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Cases of Illegal Mineral Extraction Resolved in Court



Прокурорын байгууллага энэ оны 8 дугаар сарын байдлаар Эрүүгийн хуулийн 24.2 дугаар зүйлд заасан “Хууль бусаар ашигт малтмал хайх, ашиглах, олборлох” гэмт хэрэгт яллагдагчаар татагдсан 208 хүнд холбогдох 71 хэрэгт яллах дүгнэлт үйлдэж, хэргийг шүүхэд шилжүүлж шийдвэрлэсэн байна.

“Хууль бусаар ашигт малтмал хайх, ашиглах, олборлох” гэмт хэрэг нь ашигт малтмалын нөөц, тархалтын байдлаас хамаарч Өвөрхангай, Дорноговь, Говь-Алтай, Сэлэнгэ аймгийн нутаг дэвсгэрт зонхилон үйлдэгдэж байна. Тодруулбал, Сэлэнгэ аймгийн прокурорын газар 14 хэрэгт, Говь-Алтай аймгийн прокурорын газар 13 хэрэгт, Өмнөговь аймгийн прокурорын газар 12 хэрэгт, Баянхонгор аймгийн прокурорын газар 8 хэрэгт, Өвөрхангай аймгийн прокурорын газар 7 хэрэгт яллах дүгнэлт үйлдсэн байна.

Below is an overview of some of the cases resolved in court by the prosecution service.

Case sent to court by the Capital City Prosecutor's Office:

- П.А. Б.У нар нь бүлэглэн 2024 оны 5 дугаар сарын 01-ний өдрөөс 2024 оны 10 дугаар сарын 31-ний хооронд Сэлэнгэ аймгийн Хүдэр сумын нутаг дэвсгэр, усны сан бүхий

газрын хамгаалалтын бүсийн хилийн заагт хамаарах 859.4 м² талбайд Хюндэй загварын экскаватор, Зил-131 маркийн тээврийн хэрэгсэл, ус соруулах насос, гитаран буу зэрэг техник хэрэгсэл ашиглан тусгай зөвшөөрөлгүйгээр алт олборлох зорилгоор ашигт малтмалын эрэл хайгуул олборлолт, боловсруулалт ашиглалт явуулж, байгаль орчинд 27,5 сая төгрөгийн хохирол учруулсан,

- Ya.E and M.G aided P.A and B.U in committing the above crime, promised in advance to purchase the gold obtained through the crime, and between July 23, 2024 and October 25, 2024 transferred a total of 73.9 million MNT by bank transfer, thereby participating jointly in the crime. In this case, the prosecutor issued an indictment under Article 24.2, Paragraph 1 of the Criminal Code (encroaching on the subsoil for the purpose of mineral prospecting, exploration and extraction without a special license) and sent the case to court.

> The Inter-Soum Primary Court in Selenge Province found P.A, B.U, Ya.E and M.G guilty of the crime of encroaching on the subsoil for the purpose of mineral prospecting, exploration and extraction without a special license, imposed fines of 5.4–6.5 million MNT on M.G and Ya.E, and, without imposing imprisonment, placed P.A and B.U on probation for 2–2.6 years respectively with coercive measures imposing obligations.

The court also noted that the environmental damage of 27.5 million MNT and rehabilitation costs of 1.8 million MNT had been paid to the Environment and Climate Fund, and ruled to recover from defendant P.A and others the value of the excavator used in the crime of 12.5 million MNT, the ZIL-131 vehicle, and the criminal proceeds totaling 73.9 million MNT, and to confiscate to the state a total of 745.3 grams of gold seized as physical evidence. View the sentencing decision

Case sent to court by the Selenge Province Prosecutor's Office:

- N.O, between September 3 and 6, 2025, at a named site in the territory of Yeruu Soum, Selenge Province, using equipment and without a special license, carried out mineral (gold) prospecting, exploration and extraction, causing environmental damage of 20.6 million MNT. In this case, an indictment was issued under Article 24.2, Paragraph 1 of the Criminal Code (encroaching on the subsoil for the purpose of mineral prospecting, exploration and extraction without a special license) and the case was sent to court.

> The court found N.O guilty of the crime of encroaching on the subsoil by carrying out mineral prospecting, exploration and extraction without a special license, imposed a fine of 5.4 million MNT, noted that the ecological damage of 20.6 million MNT and rehabilitation costs of 4 million MNT had been paid to the Environment and Climate Fund, and ruled to recover 69.9 million MNT, the value of the equipment used in the crime, as state revenue. View the sentencing decision

Case sent to court by the Dornogovi Province Prosecutor's Office

- Ch.B, on April 18, 2022, in the territory of the 2nd Bag of Airag Soum, Dornogovi Province, using equipment and without a special license, carried out mineral (fluorspar) extraction,

causing environmental damage of 669.8 thousand MNT. In this case, an indictment was issued under Article 24.2, Paragraph 1 of the Criminal Code (encroaching on the subsoil for the purpose of mineral prospecting, exploration and extraction without a special license) and the case was sent to court.

> The court found Ch.B guilty of the crime of illegally extracting minerals without a special license, imposed a fine of 6 million MNT, noted that the environmental damage of 669.8 thousand MNT had been paid, and ruled to recover a total of 171 million MNT, the value of the equipment used in the crime, as state revenue. View the sentencing decision

For citizens

Under Article 7 of the Law on Minerals, exploration and mining licenses are by law granted through a competitive selection procedure to legal entities established and operating in accordance with the legislation of Mongolia and paying taxes in Mongolia, and under Article 7.3 of the same law, searching for, prospecting and using minerals without a special license is prohibited, except for small-scale mining.

Гэмт хэрэг үйлдсэн этгээд нь хуульд заасан эрүүгийн хариуцлага хүлээхээс гадна Эрүүгийн хуулийн 7.5 дугаар зүйлд зааснаар гэмт хэрэг үйлдэхэд ашигласан техник хэрэгсэл, гэмт хэрэг үйлдэж олсон хөрөнгө, орлого тус тус улсын орлого болох, мөн Байгаль орчныг хамгаалах тухай хуулийн 49 дүгээр зүйлд зааснаар газарт учирсан хохирлыг тухайн ангиллын газрын экологи–эдийн засгийн үнэлгээг гурав дахин нэмэгдүүлсэнтэй тэнцэх хэмжээгээр тооцож төлөх хуулийн зохицуулалттай.

Эх сурвалж: https://prosecutor-en.greensoft.mn/post/3637