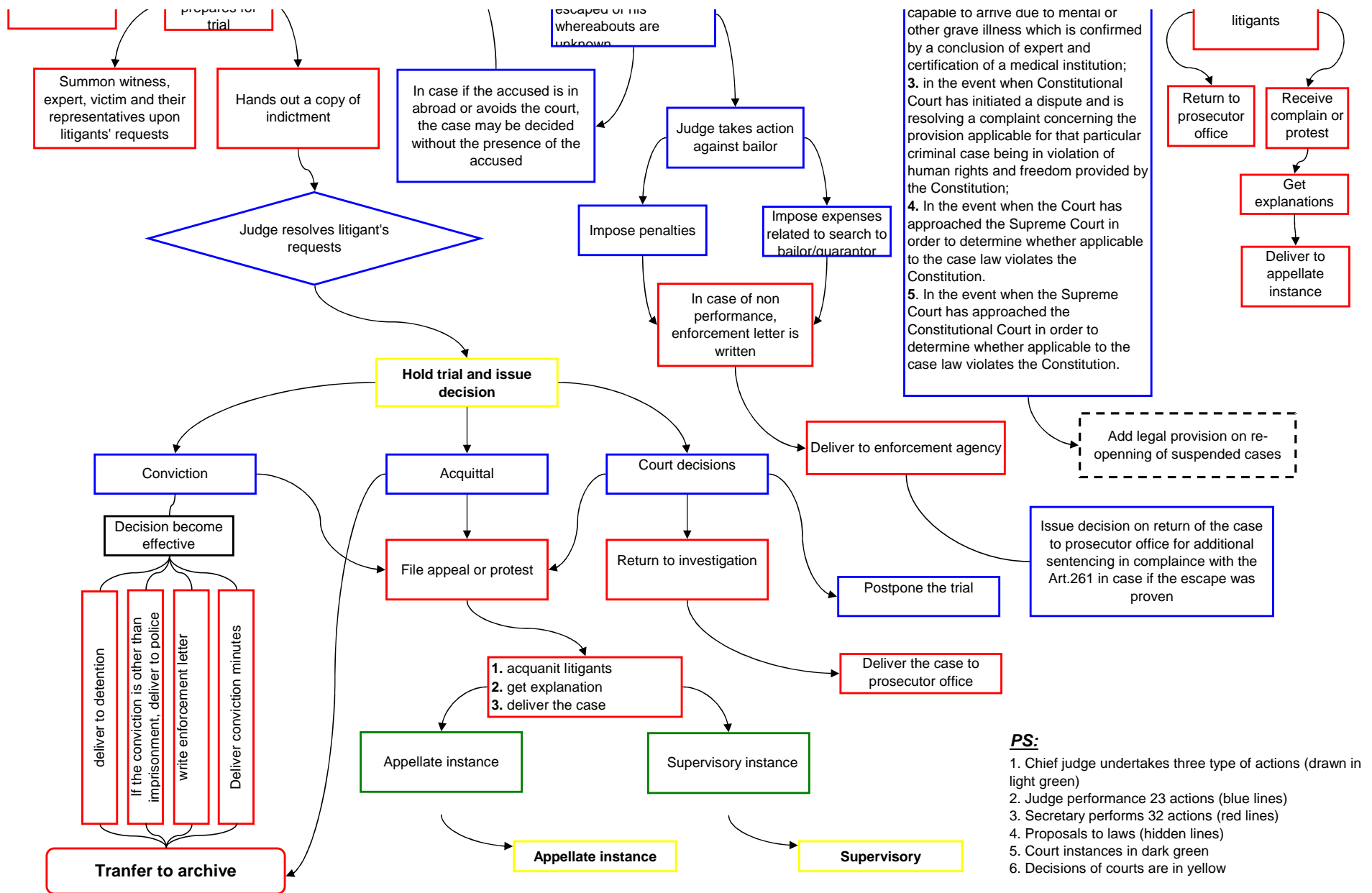




CRIMINAL CASEFLOW CHART

Chart -1





INTERVIEWEE LIST

Interviewees				
ID	Name	Title	Organization	Date of Interview
1	Altankhuyag, M	Prosecutor General	GPO	4/10/2007
2	Ganbold, M	Chief of Police	GPD	4/10/2007
3	Galdaa, B	Chief	SIU	4/11/2007
4	Enkhjargal, T	Head, National Center Against Violence	NGO	4/12/2007
5	Purevnyam, B	President, Advocates Association	NGO	4/12/2007
6	Solongo, D	Chair, National Human Rights Commission	NGO	4/12/2007
7	Urantsooj, G	Director, Human Rights Development Center	NGO	4/12/2007
8	Ikhzaya, P	Head of the Information and Research Center	GPD	4/13/2007
9	Dulaanjargal, M	Deputy Chief of Police in Charge of Personnel and Training	GPD	4/13/2007
10	Erdenebat, Ts	Chief of the Bayanzurkh District Police		4/13/2007
11	Otgonbaatar, S	Chief of the Khan-Uul District Police		4/13/2007
12	Amarzaya N	Chief of the Bayangol District Police		4/13/2007
13	Davaakhuu, A	Head of Police and Community Culture Center	GPD	4/13/2007
14	Bumnanjid, J	Chief of the Capital City Police		4/16/2007
15	Azbayar, Ts	Head of the Internal Affairs and Security Division	GPD	4/16/2007
16	Amgalanbayar, T	Dean of Police Academy		4/16/2007
17	Batchuluun, Ts	Chief of the Baganuur District Police		4/16/2007
18	Batbayar	Head of Personnel Division	GPD	4/18/2007
19	Khorolsuren, M	Head of International Relations Division	GPD	4/18/2007
20	Bayasgalan, G	State Secretary	MOJHA	4/19/2007

Interview Notes

Meeting with M. Altankhuyag, Prosecutor General of Mongolia

Tuesday, April 10, 2007

10:00 AM

GPO Headquarters, Meeting Room

Present were: J. Oyunchimeg, Associate Prosecutor General, Head of the Policy, Planning and Foreign Affairs Department

1. **Discussed the role of the prosecutor under the law** with respect to duties of assigning case numbers, assigning police to investigate, Prosecutor supervision and guidance of police investigations, decision to prosecute, permission to use undercover investigations, arrest and detention decisions – request court warrant; if they have suspicion of illegal evidence, prosecutor conducts his own investigations. Also SIU, reports to Prosecutor General and investigates crimes by police, prosecutors and judges
2. **Problems associated with police relationship**
 Police always try to undermine Prosecutor's supervision of cases.
 Complaints from PD re: dismissals; failure to prosecute. Prosecutor complains that police experience is poor, and poor investigations.
 Per Prosecutor General: Complaints are valid on both ends.
 - Stated that there are not adequate legal regulations to govern the relationship between the police and the prosecutor.
 - Prosecutor-Police not a team
 - No requirement to limit credit for clearances.
 - Police see their duty as personal rather than professional
 - Management of investigations and administrative procedures needs to be clearer in law.
 - Investigators should be working with prosecutors, but heads of PDs give other assignments to investigators.
 - Investigators have no accountability with management
 - Main issue: police investigate independent from prosecutors and then submit cases to prosecutor. (implication – if they worked closer together throughout the investigation, the problems would be lessened)
 - Need stronger laws with respect to police accountability; Police should be accountable for decisions prosecutors make regarding cases, and investigators need to follow the prosecutors lead – apparently this is not being done.
3. Steps taken to resolve problems:
 - a. There is new Leadership of GPD
 - b. Legal profession now requires greater expertise
 - c. Law requires that police act appropriately
 - d. Chief has issued order for department to comply, but those orders are not being followed.
 - e. Officials of Prosecutor's office met with counterparts in police, and problems persist.
4. One way to help resolve the problem: Develop statutes that require reform – improved regulations that push the Police to cooperate with Prosecutor.
5. Anti-corruption Unit and related changes to SIU
 - Corruption cases to Anti-corruption unit; Use of force cases to SIU
 - SIU has 26 positions, with three vacancies as of 4/10/07.

- In serious cases, SIU is notified in reasonable time, in misdemeanor type cases, PD fails to notify SIU
 - He stated that if there is no prosecution regarding police action, the PD is notified. A letter is sent to the PD from prosecutor advising of particulars. PD responds to prosecutor with letter notifying Prosecutor of disciplinary actions taken. He states that many times in fact no action has been taken, contrary to the police statements in the letter to prosecutor.
 - He stated cases where particular Investigators have repeatedly committed breaches of rules, etc; have sent letters to PD, but PD has failed to act to change the officers' behavior. Finally, Prosecutor sent letter to PD stating that the Prosecutor will no longer accept cases filed by those investigators. It was at that time that the PD took action... they reassigned the Investigator.
6. Report on Human Rights and Freedoms in Mongolia. Prosecutor's office has taken action: Has sent letters to PD re: required notifications and requirements; some officers have been charged with crimes.
 7. There is wide-spread crime by officers and human rights violations. He also discredited the 2006 report saying that there were no valid stats, and that the report had no solid basis. He stated that the Parliament took the report very seriously. He stated that after the Ikh Khural session, there were two big meetings of the leadership of justice sector institutions where they discussed the issue and a plan has been developed with the purpose of ensuring human rights, including training for the legal profession. Additionally, some officers were prosecuted.
 8. Bounty Issues: New Zealand output management system – MBO
 9. He suggested that I put forward legislation to improve the level of cooperation of the police with the prosecutor's office. On follow-up he stated that he had no such draft legislation, nor any outline or bullet points regarding elements of the proposed bill. He basically said that it was my job.

General impression of Prosecutor General: Personal, high level of political skills, somewhat eager to focus blame on Police and Law rather than to resolve issues himself.

Meeting with Police Colonel M. Ganbold, Chief of GPD

Tuesday, April 10, 2007

11:00 AM

GPD Headquarters, Chief's Conference Reception Room

Arrived about 10 minutes late due to previous meeting

Present were: Lieutenant-Colonel O. Zorigt, Head of Administrative Department
Police Colonel M. Khorolsuren, Head of International Relations Division

1. Relationship with MOJHA; Stated his personal opinion is that MOJHA is a governmental agency. In previous times the police were independent. The police should be independent. Should not have to go through bureaucracy and chains of command. The police are more a legal than a civil organization more similar to the judiciary. The police should be placed under the Prime Minister and his cabinet.
2. Police decisions should not go through the MOJHA; it makes for a lower status for the police. The police should have greater powers and expanded functions, if not under MOJHA.
3. Regarding the relationship of investigators and inquiry officers; regulated by statute; there is no room for extra-legal remedies. He then provided additional comments lamenting the loss of police powers. When police had greater power, they suppressed crime. Under the new code, they are unable to suppress crime. Under the current rules with prosecutorial and court oversight, it is easy for the police to operate.
4. Most police officers cannot change their mindsets regarding the new rules.
5. Older investigators abuse their position, and influence newer officers to do the same.
6. Regarding conflicts with prosecutors: investigators emphasize incriminating evidence over mitigating evidence. The prosecutor's skills are poor.
7. Urban vs. rural issues: newer prosecutors with fewer skills are assigned to rural areas where investigators have more practical experience but poorer education.
8. SIU – Chief feels that SIU is unconstitutional. Under the old system, police had the power to investigate high officials. He feels that politically, after one or more investigations uncovering questionable practices by High Governmental Officials, the legislature created the SIU to limit the ability of the police to uncover corruption. He feels that the greater power went to the prosecutor because of politics. He feels that the constitution provides that the prosecutor oversees implementation of laws and prosecutes crimes. He feels that the constitution does not allow for prosecutor to conduct investigations. He sees a direct contradiction with the constitution.
9. Regarding SIU, he feels that off duty conduct by officers should not fall within the jurisdiction of SIU, which has, he contends, investigated cases of officer involved in domestic violence, and traffic offenses off duty. He thinks that SIU is overstepping their bounds.
10. He stated that he will bring the issue to the Constitutional Tsets (Court). He added that he has worked several times with the prosecutor and has gotten no solutions. In response to my question about litigation creating “winners and losers” and in the end it may not be a good solution for anyone, and that a negotiated or mediated solution may serve all the

parties better, he stated the he will not bring the case to the constitutional court, it will be brought by citizens at his urging.

11. Regarding the 2006 Human Rights Report: The police have made some reforms; but he is frustrated by the report because it is based upon cases occurring in 1997. He said that the credibility of the report is not very high; for example; human rights violations in detention centers are under Court Decision Enforcement Agency (MOJHA Agency). The police take defendants to the detention centers. He stated that before 2000, conflicts regarding police human rights violations existed. He stated that Investigators and Inquiry Officers have no right to interrogate people when in detention centers under the control of Court Decision Enforcement Agency.

Meeting with D. Odbayar, Minister of Justice and Home Affairs

Tuesday, April 10, 2007

7:00PM

Interview was rescheduled three times by the Minister, and in the end, was never conducted.

Meeting with B. Galdaa, Chief of Special Investigative Unit (SIU)

Wednesday, April 11, 2007

9:30 AM

SIU Office

Present were: the Deputy Chief (arriving at the middle of interview)

Background, goals etc.

Mr. Galdaa indicated that the SIU organizationally is under the Prosecutor General. His budget is independent from other entities in the office. He indicated that the Unit has been in existence for five years.

Their mission is to investigate crimes by police, prosecutors, and judges. They have close relationships with other justice institutions.

He stated that his problems in working with the police are the result of both departments having similar missions.

His stated goal was to conduct his investigations according to law.

Some people in the legal profession are not comfortable with what SIU does, saying; "You are in the same sector as we are, you should be more flexible".

- He had no cases of hindering the SIU
- He felt his purpose was to uphold the reputation of the institutions he investigates and also to respect human rights and the law.
- He indicated that it was his feeling the public's view of legal institutions was negative, and he thought that view was a valid one.

Workloads - procedures

- Annual work-load:

Complaints: 600-700

Investigations: 300-400

Police cases: 90% of total

Use of force/injury cases involving the Police: 40% of police cases.

- His investigations involve cases where the officers use force in official capacity.
- Believes that the excessive use of force is a result of officers' lack of education, poor communications skills, knowledge and overall lack of professional skills.
- He indicated that this year he intended to undertake a study of police crime, and was going to ask JRP to help – wanted my help. He also indicated that he only had one analyst on staff, and felt that he was understaffed to undertake the study on his own.
- He had a short digression regarding the kinds of data and analysis that would be needed for the study. I emphasized that it is the police that needs the data for prevention purposes (see my draft document re: analysis of officer involved excessive force and human rights abuses)
- To better understand the nature of the unit's work, I asked for a scenario re: response to an incident from notification to conclusion.
- In 2003 the Police Chief and Prosecutor General issued a decree that regulated how incident scenes are handled by first responders. It indicated that the scenes are to be frozen until the arrival of the SIU.
- SIU has difficulty responding to scenes in the countryside because they have no branch offices, and long response times.

- SIU responds to the scene along with investigators and prosecutors.
- The Police are responsible for crime scene investigation.
- During the course of the investigation they may find it necessary to arrest or detain the subject officer in serious cases.
- In other cases officers may or may not be placed on administrative leave. In some cases, officers continue to work at their normal assignment.
- In other cases, officers are fired by the PD prior to the completion of the investigation. He had a problem with terminating the officer, because he might be more likely to flee prior to the conclusion of the investigation.
- Who interviews the subject officer? He stated that no police or prosecutors are present during their interview of the officer, except the prosecutor may formally request to be present.
- The subject officer may have a representative present; but he is not compelled to make a statement.

Police cooperation with SIU

I mentioned that he stated earlier that he indicated that there were no cases of hindering of SIU; I asked if there is a history of cooperation. He stated that SIU at times asks police to conduct a preliminary investigation, due to workload demands and travel distances.

- He stated that he currently had 20 staff members, plus 4 vacancies.
- One of his problems was that 40% of his cases occurred in the countryside. Problem being travel distances and associated time and logistics complicate the investigation.
- He indicated that the reward system used by the police for clearances, etc., along with the mindset of needing to get a confession to clear a case – taints the officer's motivation; officers' goal is to get a confession under any circumstances.
- He thought that the police should act to prevent beatings, threats and torture.
- He felt that police leadership was protecting officers involved in human rights violations by taking such action prior to the arrival of SIU so as to tamper with witnesses and evidence. He indicated that such actions do not violate the law in Mongolia. ??? [I think this needs to be made clearer]

Anti-corruption unit

With regard to the newly created Anti-corruption unit, all corruption cases go to that unit, all others stay within SIU. He indicated that the new agency is very powerful and independent in that it can initiate investigations and undercover cases.

His view of police-prosecutor relations

He felt that if the police and prosecutor cooperated early on in cases, the sense of partnership would become more apparent. Under the current situation it appears more adversarial – investigator completes investigation and sends completed case to prosecutor. Prosecutor either approves or sends it back for a "further". He felt that many of the prosecutors are inexperienced and do not have sufficient sensitivity to the difficulty in reinvestigating cases and following through on "furthers".

He felt that the way to improve the relationship was for the leadership of the police and prosecutor's office to issue directives of cooperation.

He went on to state that the problem was not an issue of leadership at the top, but at lower levels. It is a case of misunderstandings regarding turndowns. An investigator gets a turndown; he takes it personally and appeals to a higher level prosecutor who may grant the investigator's request, leaving the lower level prosecutor with ill feelings toward the investigator.

Mr. Galdaa stated that he has 30 years in the legal sector; 20 years as a prosecutor. He went on to state that he is sympathetic to the plight of the investigator as a result of inexperience and/or lack of skill on the prosecutor's part. That shows in ill thought out turndowns and "furthers."

Requested Training

We went on to discuss the requested training they wanted on April 20th between 11:15 and 12:45. The Deputy Chief indicated that he was interested in the subject of protection of juveniles, and ensuring their rights. He wanted some information about cases involving abuse of powers in hurting juveniles, how to handle cases of sexual abuse. What are the international standards in those cases? How to deal with juveniles who are beaten, threatened for forced confessions. How to protect juvenile victims, witnesses and victims. The training was provided as requested.

**Meeting with T. Enkhjargal, Head of the National Center Against Violence
(NCAV)**

Thursday, April 12, 2007

10:00 AM

Office of NCAV

The Director began her remarks by indicating that she runs a center to support victims of family violence. The Center also houses a shelter for battered women.

Her services include services to victims of Domestic Violence, Sexual Assault, advocacy and cooperation with the police.

She stated that the new police leadership has been open to meeting with her organization; and the prior police leadership has supported the center.

The police have arranged to have an office available in one station and one detention center for victims, lawyers, and interviews.

They have a program designed for joint projects that include the police the projects procedures have been written, but have not been approved by police hierarchy. There are no job descriptions, and no one in the police is accountable for the program. It is not in the police budget.

Ms. Enkhjargal has spoken with police officials to organize a meeting with the Chief, and although there is an agreement to meet, no dates have been set, except that the meeting is to take place sometime in April.

She also told of four recent cases of police officers who have killed their wives.

She indicated that there are some NGO's that want to require that the police be trained in DV as it relates to officers.

There is currently no police training for officers in handling Family crimes, and no training on systems available to deal with the issue.

Question: What aren't the police doing that is required?

Sometimes they do not respond.

Sometimes they respond and handle the matter as an administrative matter rather than as a crime.

A social worker observed the beating of a son and the adult was arrested. The boy committed suicide. The police did not help.

Question: Do the police keep statistics on family crime, particularly DV?

No, DV related crimes are classified as ordinary crime; but DV per se is classified as an administrative violation.

The center provides training in interviewing of children and how to cooperate with medical institutions. The center has developed forms for officers to use in reporting of DV and crimes against children, but the form has not been approved.

The Mayor has issued a decree regarding the development of multidiscipline teams; with activities of each enumerated, job descriptions written and budget approval to cover costs. This would cover District Police.

Teams are working on selective cases, but want to respond to each case.

The Center with the Women's Lawyers Association brought a matter to the Supreme Court and received a favorable ruling re: handling of DV matters; now the violator must leave the home rather than the victim.

The extent of the problem: In a survey of 300 police officers, police indicated that 50% of all calls are DV related. Police stats do not reflect that statistic as DV is not a criminal case.

A member of parliament will be proposing amendments to the law re: DV, (see handout received from the center). The amendments are to be introduced this spring or fall.

One month ago they had a meeting with police officials present to present the survey of police re: domestic violence. The police representative present indicated that they had more serious matters to deal with than violence.

When victims are brought to police stations by the center, they are told to go away because they had enough work to do dealing with thefts.

Cabinet will be approving a DV plan including the creation of a special unit in the PD. It was precipitated by the case of the 10 year old boy cited earlier. Should be approved by May 2007.

Question: DV by police?

Stated that wives of police officers come to center; most cases are not reported. If the case is not serious, it is not recorded.

She asked that police ethical code reflect that officers should refrain from domestic violence.

Regarding the four officers who killed their wives, they are lower level officers and all are currently detained.

**Meeting with B. Purevnyam, President of the Mongolian Advocates
Association**

Thursday, April 12, 2007
11:30 AM
MAA Office

Present were: Emma as translator

The police need reform – the role of the police and its reputation highlights issues in need of attention.

- a. Problems faced by the police are rooted in the historical connection to the Soviet past – i.e. the tactics of KGB-like officers. This problem is mostly rooted in the mind of the people, and not as much rooted in reality.
- b. The perception of police is that their main goal is to clear crime. They see it as a path to promotion, an issue of recognition within the department. Their methods: arrest, detention for long periods, transferring them from one cell to the next in order to facilitate human rights violations, to create false witnesses. This is currently the case.
- c. The education of officers. The type of training of police and the training techniques used are not changing the mindset of officers.
- d. It is his belief that before officers complete their internship and following their education, they are “normal”. After the orientation, they are changed into people who are driven by power, and a sense of being all powerful.
- e. He felt that excessive force is used mostly by newer officers after their internship. Older officers are guilty as well, but most problems are with the newer officers. Under the present system, lawyers are allowed to be present during interrogation and that is having a positive impact upon the situation.
- f. He couldn't say if the problem was related to the new generation of officers or the old, but the new officers do seem to have a greater sense of power. The Academy needs to change mindsets of new officers.
- g. He cited two cases of deaths at the hand of officers who were later promoted. The officers were acquitted.
- h. He did cite some positive changes: Officers are now advising suspects of their right to counsel. But indicated a general abuse of power with regard to officers giving their friends a “get out of jail pass”.
He indicated that there have been lots of human rights training provided to the police, and human rights projects implemented, including interrogation techniques, interrogation of juveniles, etc.
- i. He indicated that the police leadership and the counsel of Police, as well as commanders at the Division level have been responsive at the GPD level.
- j. When asked about the department's openness to NGO's he indicated that the Prosecutor General presented to parliament major human rights issues within the justice sector. A series of meetings of the police followed wherein one Command Officer indicated that if we talk

about human rights, we can't solve cases; just give us more guns and cars and equipment. This was apparently stated by a commander from the Aimags.

- k. In terms of investigative techniques, suspects are interrogated numerous times and officers present prosecutors with large case files. His recommendation is for officers to arrest or detain, and investigate fully in addition to initial interrogation, then interrogate a second time after case has been otherwise fully investigated. There is an over-reliance on interrogation.

He feels that the greatest problems are:

- l. Within the inquiry and investigations divisions. Problems: low salary, the bounty reward system (Output Agreements), and the investigative procedures.
- m. He suggests that I go to a district office to view how victims are treated and lawyers are treated like criminals. They are rude to people waiting.
- n. He stated that there is no outside review of Police Academy curriculum and no outside instructors as far as he is aware.
- o. Told of a case where he traveled to the countryside to talk to an investigator about a case. The investigator was rude and told him that he was too busy to talk, and got a typewriter out and started typing. And shouted, telling him to get out.
- p. In 2002, advocates created an award to be given to one representative of each element in the justice sector, including one investigator. Since then, things seemed to have improved.

Meeting with D. Solongo, Chair of National Human Rights Commission

Thursday, April 12, 2007

3:00 PM

NHRC Offices

Present were: Additional person present, male, was never introduced.

Her department is a government position responsible for human rights. She stated that she was new in her position.

In terms of her relationship with the police, she reiterated the main conclusions of the report and indicated that the results of the report indicated more training for the police in human rights was needed.

The commission conducts human rights inspections based upon complaints.

The leadership of the Police Department asked the Commission to provide reference materials relating to human rights. They did.

There have been positive changes, the police leadership acknowledged the problems. Last year, 280 complaints were received by her office, 37% were against police. She suspects that most were groundless. Most of the complaints against the police were against investigators and inquiry officers.

So far this year, 80 complaints, 43% against police; some were groundless.

Question: What is your agency's role in investigating complaints?

She stated the role of SIU, and indicated that her agency had no cases under investigation, and no cases in court; and that the mandate of the agency is to ensure that proceedings are according to the law, and proper procedure. Their job was to prevent and inspect.

With regard to the new anti-corruption agency: She stated that it was needless – they must select investigators from the police, therefore since the former police would conduct the investigations, there will be no substantive changes.

She also felt that the unit's work should be within the purview of the police.

She also felt that appointments of high ranking justice officials were too political. They need mechanisms to prevent political interference.

Also, police should be independent of MOJHA, and should report to the cabinet in order to maintain their independence.

Question: 2006 report has been criticized as looking too far into the past; what in her opinion is the emerging trend with respect to human rights violations?

She felt most of the people critical of the report were the police, and her role was to inspect and not criticize.

The leadership of the police is taking measures re: human rights at the policy level. The police budget has increased; a new detention center has been approved for construction as a result of the report.

The police are planning a major reform. It will include two divisions. One civil and one criminal.

She felt that the legal term used for investigations should change. The current Mongolian term includes the words “investigation” and “inquisitory”. If it dropped the term “inquisitory”, she feels that the work of investigators would change and would mitigate problems associated with interrogations and human rights violations.

There needs to be changes in investigatory techniques; financial resources need to be available to improve investigations – equipment, etc.

The clearance rate criterion for performance measures needs to change.

Changes need to be made in police salary, and in all other aspects.
The prosecutor’s role in overseeing investigations and compliance with Criminal Procedure Law. Made no significant statement in this regard.

Change the mindset of the people; they must come together to help the police with training etc.
Change investigation techniques and stop violations of human rights.

Review the Criminal Procedure Law re: arrest and detention; reduce cases when people are detained. Pre-trial detention is currently excessively long.

Main issue is that each officer must understand that his behavior must be in compliance – it affects the reputation of the institution.

Meeting with G. Urantsooj, Director of the Human Rights Development Center

Thursday, April 12, 2007
4:40 PM
NGO office

Present were: two female staff members

The Director, a PhD. She had a good healthy relationship with her staff.

I opened the meeting with question re: 2006 Human Rights report. She said the problems exist and the results were true. She has received complaints about people beaten to death in detention centers. They have monitoring in process at prisons and detention centers. Conditions have improved. Projects are underway in 4 areas incl. UB. She said that in 2004 after the commission report, her organization has changed its mission and focus away from those issues.

They now focus on litigation cases re: environmental issues, trafficking in people, and advocacy, capacity building and awareness,
They were successful in getting legislative amendments relating to trafficking in persons.
They are working on rights issues for poor people, and programs to support the poor.
They have a staff of 15 people including 3 lawyers, and a psychologist to counsel victims.

Their interaction with police... The crime of trafficking did not exist in law when they began dealing with the issue. Police were supportive of their efforts.
The police were less supportive in the area of environmental protection. The police in the Aimags support the mining companies. Staff felt that there was political interference and corruption involved. Staff stated that there are strong rumors that high officials have fancy houses in foreign countries built from corruption money.

There are many protests in the Aimags concerning mining operations since 2004.
In UB, it is different. The issue was failed non-banking institutions (savings and loans cooperatives). There was no excessive force used in those protests that she knows about. In the past, permits were needed for protests, the police in UB then used force to prevent unauthorized demonstrations.

Since then their organization supplied the police with training materials and booklets. The Academy has introduced the subject of human rights in training programs. Mid management has an understanding of the issues.
The police know the basics in the field of trafficking. [this paragraph could go after the 3rd paragraph "Their interaction with police..."]

There were beatings by police in 2003-2003.
Staff felt that beatings continue in the countryside.

Case: a local community was against re-licensing mining. There have been demonstrations. There was a big fight with the company, the police and community demonstrators. 30 people were beaten; there were miscarriages, and broken teeth. A person was filming the incident, and the camera was confiscated by the police. When a complaint was lodged, the police claimed that there was no evidence to support the claim. The local prosecutor agreed. GPD representative went to the scene to inspect. They concluded that there was no case as well.

Question: Any negotiations with group organizing demonstration, the police and the mining company? None.

She suggested that police ethics code be improved

Suggested that I recommend issue of negotiating re: demonstrations.

Said that in the Borogard ??? Corp. demonstration – there was a person bleeding on ground with officers immediately present – police said officers were trying to help him, and did not beat him.

Need more focus on patrol officers and countryside police re: human rights issues.
GPD should be accountable for behavior of Aimag police; need accountability mechanisms.

Traffic police very corrupt.

A person involved in a demonstration was beaten and taken to detention – complaint filed; police indicated that there was no documentation to support a complaint.

Meeting with Police Colonel P. Ikhzaya, Head of Information and Research Center, GPD

Friday, April 13, 2007

9:30 AM

GPD Headquarters, Chief's Conference Reception Room

Present were: Police Colonel M. Khorolsuren, Head of International Relations Division,
her assistant

Colonel Ikhzaya: 31 years with police

Duties of the Information and Research Center:

1. Gather statistics on crime by area and report to authorities
2. Develop software regarding registering crime
3. Register "suspended" cases
4. Register cases with Convictions

He develops reports re: crime trends by area over time.

They have trend information since 1968.

Current crime classifications approved in 1/07 – makes comparisons with prior years difficult.

Current classification includes:

- a. Total Cases
- b. Covert crime: unknown suspects
- c. Crime types

His statistics indicate that cases received vs. cases filed - 90%

In cases with unknown suspects: Clearance = 78%

Serious and grave crimes: 17% of total crimes

Minor Crimes: 83%

He indicated that because Mongolia is a small country, people are known to each other and it is easier to ID suspects.

To protect human rights, inquiries and investigations can't be based on fabricated evidence because of oversight mechanisms.

Current trends since 1/07 (the change in classifications)

2,000 cases 15.3% clearance

Stats are available to ~~Precinct Commanders~~ [District Chiefs??] via network.

His job is to get the stats distributed to Aimags – 23, + districts in UB, for a total of 33 Units.

A briefer version of crime reports are available to public, released through the Media Division

Method of gathering statistics: Since 1/07 – They created 9 types of forms:

Case forms are of 4 types (based on crime class)

Suspect Form

Indictment form

Victim Card

Suspended Cases

Case flow form (transfer of cases to prosecutor)

Dismissed cases

Changes in case jurisdiction

These forms are completed at the District level, inputted and transmitted to his office.

**Meeting with Police Colonel M. Dulaanjargal, Deputy Chief of Police in
Charge of Personnel and Training, GPD**

Wednesday, April 13, 2007

10:00 AM

GPD Headquarters, Chief's Conference Reception Room

Question: What is the vetting and hiring process for the Police Department?

He said he would provide the procedure – manual #74, approved 2002. As of this writing, it has not been received

Each District's Deputy Chief of Personnel is responsible for recruitments.

Requirements:

No convictions

Age 18-25

Permanent address [residence]

Good reputation in community

Must have earned a salary above standard of living

Citizen of Mongolia

If worked, get documentation of work history

Personal ethics

Health and appearance – specific height/weight/running times,

Ethics, they get statements from teachers

There is no evaluated interview process

No entrance exam

GPD oversees the process at the local level.

Question: How to decide if candidate goes to the four year law school or the three month basic Academy?

This issue is decided by local personnel officer.

Three quarters of the applicants go to the basic school; one quarter goes to law school

All applicants are hired.

Question: Does your Department assign new officers to a field training officer? Is there a formalized field training officer program?

New officers are assigned to work with an experienced officer. There is no formal Field Training Officer program.

He stated that the quality of recruits is poor, and getting worse.

Evaluation criteria for patrol and beat officers included: number of cases resolved, number of people taken to sobering center, discipline issues, attendance and promptness, uniform appearance, number of knives confiscated, numbers of cases cleared.

I asked about the presence of a not taking system for supervisors to document their employee's work; He indicated that was a system in place, but it is not a formalized system.

Evaluation is documented on a standard form.

The Chief was asked to describe the promotion process.

He stated that there was not a formal application process, nor were there any examination or formal selection criteria. The process begins with a written letter from a candidate's District Chief. The letter is forwarded to the Department's Chief's Council of. The selections are made

from the pool of candidates whose letters of recommendation is on file. He said that the criteria include, record of past performance, personal interest, reputation on the department. There is no testing process.

The Chief described the general salary levels of officers at

Basic officers: 60,000 tugrigns, per month (\$50.00 USD)

Investigatory Officers: 140,000-240,000 tugrigns per month (\$200.00 USD)

The Chief's suggestions for improvements in the department include:

Computer Aided Dispatch System

Trained psychologists

Modern management techniques to be taught at Academy

More merit based selection criteria for promotion

**Meeting with Police Colonel Ts. Erdenebat, Chief of Bayanzurkh District
Police Division**

Friday, April 13, 2007

10:40 AM

Bayanzurkh District Police Division

Present were: Police Colonel M. Khorolsuren, Head of International Relations Division and her assistant

Biggest district by area in Capital.

210,000 Population

Highest concentration of crime.

2006 crimes: 2,100

First quarter, 626 cases up 25% from last year.

District has large influx of population.

Open markets are a large source of crime.

340 Officers; 24 Khoros – living areas (neighborhoods) and a police reporting area.

Each Khoroo has 1 beat officer.

Each Khoroo, 14,000-28,000 population.

Small Khoroo, 1 officer each shift 24x7

Officers are assigned on a long-term basis to gain familiarity with area people.

The Colonel stated that he has day-to-day supervision over the investigators and inquiry officers assigned to his District. The Investigations Chief at GPD has functional supervision on technical matters.

Traffic is not deployed out of his area; it is a separate command.

His Command is organized as follows:

Investigators: 18

Criminal police (undercover): 9

Inquiry Officers: 30

Public Order Police the remainder of the 340 officers.

Administrative: 10.

Under Public Order Police:

Call intake

Community Relations

Sobering center

Juvenile section

Foot Patrol

Beat officers assigned to Khoros are in Kobans and are responsible for knowing beat conditions and people in the Khoroo.

Patrol officers (as opposed to beat officers) not bound to specific territory within the district.

They are assigned to special precinct conditions by the Assistant District Chief.

Patrol and beat officers are low level police without degrees – just secondary education.

They have a lack of patrol cars.

The Public Order Police Chief of the District supervises patrol and beat officers. He has 240 personnel.

Reporting to the Public Order Chief is a Section Head – either a Senior Inspector or Major.

Sergeants are lower level officers and have no supervisory authority.

A unit = 3 beat officers working in 3 Khoros

A section = 5 Khorroos

The Unit Chief supervises 3-5 Khorroos

A Duty Officer has functional supervision in the absence of Unit Chief or Section Head. They have joint responsibility for personnel and conditions.

Emergency Unit at District Police: Supplements the needs of patrol officers.

i.e. If beat officer needs assistance, calls emergency unit

We had a great deal of difficulty in sorting out the chain in command within the Public Order Police; may have been due to language problems.

Investigators and inquiry officers are assigned by area. There appears to be geographic integrity of patrol, and investigations.

The Investigations Head supervises and is augmented by Duty Chief on day-to day basis.

They currently have 22 computers; 1 is linked to GPD by phone line.

80% of patrol officers have radios; Khoroo / beat officers have none.

**Meeting with Police Colonel S. Otgonbaatar, Chief of Khan-Uul District
Police Division**

Friday, April 13, 2007

12:00 PM

Khan-Uul District Police Division

Present were: Police Colonel M. Khorolsuren, Head of International Relations Division
and her assistant

Population: 86,000

14 Khoroods

1,700 Businesses

Established in 1952

Staff: 212

90 Officers

Others staff patrolman and lower level positions.

Average Crimes per year: 700 cases

Administrative Violations: 30,000 cases per year

They staff 2 Sections in outskirts; 80 km from downtown. Ger District.

Population has been increasing rapidly in recent 4 years. There will also be an increase of 40,000 families in the District through development of multi-family housing.

Under development is sports complex, and hippodrome (horse racing), and Japan town (name to be changed to Four Seasons) and Marshall town complex (joint venture Mongolian and US interests).

The area is mixed in terms of social class.

The District has 12 computers, 1 of which is connected to GPD, others are stand-alone.

The Aimags are connected to GPD.

Last year they used 18,000 sheets of paper – very paper dependant.

Prosecutors and courts nearby.

Airport is within their district, but is staffed by GPD.

Goals and objectives at Division:

Keep Peace

Reduce crime

Clear cases and to cooperate and communicate with other elements of justice community.

He stated that there were no quantitative measures associated with goals; results are compared with last year's data.

Their tactics are shifting to public service. They meet with the media.

They have neighborhood associations in the remote areas. Citizens are involved in patrolling in area of Herders and non-herders. It is an NGO.

Elderly and university students involved in patrols. An officer who works with the patrols received an award by GPD.

Personnel issues: Turnover at Aimag level – Officers want to live in the city.

His District has little turnover – it has the best working climate: river, National Holiday celebrations, sporting events.

There are demonstrations in the District – political in nature and associated with the non-banking institutions closings. There was 1 arrest of a person who used force against an officer.

He views that there is a significant issue relating to criminal liability for officers who use force.

Biggest concern about officer misconduct is ethical violations. Younger officers are drunk in uniform and...

Being rude with citizens.

As for Drunk in uniform; According to the law, they are to be fired if they were on-duty. Four officers were fired as a result.

Off-duty incidents – officers appear before a board comprised of each section head at District level. Violators are subject to disciplinary action including reduction in pay or rank.

Colonel indicated that hiring and firing of officers – low level patrol – are done at district level - Colonel's decision.

Question: When would IA be involved in misconduct issues? IA would oversee the actions of the district.

A council of 9 officers inspects all Khoroo officers every 9 days. They complete reports of same. Reports are in a ledger book kept at the Khoroo. Future inspections determine progress made on past inspections.

**Meeting with Police Lieutenant-Colonel N. Amarzaya, Chief of Bayangol
District Police Division**

Friday, April 13, 2007

3:00 PM

Bayangol District Police Division

Present were: Police Colonel M. Khorolsuren, Head of International Relations Division,
Mr. Bataa, Head of the Criminal Section
(and a Uniformed Officer to whom I was not introduced)

He stated that his district was one of nine in UB.

His district had high population density. Had the highest number of residential units.

265 staff

20 Khorooos

We began our discussion with the topic of the automated systems. He stated that the project was ready to start.

He intended to use the system to reduce time associated with time consuming administrative tasks.

He stated that the system would improve communication with other institutions and facilitate information exchange; particularly with the prosecutor.

Mr. Batas said that they had many trading organizations including shops, bars and restaurants in the District, and that lots of downtown people come there. He said that they have many instances where crimes are reported in his district and area associated with crimes committed by the same people using same M.O. and they have difficulty at present in communicating that info to other districts to match up the serial crimes and suspects. He felt that if they had the system, they would communicate that info efficiently and in a timely manner.

Another application would be for a database for recidivists. That would enable them to apply the appropriate sanctions for administrative violations.

For sobering stations – would enable them to archive info, about people to determine if behavior is pattern (recidivist)

For traffic violations, police have to call the traffic police re: DL and Reg. info and check records. It is time consuming and detains officers and violators alike.

Would also help with ID people – get photos and AFIS prints to assist in ID – they have the capability to make the print ID at the District level.

The Chief indicated that he would run the district in a more efficient manner with the system. He could eventually move some of the officers currently involved in administrative tasks out into the field after historical records are entered in database.

Human Rights and Transparency issues:

Length of detentions would be reduced as a result of reducing the wait time for ID's.

He stated that it would reduce the reliance of interrogations. He clarified by stating that faster info on suspects not in possession of identity card would serve to mitigate the need and time for the interrogation.

He also indicated that the time it would take to identify latents would be reduced from 5 days to hours.

Note: they print juveniles, but not applicants.

Fuel costs would also be reduces as a result of not having to “make paper runs”.

With regard to personnel records:

District officers are evaluated monthly re: metrics. That impact salary by 5-40%.

Salary decisions are made by Chief’s Council.

6 month reviews determine if rewarded with salary, demoted, or promoted in rank.

District Chief’s performance is reviewed monthly, based upon his district’s 8 unit’s performance.

Patrol officers evaluation based upon clearances, detentions and degree of public order in district. It’s about capturing thieves. He indicated that this system is not applicable in Khorroos.

How is public order measured?

Prevention measures taken

assaults and hooliganism

Record of complaints

cases cleared

We had a long confusing discussion on officers’ duty schedule initially to determine how evaluations are conducted on officers who share area responsibilities with others working different shifts.

He first stated that officers work 24 hours on followed by 2 days off.

I asked how someone can stay awake to work 24 hours straight.

He responded that they work 12 hours on, followed by two 8 hour shifts, followed by another 12 hour shift.

He stated that his people were inspected daily.

He indicated that there was no system of supervisory notes.

As we were leaving, his assistant clarified the issue about the 12 hour shift. He indicated that during the 12 hour shift, officers have a 4 hour “rest” period.

**Meeting with Police Colonel A. Davaakhuu, Head of Police Culture and
Community Center**

Friday, April 13, 2007

4:00 PM

Police Culture and Community Center

Present were: Police Colonel M. Khorolsuren, Head of International Relations Division,
Assistant to the Chief of Police Culture and Community Center

(The center was a decrepit building formerly used as a center for Russian Military Officers.,
built in the 1970's)

Colonel Davaakhuu gave us a PowerPoint presentation run by his assistant.
He indicated that he had 30 years with the police and worked in several divisions.

He stated that the notion of the Center centered on community policing begun in 1999 which
had several projects and good results.

There was a feeling that leadership skills needed to be upgraded and the department's culture
needed developing.

The Center is for officers and the community.

He felt that it would improve the perception of the police in mind of public.

He has 27 positions at the center. He reports of the Deputy Police Chief.

They are involved in 10 activities. The center will also be used to provide all in-service training
for officers and serve as a concert venue for police and the community.

He said there are plans to conduct joint trainings with other public institutions, the NHRC and
NGO's, for example, Domestic Violence training.

The main activities are aimed at cultivating culture and the arts, and supporting the officers who
have talent.

Problems: building remodel; equipment.

Funding is already provided for the remodel and construction is set to begin in May and initial
phase of remodel to be completed in October 2007.

The facility is also providing a computer training lab – 30 seats with computers for each of 30
students.

He had an extensive equipment list that included printers and work stations. He estimated the
cost at \$35K. USD

He indicated that he and the department have sufficiently trained staff to maintain and operate
the system.

The facility will be renovated to provide 200+ seat theater and a dance studio.

He said that he plans to develop a police ensemble.

Took us on tour of building and museum, toured by retired officer – excellent museum, and said
that most of his visitors to museum were Academy students.

On tour of building, observed dance class in session.

Meeting with Police Colonel J. Bumnanjid, Chief of Capital City Police

Monday, April 16, 2007

10:00 AM

Capital City Police Conference Room

Present were: Tsog Danzan, Chief of Administrative Division
Police Colonel M. Khorolsuren, Head of International Relations Division

Meeting was set for 9:30, postponed to 10:00, and delayed until 10:15 by the Chief who just returned from Dubai.

In the meeting I attempted to fill in some blanks in my information gathered from other interviewees.

1. Relationship between Patrol, Beat, Emergency Squad...

He began with some opening comments including his assessment that Mongolian Police use much less force than police from other countries.

Population of UB – 1 million. His biggest Khoroo; 24,000 population. The Municipal Citizens Representatives Khural will add 11 new Khoros in UB.

Currently: 9 districts; 132 Khoros in UB

He stated that population of Khoroo avg. population – 6,000-8,000 population.

Two Officers patrol the Khoroo – 1 officer and 1 Inspector.

The Safety Department [public order??] which includes patrol and security services patrol during normal business hours.

District offices have patrol units.

Capital City has Emergency Units.

Patrol is primary response to calls. The Emergency Unit provides Command and Control in terms of directing the response of its own officers as well as other units – patrol, beat.

Emergency Unit is headed by a Command Officer, and includes forensics, communications officer, driver, for a total of 5 officers.

They work 24x7.

Question: What does the emergency unit do when not deployed to emergency? He stated that they are always deployed, and provides information to other Public Order police.

2. Beat Officer work schedule... They typically work a split shift of 8 or 9 hours over a 12 hour period, 6 days a week. (48-54 hours a week). The labor code mandates 40 hour weeks. They do not earn overtime currently, but the Division Chief requested overtime money from local government, and a requested funding for additional positions. He claimed that the reason for working extra hours is that they are understaffed.
3. He claimed that 60-70% of calls are administrative violations such as minor assaults. Also stated that police are not normally called to neighbor disputes or minor noise complaints.
4. Vetting process for local police...

Age requirement – 18, after complete final exam at Academy, they are appointed as policemen and assigned to local Districts. The Head of the local Public Order Police must agree with the assignment of new officers to his command.

GPD administers entry exam, both District Chief and Public Order Police at local level does background exam.

5. Council of Officers – the 9 officers who are direct reports to the Division Chief. It replicates the GPD Chief's Council. It is basically his staff meeting. They are involved in planning, discipline, training, performance review and training. They meet weekly.

6. The Role of IA at District level. Stated that complaints are investigated by the unit who receives the complaint. But if the violation is severe, IA investigates. At the District Division, the Personnel Chief investigates, or the Division Chief investigates. The number of investigations conducted at the division level is 1-3 per month. He did not know the number of Internal Investigations per year in his Division.
7. What happens to hard copy of crime related reports completed at Division? He stated that the forms are in 2 parts, 1 copy stays with the case file, the second copy is sent to GPD.

Meeting with Police Major Ts. Azbayar, Head of Internal Affairs and Security, GPD

Monday, April 16, 2007

11:00 AM

GPD Headquarters, Chief's Conference Reception Room

Present were: Police Colonel M. Khorolsuren, Head of International Relations Division

An additional Meeting will be scheduled at later date for additional information.

His role: Provides policy level function on new laws.

Compliance audits and management audits, as well as investigation of complaints.

His unit has a total of 8 people including himself. He has 5 experienced investigators at the Lt. Col or Colonel Level, and 1 financial expert who conducts financial audits of units once every 2 years.

Audits have 1 investigator assigned; audits take 2 weeks to 1 month to complete.

He also indicated that if he has backlog or difficult case, he can draw on the services of investigators from the Criminal Department, the Investigations Department, or Traffic to help.

Intake: All complaints are received by the Policy Department. Some go to IA; others go to the District, and some to other institutions.

They investigate 180-200 cases per year.

Question: Is there a tradition in the department for officers to report peers or supervisor's violations – not common.

Officer involved shootings: not common – 2006 – no cases; 2005 1 case.

Both IA and SIU respond as a task force to determine if there were grounds for the shooting. If no grounds – to prosecutor.

Armed officers: beat officers in countryside and internal troops. Investigators or inquiry officers can be armed by special written request, and return gun after assignment – (very short term, i.e. 1 day).

Oversight role of IA in investigations conducted at district level: IA Chief is the appeal level for citizen complaints. A citizen can appeal the findings of a lower level. Only 25% of complaints are sustained.

Question: What is the Administrative Monitoring Division? It is part of the Policy Implementation and Regulation Division at GPD. Monitors the operations of Divisions and forwards to IA for recommendations.

For IA comprehensive inspections (audits) they interview leadership, survey, do opinion polls and review reports.

Administrative Monitoring Division and determine if all contractual obligations are in compliance. They also review all Output Agreements to see if plan is completed. They also implement national programs such as crime prevention, traffic, drugs, child development, and corruption decrees – a total of 60 activities. Looks like they do paper review for compliance.

Question: What is Ethical Patrol Unit?

He didn't know.

Question: What is Command and Control Unit? He didn't know?

He stated that IA is also responsible for monitoring the recommendations they make re: audits and following up to ensure that recommendations are followed.

The District Chiefs have input to recommendations.

They also conduct unannounced inspections on a random basis. Their unannounced inspections are based upon pattern of complaints or media information.

Question: Do they ever use mediation to resolve complaints? No Way!

Interview continued: Wednesday, April 18, 2007

Present were Police Colonel M. Khorolsuren, Head of International Relations Division and D. Urana, JRP Court Administration Program Coordinator, as translator

As promised in our first session, discussed Early Warning Systems.

Suggested that corruption unit should be with the police.

Discussed drug testing.

Question: How is IA evaluated?

1. they get A/B/C/D ratings
2. based upon timeliness of investigation and quality, as measured by appeals.

Question: Who decides findings of investigations?

IA decides findings. Forwards to management to decide; either to GPD management in serious cases, or to the District Chief in less serious cases.

IA's recommendation includes discipline measures to be taken, as spelled out in policy; he decides and cites aggravating or mitigating factors.

He also checks the officer's record re: repeat offender.

Question: How does he deal with investigations of senior officers?

Stated, there have been no such cases; but he would investigate if there were.

Question: To whom does he report?

Directly to the chief.

Question: What about sexual harassment or unfair treatment?

No such cases.

Interpreter indicated that there are gender bias and treatment issues, but no one comes forward.

He questioned the value of announced inspections at districts that have excellent reputation.

I told him about trust but verify, and the value of recognizing good work, and the value of identifying systems and practices that might be replicated elsewhere.

Meeting with Police Colonel T. Amgalanbayar, PhD., Dean of Police Academy

Monday, April 16, 2007

1:00 PM

Police Academy

Present were: Dean of Instruction

Police Colonel M. Khorolsuren, Head of International Relations Division

He opened with a brief statement:

Academy was established in 1934

Purpose: To train Police and Court Decision Enforcement Agency.

1700 cadets

120 faculty

100 support staff.

They train disaster relief agency and Court Decision Enforcement Agency as Jurists; they are conferred with a BA in Law.

They also conduct in-service training and provide training to basic officers.

Also provide training for private security.

They also provide programs for Masters Level and PhD as well as Scientific degrees.

They have 13 Departments including; Criminal Forensics, Undercover, Foreign Language, Criminology and Social Sciences.

Question: Graduation rates?

BA program, 10-15% does not make it due to discipline or other factors;

Basic Officer course; not more than 10% do not make it.

Admission requirements: applications to local police units; they conduct background investigations and have entry exam.

They accept about 1 of 5 applicants.

Costs: Free of charge. Only Basic Officer students are in residence at Academy. They earn no salary except that 4th year students earn 10,000 tugrigs per month, and free uniforms and meals.

Question: Since the 1999 Community Based Policing Program – How has Academy changed?

Most CBP basic courses use interactive models. Those models are still in place, but they are expensive to use, and the Finance Department has stopped its use. Ethics classes and Peace keeping classes have been kept in curriculum.

Question: Any Domestic Violence training?

No specific training on DV, they have Domestic Violence Office, and students could select Domestic Violence as elective course.

Question: Any NGO's providing training here? He stated that the National Human Rights Commission has office on the grounds and is beginning to provide some training.

Question: How is curricula developed?

There is a working group of faculty, including practitioners who draft the curricula and forward the draft to the Academy Director, Academy Director submits it to the Ministry of Education for approval.

Faculty instructors in Criminal Law, Criminology are experienced practitioners.

Foreign language instructors are all police officers.

Question: Which foreign languages do you teach?

Russian and English; the 07-08 curriculum will include Chinese.

He believes that there needs to be an increase in the number or hours of instruction on police subjects, - too low now.

Fitness is not a daily activity, but it is a for credit course. They teach Judo for 2-3 years.

Question: What is their main instructional delivery method?

Lecture, with some practical exercises and cases, but cases are time-consuming and are not used extensively.

I asked about the Police Culture and Community Center taking over in-service training. He indicated that they could if they had sufficient budget and faculty; but in his opinion, all training should be conducted at Academy because of the connection between in-service updates need to flow to Basic and BA Academy.

**Meeting with Police Colonel Ts. Batchuluun, Chief of Baganuur District
Police Division**

Monday, April 16, 2007

3:00 PM

Baganuur District Division 90 minutes outside of UB Center;
but under jurisdiction of Capital City Police.

Present were: Police Colonel M. Khorolsuren, Head of International Relations Division

Chief Batchuluun met us at the border of his territory and escorted to his headquarters.

His opening comments included that he had 26 years with Police, 16 years as a Division head and 6 years at current assignment.

Population of District – 25,000; including Sums – 35,000

Children under 18 – 10,000

Main industry is coal mining. They have 70% of the nation's coal mining.

District established in 1978

His Unit was selected for “Best Honors” 2003-2005. They have relationship with Chinese police.

In 2005 UNICEF helped establish a Juvenile office – I saw it – it had a two way mirror along with video recording equipment and some children's posters on wall. They use it to interview juveniles and allow parents and others involved in investigation to view interview for the purposes of transparency.

Their crime trends – increasing due to population.

Most of their crimes relate to drunkenness and property crime. They have the highest rate of drunkenness. In 2006, 2573 incidents of sobering – 20% of population.

Staff includes: 33 Officers – at command level.

3 higher level officers

3 Civilian staff

15% of staff in engineering and tech.

33 low level officers.

20% of staff is female.

Current computer capabilities: Their only connection with City is via Fax. Their info exchange takes place on Fridays and transports by train – for Sunday arrival. They generate about 1,100-1,200 pages of documents per month.

The information required by Planning and Statistics amounts to 156 pages of material per month. They send either by paper or by sending a flash drive, or physically transport to GPD.

They have developed personnel records software.

They have an automated complaint desk for receiving calls for service. They can conduct analysis of the data for queuing and management info.

But he stated that they cannot compile. I couldn't reconcile these two statements, except that the issue of volume has had an impact on their ability to compile. Digital voice recording at intake allows Desk Officer to QC calls.

Their current computer capabilities have all been developed in-house through competitive bid and internal competition. Institutions were asked to make donations of computers. All of his staff is computer literate. He has the technical has the ability to configure LAN, and maintain the systems.

The prosecutor's office is close by, but an automated system will enable them to exchange data more effectively.

Question: How would the system be used to improve the process and relationship with prosecutor?

It would connect both to network, to get 2 way info on new legislation, and decisions of relevant institutions.

His Division's relationship with prosecutor's office: He confirmed that the method they currently employ vis-à-vis the prosecutor is to send completed case files to the prosecutor. The prosecutor reviews case and decides whether to file, decline prosecution or issue a request for further investigation.

Prosecutor fails to oversee investigations. Often prosecutors issue groundless dismissals of cases without accountability. Officers can only submit opinions to prosecutor's supervisor re: appeal of turndown. – The prosecutor has all the power.

Question: Why can't police prosecutor work as a team and have real time dialogues relating to active cases?

He stated that it requires a change in mindset. The previous prosecutor required officer to salute him. The prosecutor also chastised an officer for sitting in the deputy prosecutor's chair at a meeting. He claimed that they were arrogant, and condescending to police.

He believed that prosecutors as well as the police need to be held accountable for their actions as it relates to overseeing investigations.

I asked him about the possibility of mediated discussions between police and prosecutors at the working and management levels in order to develop dialogue around team-work.

He stated that such mediation has already taken place and began with the judge inviting other justice representatives in the area to a meeting in his office. It was the site of monthly meetings hosted on a rotation basis by each segment representative. He stated that he will host the July meeting.

He stated that since 1995 there have been meetings organized for representatives of each justice sector at the highest levels. He stated that information is presented, but that there is little or any real dialogue. No one wants to hear criticisms of their agency.

He added that the automation will allow them to ~~They would~~ have a Register of Complaints Terminal created to give citizens access to status info on complaint and perhaps use it as a kiosk to enter complaints on their own.

He stated that he uses two suggestion boxes: 1 for internal staff and the other for citizens. The internal suggestion box allows anonymous suggestions; the public suggestion box must have a name as required by law to register complaints. He gets suggestion 12 suggestions per month from internal sources, and 12-15 per month from external sources.

Note: when I toured the facility after the interview, I asked about the location of the boxes; he stated that they were being redesigned and were removed until the new ones were ready.

Communications with public: He stated that he has meetings with public 2 times per year, where he reports to the public on activities. He visits Khoros and meets with Khoroo officers. He also visits herders and has reduced crimes related to rustling. He said that if he didn't meet with his community, he would not be familiar with their problems or be in a position to deal with them.

He also mentioned that the district took on an initiative to install video cameras in the sobering center that is monitored at the intake desk. However when I toured the facility, the camera was not visible. He stated that the camera was in need of repair. [did we go to the sobering house?]

Meeting with Police Colonel M. Khorolsuren, Head of International Relations Division, GPD

Wednesday, April 18, 2007

2:00 PM

At German Coffee Shop

Purpose of interview: to determine the extent of international donor aid, for coordination purposes.

Entered INTERPOL in 1990. They currently have bilateral agreements with Russia, Korea, Turkey and China

International aid began in 1990 with the Soros Foundation Community Policing Project. She was the GPD's Lead. There were two pilot districts.

Northern Ireland, Belgium, Holland – There were one-time visits by two groups of leaders of GPD. The study tours were funded by the Soros foundation.

JICA – Japanese International Cooperation Agency. They received training on the Koban system. There was no follow-on training or additional aid.

Russia – They have a training agreement relating to Management Academy, Forensic Academy, and Law School since 1990. Prior to that they were free to send many students free of charge. Currently: under Russian Government sponsorship, 20 students per year. [In 2007 Russia will provide drug control training in conformity with their agreement of October 2006]

USA – They have sent three students to the FBI national Academy. One more is scheduled to attend in June.

In 2006, US Secret Service provided training in counterfeiting in Mongolia. DEA is in discussions about providing drug enforcement training. ???

Korea – Korean International Cooperation Agency (KOICA). Their involvement is limited to specific case information exchanges and limited leadership exchanges. They had also organized some ad hoc courses in the last two years, but no direct aid.

Turkey – Limited to case to case cooperation, and a small number of donated portable radios. [at the meeting of police with the diplomatic corps and donor organizations it was stated that Turkey is providing long term trainings for police officers in Turkey]

Germany – only through INTERPOL and GTZ.

Swanson Foundation – A private family foundation. Provides SWAT training. She believes that a member of the Swanson family was a SWAT team member. She stated that there was some training in "certain" US states, and that the training was on-going for the past three years. She indicated that they provide four trainings of one week each, on an annual basis. She indicated that the training will continue indefinitely.

Inner Mongolia (Khukh Khot) Police – They have had an exchange of delegations. No formal training or aid. They are helping to write some equipment specification.

Hungarian Law Institute – they co-sponsored the Community Policing Program with Soros. The Constitutional Legal Policy Institute of Hungary (COLPI) provided training to former Soviet Republics on 13 topics of law. 80 Mongolian trainers were trained.

Thailand – Thai Police provided training in the area of tourism. It was a one-time two week class. They also had a study tour paid for by the Soros Foundation. They receive no direct aid.

World Vision – Their programs combined NGO's, police and business representatives for round table discussions on Community Based Policing. They helped organize committees at the Khoroo level to help identify projects that were important to the community. They also worked with indigenous NGO's, HRDC, NCAV, and Save The Children Foundation.

UNICEF – UNICEF, World Vision, Save the Children Foundation has worked with GPD on children's' rights issues. They helped to provide interview rooms for juveniles at several provincial stations. The project is still funded. They have agreements to receive some assistance in areas of child protection and human trafficking. They are also working to develop a team of police personnel, defense attorneys and prosecutors relating to juvenile issues.

Taiwan – No formal relations because of the political implications to China.

UNDP – There is some potential to continue the Community Based Policing project with aid from UNDP. GPD submitted a request for funding on police reform and Community Based Policing. It took two years to get a response. GPD was asked to restructure the request and resubmit it. UNDP requested that the new request include programming for other elements of the justice sector. They have a meeting next week to discuss the request.

World Bank – no aid; direct or indirect.

Meeting with G. Bayasgalan, State Secretary of MOJHA

Thursday, April 19, 2007

10:00 AM

Ministry of Justice and Home Affairs

The State Secretary reports to the Minister.

He stated that there is a proposal to restructure the police so that the Public Order police are separated from the investigative functions.

I commented about the wisdom of the change in that the District Chiefs would be losing a powerful tool with which to affect crime and disorder.

He stated that there was also a proposal to modify the Lawyers Qualifying Examination to exclude investigatory personnel.

He stated that there were still ethics problems and problems with communications skills.

There was a need for equipment to deal with demonstrations, as well as training needs. There have been extreme demonstrations in the last 5 years.

There were training needs, personnel needs and mechanisms and training to monitor the police. He the also discussed the need to modify the Criminal Procedure Law for more stringent time limits.

Personnel issues: in the last 15 years there have been 400 prosecutor's positions and many more cases.

400 judges – there is an issue of workloads.

(Emma indicated that although there are fewer judges, they now have assistants.)

He stated emphatically that the Prosecutor is responsible for overseeing the police in human rights cases. (He stated in response to my comment that there were 3 agencies to oversee the police, IA, SIU, and anti-corruption)

He stated that there is a question about which crimes anti-corruption would investigate. **He said that they were thinking about disbanding the SIU.**

Malfeasance cases may go to anti-corruption

He stated that the police were interested in reform. They need systemic change. They need a strategic plan and an expert to study the current system. They need a complete plan. There is an election in 2008 for parliament. They need police reform to be completed before the election.

He wants the police to undergo the same kind of efforts at reform as was provided by JRP.

He stated that GTZ will assist in the methodology of police oversight by the MOJHA.

Workforce Allocation Determinants

Methodology for balancing workloads Within the Public Order Police and the Criminal Police

Background: Personnel costs in police agencies account for the lion's share of the budget. In fact, in major Police Departments in the US, those costs represent upwards of 80% of overall budgets. In a police department such as the National Police of Mongolia, where a plethora of equipment, facilities and automation is the rule, the personnel budget may easily exceed that percentage.

These expensive human resources must therefore be invested in a manner that maximizes efficiency and likewise normalizes standards for the level of police services throughout the country. To do so, workforce allocation decisions must be data-driven. In this section I will recommend data elements that drive those decisions within two human resource intensive functions: Public Order Police and Investigatory functions.

Current Organizational Structure of the Public Order Police

First it would be instructive to examine the structure of the Public Order Police at the District level. The Public Order Unit comprises the bulk of the personnel of a given District. They report through the Public Order Section Chief to the Deputy Chief of Training and Personnel. In turn the Deputy Chief of Training and Personnel reports to the District Chief.

Below the Public Order Chief is the Section Level. It is comprised of a collection of varying numbers of Khoroo which is the basic police unit in the district. At least one officer and one inspector are assigned per Khoroo. They are typically assigned to a fixed post at a Koban (a neighborhood police post). It is the Khoroo Officer who provides the most basic police service to the Khoroo level community.

Augmenting the Khoroo officer and the inspector is a varying number of patrol officers who are assigned to patrol the entire Khoroo. Based upon my interviews of command level personnel at the District level, most Inspectors patrol on foot without the benefit of a police radio.

The next level up in the service is the Duty Police Officers. These officers have access to both marked police units and radios. They augment the services provided by both the inspectors and Khoroo officers.

At the highest level in the Public Order Unit is the Emergency Unit. They, too are assigned to a police vehicle, typically a van, where they are deployed as a unit of 6 to respond to emergency calls as well as to crime scenes. Their personnel include a driver, a supervisor, a crime scene investigator, a forensics officer and two additional officers. It is the emergency unit that is responsible for coordinating and managing the response to incidents. They, in turn provide assignments to either Khoroo officers and/or inspectors.

It should be noted that due to the lack of radio communications, it is very difficult to effectively utilize Inspectors and Khoroo officers as first responders. Lack of available transportation complicates matters further. Furthermore, the national emergency number (102) results in the caller being transferred to the appropriate District where the incident is assigned to the appropriate police unit for eventual service. A major complicating factor is that since many of Ulaanbaatar residents are new to the city, they as well as visitors may be unable to identify their

location in the event of an emergency. The lack of visible street signs makes it difficult if not impossible to pinpoint one's location.

Begin at the Khoroo Level:

In this section, I will describe the data elements needed to support decisions regarding workforce allocation. Here I am attempting to quantify the available number of officer hours to provide service to the community and compare that availability with the various demands competing for the officers' available time. Once the available time and service demands are known, they will be compared against the distribution of those demands by hour of the day and day of week in an effort to provide a basis for optimal work schedules. The objective here is to equitably distribute officers and associated workloads across geographical areas throughout a work week in order to provide an optimal level of police service to the entire country.

The data needed for this calculation is categorized as follows:

- (1) service demands in terms of average time necessary to complete a defined task
- (2) administrative demands that preclude the officers from satisfying service demands
- (3) availability demands – this includes officers uncommitted time with which to provide routine patrol to prevent and detect crime, as well as to be available to respond to emergencies.
- (4) special conditions – included here are time demands placed on officers to deal with chronic or emerging neighborhood problems that may relate to disorder issues, or areas in need of special attention such as open markets, bars, or public squares.
- (5) Number of officer shifts available in a work period. This would take the total number of hours worked in a year. For example for a normal 40 hour work week the total number of available hours per year is 2,080. From that are subtracted leaves, required training, and factors that otherwise render officers unavailable for work.

Step #1

Determine Service Demands in Each Khoroo

1. Determine the service demands in each Khoroo based upon calls for service received by personnel assigned to the Desk Officer. Sort these calls by time of day, day of week, and month.
 - a. Categorized these calls by type; i.e., Crime reports by category of crime as described in the Criminal Code Title Two, Section Three, Article Seven (minor, less serious, serious, and grave). Determine whether the call was about a crime in progress or an after the fact investigation. Categorize the remaining calls based upon type. For example disturbance calls, calls relating to intoxicated people, hooliganism, etc. Determine the number of calls by type and array them by hour of the day, day of the week and month.
 - b. Determine the actual time spent by officers on each type of call and calculate the average amount of time necessary to address the incident.
 - c. Multiply the number of calls by the average time required to complete during each hour of the day throughout each week and each month of the year.

Step #2

Administrative Demands:

Determine all types of administrative demands on officers' time. Included here are report writing, scheduled meetings, in-service and other training, roll-call time, travel time to and from the station to the Khoroo, as well as break times such as lunch and rest breaks.

Step #3

Availability Demands:

This step requires the calculation of the amount of time required for officers to patrol his/her Khoroo for the purposes of visibility, preventing and detecting crime and to be available for responding to emergency. Note that as this amount of time ????? reduces, response time increases exponentially. Additionally, since the size and population densities of Khoros vary, an informed judgment must be made concerning this data element. Judgment criteria should include population density, and the nature and frequency of problems in need of police attention.

Step #4

Special Conditions Demands:

Special Conditions include areas of a Khoroo that require an above average amount of attention by police. Like the calculations described in Step #3, it requires some informed judgments as well as hard data that identifies locations that have clusters of crimes or other conditions in need of police attention. Included here are areas with high concentrations of bars, open markets, public squares. Particular attention needs to be paid to the frequency of these problems by time of day and month. For example, problems at bars are typical of evening activity, while activities occurring at open markets may need greater attention during daylight hours. Season of the year may also be an intervening variable.

With the above provisos in mind, calculate the amount of time reasonably necessary to provide appropriate attention to the defined conditions and express that time for each Khoroo for each hour of the day, day of week and month throughout the year.

Step #5

Fixed Posts:

This element refers to the number of assignments where officers are required to staff a fixed location in a given Khoroo per shift. Fixed posts may include required staffing of Kobans, embassies, high profile government buildings or museums where irreplaceable objects of art or items of an historic value are stored.

Step #6

Total workload demands by time period:

Calculate the total of each figure arrived at in Steps 1-5 and display the totals by hour of the day, day of the week and month, as an overlay over a calendar.

Step #7 Calculate minimum number of officers needed:

Calculate the total minimum number of officers required per hour in each Khoroo to satisfy the demands calculated in Steps 1-4.

Step #8

Average available work time:

Calculate the average number of shifts officers are available to work in a given year. For example, officers working a normal 40 hour work week have 2,080 work hours available. Subtract the number of leave hours used by an average officer in that command. Note that the vacation leave earned is a function of seniority and other factors. That variable should be factored into the calculation for each shift and in each command as seniority may be a factor in selecting work assignments.

Begin with the total number of work hours in a work year, (for example 2,080 hours), subtract the average number of leave hours used by officers. This should include such leaves as holidays, and paid vacation leave, sick leave, leave related in on the job injuries etc. The remaining number will represent the average number of hours officers are available to work in a year. Next calculate the average number of hours per shift within a workweek. Add to that the

average number of overtime hours earned a workweek. The result will express the total officer hours available within a work week.

Step #9

Determine the minimum number of officers needed per work shift

Once the total time demands (Service Demands + Administrative Demands + Availability Demands + Special Conditions Demands + Fixed Post Demands) of a given a work shift within a Khoroo is known, divide it by the number of hours available in a work shift. The result will be the total number of officers needed per Khoroo per shift. These numbers should be entered in a spreadsheet arrayed over a work week calendar.

Step #10

Decide officer schedules based upon the arrayed data. This step involves “fitting” the available number of officers into time slots indicated by the demand. It requires a decision concerning the creation of work units operating under a supervisor working the same hours and days as his/her officers. It also requires decisions about the start times, end times and days off of each work unit, along with necessary adjustments to account for seasonal demands.

Step #11

Aggregate the data collected in each Police District and each Aimag to calculate the minimum staffing levels of the Public Order Police country-wide.

Step #12

Determine Peak Hour Demands:

Normally certain hours of the day on particular days of the week represent an predictable but significant variation in “normal hour” demands. This may be caused by the times bars or entertainment venues close, times people return home from work and discover a burglary, or other factors. Regardless of the cause for these normally occurring variances, the workforce allocation formula must have the flexibility to account for them by choosing between several alternatives to address them. Although most of the alternatives or a combination of alternatives may provide a solution to Peak Hour demand, a clearly impractical solution would be to staff an entire workweek to ensure that the peak is covered.

Alternative #1. Schedule additional officers to work those periods by adjusting officers’ weekend days to coincide with relative periods of lull. Although many people enjoy weekends off with family, workload demands may preclude this if peak hours coincide with calendar weekends.

Alternative #2. Create an exaggerated overlap period when officers from a previous shift overlap with the hours of an on-coming shift. This potentially provides for a doubling of the number of officers available during the overlap period.

Alternative #3. Provide each affected Division Commander with a pool of specially earmarked budget funds with which to “surgically insert” a number of officers to work overtime to provide the necessary coverage. The amount of the budget allocation would be in direct proportion to the number of hours needed during Peak Hours that cannot be feasibly covered using alternatives #1-3. A pool of available officers may be formed from those just getting off duty, or those who are scheduled to report for duty on the next shift.

Alternative #4. Staff working groups with additional officers during days and times where Peak Hours require. This alternative may require that officers change their days off frequently. It also may result in officers reporting to a variety of different

supervisors throughout the work week. Clearly the quality and consistency of supervision would suffer.

Alternative #5. Create a unit of officers that would constitute a “Reserve Unit” whose function would be to provide “Peak Hour” Staffing city wide. This alternative would work only if Peak Hours varied considerably from District to District.

A Note of Caution:

Since this workforce allocation formula is focused on calculating minimum staffing levels, the use of compensatory time as compensation for overtime worked may exacerbate the problem of personnel shortages. For example, officer A works four hours of overtime on a given shift in order to meet Peak Hour Demands. He is granted 6 hours leave in lieu of time and a half pay for his overtime work. When officer A used his accumulated compensatory, he, in turn would need relief, causing officer B to fill in for officer A. Officer B would then earn time and one half for his overtime worked, but he would need to work 6 hours to cover for officer A. Officer B would earn 9 hours of compensation for his efforts. The net result is that 4 hours of overtime cost the department 9 hours of compensatory time. As can readily be observed, the practice of granting compensatory time in an environment of minimum staffing exponentially exacerbates the staffing problem.

Recommendation concerning communications capabilities:

Given the lack of radio communications with Khoroo officers and inspectors, and its associated problem of command and control in dispatching officers to the scene of emergencies, I recommend that the Department formalize the use of cell phone communication as a strategy in addressing these command and control issues. I have observed that cell phone usage is ubiquitous throughout Ulaanbaatar. My thought is that each officer would provide his/her cell phone number to the duty officer for use in dispatching officers who are not furnished with police radios.

Ideally the duty officer would be capable of “one button” dialing of single officers or logical collections of officers and direct their response to an incident. Conversely, those officers might also use their cell phone to summon help directly from nearby colleagues, or through the Desk Officer.

Cost of phone usage may be underwritten by the department; or alternatively, the department may investigate the possibility of negotiating a volume discount with one or more cell phone service providers.

Secondly, with respect to the use of the national emergency number 102, operators receiving calls to 102 either refer the caller to a District station or transfer the call directly. Once the caller reaches the station, they are further referred to a section, unit or Khoroo officer for assistance. This system leaves a lot to be desired.

First, from a customer service prospective the caller must make at least three calls to reach someone who could actually provide the service. These calls may attach a degree of difficulty if the calling party is injured or under stress resulting from his/her victimization.

Secondly, valuable response time is lost in forcing the caller to make three calls. In cases of crimes in progress, the lost time translates to continued violence, the escape of the perpetrator, and potential loss of witnesses who fail to remain at the scene for the arrival of responding units.

Third, this system bypasses any and all provisions to capture call date at a central registry either at GPD or at the District or Aimag level.

Recommendation:

1. Install an automatic digital recording system within the #102 call intake center with features of logging date and time logging and playback for quality control.
2. Enact an enforceable work rule that requires that all calls for service be transferred to the appropriate police work unit for proper handling. Ensure that the caller stays on the line so that the operator can verify that the call transfer takes place. If the call is not transferred properly, the operator will continue his/her efforts to put the calling party in touch with the appropriate service provider, until the proper connection is made.
3. Once the call is received at the appropriate police service unit, the receiver of the call will address the matter directly and not require that the caller telephone another police unit. As indicated in Section #4, Pilot Police Stations, and replicated in #1 above, all calls to District Stations are to be recorded, logged, time and date stamped and retained for quality control and audit purposes.

Investigatory personnel allocation: Case loads and case assignments made to investigatory personnel should be accomplished in a way that ensures that the investigator has sufficient time with which to complete thorough investigations on high priority cases, balances case loads in a manner that accounts for investigative complexity, case status and solvability factors. By accounting for the aforementioned factors, standard methodology may be employed to ensure that high priority cases are thoroughly investigated, and that work loads are evenly distributed in a manner that allows or consistently ????? thorough investigations while mitigating the need for cutting corners to escape legally mandated prosecutorial review.

Definitions:

1. Case complexity:
 - a. requirements to locate and interview multiple witnesses, suspected persons, or investigative leads
 - b. extent of evidence to be examined; i.e. financial records, documents, etc.
2. Investigative lead – a person who is of interest to the case. Someone who may have knowledge about the crime, the suspect, his/her whereabouts etc; but is neither a witness to the event, an accused person or a suspect.
3. Solvability factors:
 - a. Suspect is known or arrested
 - b. Suspect is a repeat offender
 - c. An involved vehicle's license plate number is known, or partial plate information is known; or the vehicle is identifiable
 - d. There is an identifiable suspect description or known address
 - e. There are known investigative leads
 - f. There are multiple occurrences to the same victim and follow-up is advantageous
 - g. The seriousness of the case warrants follow-up.
4. Case priority:
 - a. Active:
 1. the suspect is in custody
 2. there is a missing person who is missing involuntarily and that person is in danger.
 3. suspect is known, but more investigative work needs to be done
 4. a request from a prosecutor for further investigation (where there is no pre-trial detention)
 - b. Inactive:

5. No suspect is known, and there are no workable leads
6. Incident involving non-crime.

5. Case Status

- a. Closed/cleared – all suspects or missing persons have been identified, located and charged
- b. No contact - Due to absence of solvability factors – the case is pending further information – current status precludes any further investigation, however, the case remains open.
- c. Pended – all investigated efforts have been exhausted case required no further work.

When supervisors of investigatory personnel assign cases they are to review the existing case loads of their staff and determine the number of active cases of his/her personnel to determine the number of active cases assigned to the staff member, the priority of the case and its status and complexity. The practice of assigning cases exclusively based on the number of cases gives a quite distorted picture of the investigator's workload.

After examining the number of active cases, the supervisor must next calculate the average number of work hours required to complete the investigations. The average would be calculated by requiring investigators to log time spent in interrogations, interviews, crime scene investigations and multiply that number by the number of persons to be interviewed in each category, for each case. Daily time logs are to be kept by investigators to track time spent in these activities. Additionally, those times are to be noted in each relevant case file.

Added to the above number is the estimated time required to examine evidence.

The last factor would be an estimate of the amount of time required to complete the necessary forms and reports.

The totality of the number of hours quantifies the investigator's workload and must be compared with others within his/her work unit to determine to whom new cases are assigned.

List of Acronyms and People Associated with the JRP

Aimag	Singular for armguard - provinces
Altankhuyag, M	Prosecutor General
Amgalanbayar, Ts	Dean of Police Academy
Batdelger, S	Supreme Court Chief Justice
CCC	Capital City Court
Chemonics	Implementer of a USAID project
CLE	Continuing Legal Education
CBP	Community Based Policing
CPC	Criminal Procedure Code
Desmoulins, Dr Bernard	UNICEF Representative
FDS	Financial Disclosure Statement
GCC	General Council on Courts
Galdaa, B	Chief of SIU
Ganbold, M	Chief of GPD
Gobi Initiative	USAID project implemented by Mercy Corps
GPD	General Police Department
Dr. Gramckow	JRP Program Director
GTZ	German Technical Cooperation
IAD	Internal Affairs Division
JDC	Judicial Disciplinary Committee
JICA	Japanese International Cooperation Agency
JLRP	Judicial and Legal Reform Project, World Bank
JPC	Judicial Professional Committee
JRP	Judicial Reform Program of National Center for State Courts
Judgeinfo	Web site
MAA	Mongolian Advocates Association
MCA	Moot Court Association
MFOS	Mongolia Foundation for Open Society provided CBP training
MOJHA	Ministry of Justice and Home Affairs
Munkh-Orgil, Ts	Chair of the Legal Standing Committee (State Ikh Khural)
Munkhtsetseg, U (Maggy)	JRP Administrative Assistant
MWLA	Mongolian Women's Lawyers Association
NCAV	National Center Against Violence
NCID	National Case Information Database
NLC	National Legal Center
Odbayar, D	Minister of Justice and Home Affairs
PACT	Gobi Initiative Sub-contractor
PAO	Public Affairs Officer
PGO	Prosecutor Generals Office
Professor Chimid	Drafter of Current Mongolian Constitution
ROL	Rule of Law
SC	Supreme Court
SCRC	Supreme Court Research Center
SIU	Special Investigative Unit (Prosecutor General)
State Great Khural	Single chamber 76 seat legislature
State Ikh Khural	State Great Khural (same as above)
Sukheemaa, D	JRP coordinator for Police and Special Investigative Unit
soum	Administrative district below Aimag
UIS	Unified Information System
UJIS	Unified Judicial Information System

Recommendations Matrix

#	Recommendation	Resp. Unit	Notes
1.A	Provide both the Police Chief and Minister of Justice with intensive and long-term mentoring which concentrates on win-win negotiations, and mediation skills. Provide mediation to ensure that each party has a clear understanding of their interdependence.	MOJHA JRP	JRP may help finding consultant; MOJHA to implement
1.B	Include Police-Prosecutor relations as a major success indicator in each of their Output Agreements.	MOJHA	
1.C	Develop prompts in case management systems that monitor the requirement of prosecutorial review and approval (through the courts) of specific intrusive investigative steps, i.e. arrest decrees, detention decrees etc. (See recommendation #4.2.D for details)	JRP Software Development Team	
1.D	Develop systems of mandatory supervisory approval backed by definitive policy guidelines before investigatory agents may proceed with intrusive actions under exigent circumstances (See Recommendation #4.2.G. for details).	GPD Policy	Also included in software requirements
1.E	Create a system of regular, periodic face to face meetings between police and prosecutor personnel at each organizational echelon within the respective organizations to identify current problems and issues as well as developing actionable solutions.	Legislature MOJHA GPD PGO	Criminal Procedure Law to define exigent circumstances
1.F	Improve the effectiveness of the Special Investigations Unit of the Prosecutor General.	Legislature MOJHA SIU JRP	JRP may consider providing the necessary training and support for policy development
1.G	Additional legislative amendments should be offered to enumerate the legal mandates of SIU to broaden their legal scope of authority. The enabling legislation should allow for corruption investigations.	Legislature	
2.A	Present a legislative amendment to the Undercover Law that enables IAD to conduct undercover operations directed at investigating and uncovering human rights violations within the GPD. If passed, provide clear guidelines and training.	Legislature GPD JRP	JRP may consider providing relevant training to IAD
2.B	Mandate that the IAD provides oversight and functional supervision for internal investigations occurring at the District level, and further place the onus on IAD for the quality, timeliness, accuracy and objectivity of the investigation.	GPD IAD	

2.C	Require that the IAD prepares periodic analyses of investigations either conducted by the IAD, or by district personnel that details relevant management information that would tend to pinpoint areas of concern.	GPD IAD	
2.D	Provide internal regulations directing the IAD to include the use of case biopsies in their periodic and unannounced audits and inspections.	GPD IAD	JRP may consider providing training
2.E	Increase the number of staff assigned to IAD. The current staff is limited to a total of eight people including the Unit Chief and Financial Officer.	GPD IAD	
2.F	Add a provision in the Officers' Ethics Code that requires officers to report colleagues' misconduct to a superior officer, or in the case of misconduct on the part of a superior officer, report misconduct to the IAD.	GPD Academy	Academy to provide relevant training
2.G	Develop an amendment to the CPC under the section dealing with victim compensation (Chapter 44, Sections 388-397.1) that enables persons who have suffered emotional distress or indirect damages, i.e. stress, lost wages or business, damage to reputation, undue inconvenience, etc., to petition the court for damages.	Legislature	
2.H	Develop an amendment to the CPC to enable the court to award punitive damages to complainants in particularly egregious cases of police abuse.	Legislature	JRP may consider providing training re: punitive damages
3.A	Develop clear protocols for case transfers. For example, cases originally investigated by the IAD may identify acts by police personnel that are criminal in nature. In those cases, there needs to be clear guidelines for trigger points for the transfer of the cases.	GPD IAD Prosecutor General SIU	
3.B	Develop investigative protocols that enable a joint investigation of police use of force resulting in injury to a member of the public.	GPD IAD Prosecutor General SIU	
3.C	Similarly, protocols should be developed for both IAD and SIU for transferring cases to the Anti-Corruption Unit.	Legislature GPD, IAD Prosecutor General SIU Anti-Corruption Unit	

4. Pilot Stations	A. The Police Academy and the Police Culture and Community Center B. Baganuur Police District C. Bayangol Police District	JRP System Development Team GPD Pilot Stations	
Hardware	Each pilot station would be supplied five intelligent workstations each with a connected printer and internet access. Academy: A system of thirty intelligent workstations configured in a classroom setting with related hardware and printers.	JRP System Development Team GPD Pilot Stations	
Connectivity	Bayangol and Baganuur District Stations: The workstations are to be connected via LAN and have high-speed connectivity to the local prosecutor's office and GPD, as well as a high speed internet connection. Academy: Each workstation will be connected via LAN.	JRP System Development Team GPD Pilot Stations	
Office Software	Microsoft Office or equivalent	JRP System Development Team GPD Pilot Stations	
Case Management	Fully automated case management software compatible with Prosecutor software	JRP System Development Team GPD Pilot Stations	GPD's involvement is critical. Must approve policy, processes
BOLO	Fully functional "be on the lookout" software	JRP System Development Team GPD Pilot Stations	
Duty Officer Support	Computer aided call and complaint system, dispatch system and walk-in customer support software	JRP System Development Team GPD Pilot Stations IAD	
Acad. Software	Full compliment of Pilot District software, ed. support software, and ed. tracking	GPD, System Development Team Cultural Center Academy	
General Software Requirements	Required training, manuals, help desk, audit trains	JRP System Development Team GPD Pilot Stations IAD	Sets minimum standards for system documentation, and later audits

ATTACHMENT #7

Contract	Contract terms for system installation	GPD JRP	Sets terms and conditions for system installation and use
5	Complaint registration: See recommendations on case management software above		
6.A	The GPD will provide intensive "customer service" training for all police employees at all levels of the department.	GPD Academy	
6.B	Statistically significant public surveys (pre and post-training) will be conducted within each Police District at least annually to gauge the level of the public's perception of police courtesy.	GPD Academy Cultural Center	
6.C	Develop a mechanism to require that Output Agreements of investigatory personnel place a higher priority on quality rather than on quantity.	GPD Investigatory Units	Changes Output Agreements
6.D	Propose an amendment to the CPC that includes the requirement to notify parties to the investigation of their constitutional rights regarding compelled statements, notification of charges and the right to representation.	Legislature	Proposed clean-up of CPC re: rights notifications. This has been proposed before and failed.
6.E	Propose an amendment to existing legislation requiring recording of all interrogations.	Legislature	
6.F	Propose an amendment to existing legislation that requires the documentation of every prisoner movement or reassignment of cells or transfers to another facility.	Legislature	Intended to reduce illegal interrogations at prisoner holding facilities
6.G	Require supervisor permission to interview detainees.	GPD Investigatory Units	Provides accountability for prisoner integrations
6.H	Propose legislation that limits the scope of investigators, inquiry and criminal police Officers ability to subpoena subjects for interrogation.	Legislature GPD Investigatory Units	CPC clean-up re: subpoena process for interrogations
6.I	Propose an amendment to the CPC providing for an "exclusionary rule".	Legislature	Cleans up rules re: evidence gained illegally
6.J	Peace-Keeping at Public Demonstrations	GPD NGO's	Provides training recommendations, negotiations, practices
6.L	Arrest and detention process	GPD PGO	6.L
6.K	Ensure that each officer is issued a police badge with a unique serial number, and a name plate to be worn on his/her uniform.	GPD	

7.A	Improve upward flow of information by creating face to face opportunities for employees to identify issues in need resolving, along with suggested solutions.	GPD
7.B	Create policy that provides for regularly scheduled opportunities for lateral communications between patrol officers, beat officers, emergency police, investigators, inquiry and criminal police officers	GPD
7.C	Police Chief, Prosecutor General as well as the Minister of Justice and Home Affairs should make clear definitive joint statements to each of their departments that is supportive of information sharing across department lines.	GPD MOJHA PGO
7.D	Police giving clear guidance regarding appropriate comportment when interacting with prosecutors, the proviso for severe disciplinary action for violations.	GPD MOJHA PGO
7.E	Joint police-prosecutor team-building training, to include practical exercises will be scheduled.	GPD MOJHA PGO
7.F	Agency heads will visit work units in person and reiterate the policy on cooperation.	GPD MOJHA PGO
7.G.	Periodic surveys will be conducted within all relevant levels of the organizations to determine the extent of progress on cooperation and pinpoint any problem areas.	GPD MOJHA PGO
7.H	Policy will be created that holds management staff at all levels accountable for actions of subordinates that violate those policies.	GPD MOJHA PGO
8.A	Promulgate policy and procedures that make victims and witnesses aware of each stage in the development of his or her case.	GPD PGO
8.B	The Department will publish (through notices to the media, postings on public websites, or through paid advertisements) the quarterly crime and traffic statistics sorted by type of crime or traffic accident, and clearance data.	GPD
8.C.1	The Department will organize semiannual community meetings at the District level to present crime statistics, trends, and crime prevention suggestions.	GPD
8.C.2	A portion of community meeting time should be set aside for community feedback on problems associated with crime and disorder as well as treatment by the police.	GPD

8.C.3	Community meeting notices shall be published in media outlets and through other means. Media representatives shall be invited to participate.	GPD
8.C.4	In an effort to underscore the importance of these community meetings, the Chief will attend at least one such meeting per month.	GPD Chief
8.C.5	The meeting will also provide training for the community on constitutional rights and rights provided for under police procedures; i.e. the right of victims to obtain completed investigation files on their case.	GPD
8.D	The GPD shall issue procedures requiring the release of complete case files pertaining to the investigation of each citizen complaint against personnel of the Police Department to the complainant upon his/her request.	GPD
8.E	Curricula at the Academy is to be reviewed and required course work is to be included on modern management principles of planning, organizing, leading and controlling.	GPD Academy
9	Comprehensive recommendation for strategic planning at GPD.	GPD