MONGOLIA
BASELINE ASSESSMENT OF R2P IMPLEMENTATION

Asia-Pacific Centre for the Responsibility to Protect

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The following Baseline Assessment Annex provides an overview of Mongolia’s efforts in implementing R2P as of 2019. For a full description of the methodology used in this study, see Part II of ‘Implementing the Responsibility to Protect in the Asia Pacific: An Assessment of Progress and Challenges’, available here.
Mongolia has transformed itself into a vibrant multiparty democracy after decades of single-party rule and a centrally planned economy. Its enthusiastic acceptance of human rights and the rule of law makes it somewhat of a rarity in the region, wedged as it is between Russia and China. Regarding R2P implementation, the country has come a long way, yet still more needs to be done before it could be considered a leader in the region.

Domestically, the civil society sector in Mongolia is strong and many rights and liberties are guaranteed by the constitution. Its human rights institution is largely capable and its security sector, despite some issues, is effectively controlled and accountable to civilian authorities. Its education system is effective and the country possesses a high literacy rate. Sexual and gender-based violence and corruption in political and judicial spheres are ongoing problems in Mongolia, and prevent the full realisation of the ideals set out in its constitution and advocated by civil society members. It has not yet appointed a national R2P Focal Point.

In the international context, Mongolia has a mixed record. They have signed all but one of the international treaties most relevant to R2P and overall Mongolia adheres strongly to its international human rights obligations, despite issues of discrimination. It is an active participant in the Universal Periodic Review and has hosted conferences and talks with regional neighbours to facilitate diplomacy and democratic best practice in the region. However, the country has a more ambiguous stance regarding other UN-led initiatives on R2P. It has never participated in the General Assembly’s Informal Interactive Dialogue on R2P, and while it was supportive of many atrocity prevention resolutions during its time on the Human Rights Council, it has mostly abstained from voting in the General Assembly. It should be noted, however, that it is a supporter of veto restraint and the Security Council Code of Conduct in relation to mass atrocity crimes.

The exception to this ambiguous stance is peacekeeping. Mongolia has a strong peacekeeping record, and its efforts have gained the country a well-deserved reputation for professional and effective peacekeeping deployments. It hosts an annual peacekeeping exercise, inviting troops from around the world to participate and gain experience in effective deployment techniques.
<table>
<thead>
<tr>
<th>Assessment</th>
<th>Indicator</th>
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| **Very Strong** | Protection of populations from atrocity crimes  
Dealing with past atrocities  
Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with the Court  
Establish and maintain National Human Rights Institutions in accordance with the Paris Principles  
Participate in international peer review processes, including the Universal Periodic Review (UPR) of the UN Human Rights Council  
Cooperate fully with UN Human Rights mandate holders and those of relevant regional organisations  
Ensure a legitimate, effective and civilian controlled security sector  
Prevent nationals committing atrocity crimes overseas  
Contribute to United Nations peacekeeping operations (especially those with a protection of civilians mandate)  
Develop the capacities needed to support civilian protection, including through the training of military and civilian personnel for peacekeeping  
Support UN Security Council veto restraint on issues relating to atrocity crimes |
| **Strong** | Reduction of atrocity crime risks  
Sign, ratify and implement relevant instruments of international law  
Take measures to counter and prevent violent extremism  
Cultivate and protect an active, diverse and robust civil society  
Ensure the education system reflects the ethnic, national and cultural diversity of society, and sets examples of inclusiveness |
| **Fair** | Ensure domestic promotion and protection of human rights, focusing on the elimination of discrimination  
Ensure equal access to justice  
Criminalise incitement to commit genocide, war crimes, ethnic cleansing and crimes against humanity  
Enact and implement laws protecting vulnerable groups, particularly in relation to sexual and gender-based violence  
Participate in international, regional and national discussions on the further advancement of R2P  
Leverage existing mechanisms and institutions (including regional and sub-regional organisations) to encourage States to fulfil their responsibility to protect  
Encourage and assist States to fulfil their R2P in situations of emerging and ongoing crisis, such as good offices and preventive diplomacy  
Support the development and work of regional human rights and other preventive capacities  
Support atrocity prevention through development and assistance partnerships |
| **Weak** | Protect individuals and groups fleeing atrocity crimes and their risk, in accordance with International Refugee Law  
Strengthen regional and international networks for atrocity crime prevention |
| Strengthen the role and capacity of regional organisations |
| Support the early warning and capacity building efforts of the UN Office on Genocide Prevention and R2P |
| Support the strengthening of the UN’s capacity for atrocity prevention, including through the UN Human Rights system |
| Support preventive actions on atrocity crimes |
| **Very Weak** |
| Appoint national R2P Focal Point |
| Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships |
| Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect |
| Conduct a national assessment of risk and resilience |
| Support the Kigali Principles |
## Thematic Area | Indicator | Assessment | Notes |
|----------------|-------------|------------|-------|
| **Basic Compliance** | Protection of populations from atrocity crimes. | Very Strong | After decades of Soviet influence and under a one-party system, Mongolia became a multiparty democracy with the fall of the Soviet Union and has continued to develop into a middle-income country. Despite being surrounded by China and Russia, it has increasingly kept to its democratic principles, making it somewhat of an anomaly in the Northeast Asian region.  
There are still areas of concern within the country, including corruption, violence towards LGBTIQ persons and their supporters, poverty and impunity and abuse within the judicial and security sectors. Yet overall, the citizens of Mongolia are protected from atrocity crimes. |
| | Reduction of atrocity crime risks. | Strong | Continued violence levelled at certain sectors of Mongolian society and a sustained level of impunity in the security sector heightens the risk of atrocity crimes occurring. However, constitutional guarantees, human rights education and a strong civil society sector means that currently the chances of atrocity crimes being committed is low. |
| | Dealing with past atrocities. | Very Strong | There is no evidence of atrocity crimes having taken place within Mongolia, both before and after its formation into a democracy. |
| **Policy Mechanisms** | Appoint national R2P Focal Point. | Very Weak | Mongolia has not appointed a national R2P Focal Point. |
| | Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships. | Very Weak | No evidence of atrocity crime risks and dynamics could be found in Mongolia’s conflict analysis or development partnerships. |
| | Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect. | Very Weak | No evidence found. |
| **International Human Rights Obligations** | Sign, ratify and implement relevant instruments of international law. | Strong | Mongolia has ratified ten out of the twelve international human rights laws (IHRL) most relevant to R2P. The treaties ratified are:  

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<tr>
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<tr>
<td>Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with the Court.</td>
<td>Very Strong</td>
<td>Mongolia signed the <em>Rome Statute</em> in 2000 and deposited its instrument of ratification in 2002.(^4)</td>
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<tr>
<td>Establish and maintain National Human Rights Institutions in accordance with the Paris Principles.</td>
<td>Very Strong</td>
<td>Mongolia possesses the National Human Rights Commission which, as of 2018, holds an ‘A’ rating by GANHRI,(^5) meaning it is fully compliant with the Paris Principles.</td>
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<tr>
<td>Ensure domestic promotion and protection of human rights, focusing on the elimination of discrimination.</td>
<td>Fair</td>
<td>Mongolia’s constitution guarantees many human rights, including rights to life and liberty, education, association, free speech, religion and political representation.(^8) Citizens of Mongolia are protected from discrimination based on sex, religion, ethnic origin, social status and religion, amongst others.(^9)</td>
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\(^9\) Ibid., Chapter 2, Article 14.
Recently, Mongolia abolished the death penalty from the *Criminal Code*.\(^{10}\)

Unfortunately, constitutional guarantees mean little in practice, as various human rights issues plague Mongolian society. These include torture and abuse by the security services, corruption, human trafficking and the curbing of press freedom.\(^{11}\)

There was also evidence of the suppression of migrant workers’ rights, particularly those from the Democratic People’s Republic of Korea (DPRK).\(^{12}\)

There is concern from the United Nations that no comprehensive anti-discrimination law exists, and discrimination is not defined in the *Criminal Code*.\(^{13}\)

<table>
<thead>
<tr>
<th>Participate in international peer review processes, including the Universal Periodic Review (UPR) of the UN Human Rights Council.</th>
<th>Very Strong</th>
<th>Mongolia has participated twice in the UPR, first in November 2010 and second in May 2015. In its first UPR, Mongolia received 129 recommendations, 126 of which it accepted, rejecting the other three.(^{14}) The second UPR saw Mongolia receive a total of 164 recommendations. 150 were accepted and the other 14 were noted.(^{15}) Of the recommendations that were not accepted by Mongolia, protecting the rights of refugees and migrant workers are common to both reviews. Mongolia currently has no overdue reports for the reporting procedures it is party to.(^{16})</th>
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<td>Cooperate fully with UN Human Rights mandate holders and those of relevant regional organisations.</td>
<td>Very Strong</td>
<td>Mongolia extended a standing invitation to UN Special Procedures in 2004. Since that time there have been nine visits by mandate holders. Of these, six have completed reports and another two are forthcoming. The remaining visit has been agreed to take place later in 2019.(^{17}) Of the recommendations that were not accepted by Mongolia, protecting the rights of refugees and migrant workers are common to both reviews. Mitsubishi currently has no overdue reports for the reporting procedures it is party to.(^{16})</td>
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<td>Ensure equal access to justice.</td>
<td>Fair</td>
<td>Rights to a fair trial, appeals and the presumption of innocence are all constitutionally guaranteed.(^{18}) However, there is limited access to legal aid for those living in rural areas(^{19}) and trial procedures are plagued with inefficiencies. While government-provided legal aid and trial procedures were generally adequate and timely, legal representation</td>
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\(^{13}\) United Nations, Economic and Social Council, E/C.12/MNG/CO/4, p. 4.


\(^{19}\) United Nations, Economic and Social Council, E/C.12/MNG/CO/4, p. 3.
was often varied in quality and corruption and witness intimidation was common.\textsuperscript{20}

In March 2019, safeguards protecting the independence of Mongolia’s courts and anti-corruption body were removed in an amendment bill rushed through parliament. This enables the president to dismiss the Prosecutor General and other judges at whim. Later that month, the president dismissed both the Prosecutor General and Chief Justice of the Supreme Court.\textsuperscript{21}

<table>
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<th>Action</th>
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<td>Criminalise incitement to commit genocide, war crimes, ethnic cleansing and crimes against humanity.</td>
<td>Fair</td>
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<td>Take measures to counter and prevent violent extremism.</td>
<td>Strong</td>
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The Criminal Code of Mongolia specifically lists genocide as a crime.\textsuperscript{22} Article 86 assigns a prison sentence of six to ten years for anyone discriminating, establishing privileges or spreading hateful propaganda along national, racial or religious lines.\textsuperscript{23} This could potentially cover crimes against humanity and acts of ethnic cleansing. However, there is no specific mention of crimes against humanity, ethnic cleansing or war crimes in the Code.\textsuperscript{24}

Mongolia aligns itself strongly with the UN’s Counter-Terrorism Strategy, ratifying 13 international conventions on countering terrorism.\textsuperscript{25} It recognises countering violent extremism and terrorism requires international cooperation and the establishment of the National Counter-Terrorism Coordinative Council in 2004 allows for interoperability and information sharing between government agencies as well as international partners.\textsuperscript{26} In June 2019 in conjunction with the OSCE and UN, Mongolia hosted a conference on countering violent extremism through a ‘whole-society’ approach.\textsuperscript{27}

In 2004 Mongolia joined the Asia Pacific Group on Money Laundering (APG). In 2017 a report was published evaluating its compliance to measures countering money laundering and terrorism financing. While many of Mongolia’s measures did not meet the outcomes put in place by the APG, the report recognised the threat of terrorism funding in the country appears to be low, but due to widespread corruption it is at high risk of money laundering.\textsuperscript{28}

\textsuperscript{23} Ibid., Article 86.
\textsuperscript{27} OSCE, 2019. Tolerance, inclusion, interfaith and intercultural understanding key to preventing and countering violent extremism, say Mongolia conference speakers, https://www.osce.org/secretariat/423758.
<table>
<thead>
<tr>
<th>Domestic Implementation</th>
<th>Protect individuals and groups fleeing atrocity crimes and their risk, in accordance with International Refugee Law.</th>
<th>Weak</th>
<th>Mongolia has not signed the <a href="https://www.refworld.org/1951refugeeconvention.html">1951 Refugee Convention</a> or its <a href="https://www.refworld.org%E6%9D%A1%E7%BA%A6/1967protocol.html">1967 Protocol</a>. There is no legal provision for refugees, meaning they have little access to work and basic necessities other than those provided by the UNHCR presence in the country.</th>
<th>Fair</th>
<th>While discrimination based on sex is not allowed by the constitution and rape is criminalised, Mongolia has problems with sexual and gender-based violence (SGBV) that stem from deep-rooted societal norms.</th>
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<tbody>
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<td></td>
<td>Conduct a national assessment of risk and resilience.</td>
<td>Very Weak</td>
<td>No evidence of a national assessment having been conducted has been found.</td>
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<td></td>
<td>Cultivate and protect an active, diverse and robust civil society.</td>
<td>Strong</td>
<td>The civil society sector in Mongolia is generally free, with civil liberties and freedoms constitutionally guaranteed. However, in practice government actions and behaviour, especially</td>
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31 In 2014 a report co-authored by US and Mongolian NGOs said that Mongolia’s *Law to Combat Domestic Violence (LCVD)* goes a long way in protecting victims and prosecuting offenders. Yet, “… implementation of the law has been hindered by lack of direction regarding responsibility for carrying out specific provisions of the act, lack of harmonization between LCVD and related legislation, scarce resources, and lack of education about the act.” While the situation is improving, lack of understanding in government and society means SGBV remains prevalent, as is sexual harassment, which no law criminalises.
corruption, means that civil liberties are not always respected. There is evidence that those campaigning against corruption and in support of various civil liberties face discrimination and intimidation from state officials.37

There is endemic corruption and a lack of transparency in Mongolia,38 and this has concentrated media ownership in the country and has in turn affected the flow of information. A survey found just under a quarter of journalists did not cover stories due to financial and personal relationships with politicians and business elites. The recent notion that media provides a public service rather than functions as a government mouthpiece (as it did in Soviet times) has meant there is a residual culture of self-censorship. Due to the concentration of media ownership and the proliferation of defamation lawsuits levelled at journalists, this culture remains. Despite these problems, RSF ranked Mongolia at 70 in the World Press Freedom Index, up one spot from 2018. Freedom House considers Mongolia to be "Free".39

Freedom to assemble and possession of autonomous rights holds up well in practice, and recent protests forced the resignation of a Mongolian politician caught in a corruption scandal.40

Ensure a legitimate, effective and civilian controlled security sector. Very Strong

Civilian authorities are firmly in control of the internal and external forces of Mongolia, and Mongolia’s national human rights institution has oversight of these forces, and is able to take evidence and make judgements on complaint proceedings.41

There is some concern from UN bodies that protections against torture by police and security officials do not follow international standards.42

Ensure the education system reflects the ethnic, national and cultural diversity of society, and sets examples of inclusiveness. Strong

Mongolia possessed an excellent education system while under the administration of the Soviet Union. After independence, quality and enrolment rates fell as the country had to adjust to a free market based economy. External funding and management from UNICEF and others has helped it reattain solid levels of education.43

Education is compulsory and free from the age of 6 to 17 and there is a 98.26% literacy rate in the country of people 15 years or older. Despite laws guaranteeing education in one’s native language, Kazakh students can face discrimination with no textbooks written in their native language. There are also problems with accessing education for children with disabilities, despite governmental measures to minimise them.

In 2015 Mongolia introduced the resolution ‘Education for Democracy’ to the UN General Assembly. The resolution is designed to “… promote peace, human rights, democracy, respect for religious and cultural diversity, and justice through education.”

Prevent nationals committing atrocity crimes overseas. Very Strong

The Criminal Code makes Mongolian citizens subject to criminal liability if they have committed a crime abroad. This includes Mongolian service personnel committing crimes during their service.

As previously noted, Mongolia only holds specific provisions for genocide and not any of the other atrocity crimes. Yet, their ratification of the Rome Statute in 2002 and its integration into national law means Mongolia has jurisdiction over all atrocity crimes committed by its nationals.

Bilateral and Multilateral Relations

Participate in international, regional, and national discussions on the further advancement of R2P. Fair

Mongolia has never participated in the UN General Assembly’s Informal Interactive Dialogue on R2P.

However, the country has expressed its opinion on R2P several times in the General Assembly in relation to specific occurrences, particularly Syria.

In these instances, it has called on the international community to act and stop these atrocities and is broadly in support of R2P, although it does not reference the norm directly.

Leverage existing mechanisms and institutions (including regional and sub-regional organisations) to encourage Fair

Mongolia has voted on UN resolutions that have referenced R2P in the following manner.

**UN General Assembly Resolutions:**

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States to fulfil their responsibility to protect.


Mongolia was a member of the Human Rights Council (HRC) from 2016 to 2018. During that time, it voted in favour of five resolutions referencing R2P.

**UN Human Rights Council Resolutions:**


Regarding other resolutions referencing R2P, Mongolia either abstained or the resolution came to a consensus without a vote. It did not vote against any R2P-related resolution.

Encourage and assist States to fulfil their R2P in situations of emerging and ongoing crisis, such as good offices and preventive diplomacy.

Fair

In 2014 Mongolia held the first meeting of the Ulaanbaatar Dialogue on Northeast Asia Security Initiative (UBD). It was designed to provide a peaceful way to discuss issues and possible solutions to problems in the region, including the Korean conflict. It has continued to provide a platform for dialogue between actors in the region.

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| Strengthen regional and international networks for atrocity crime prevention. | Weak | Mongolia is a member of the G77 and the Non-Aligned Movement. It does not actively strengthen these networks for atrocity prevention and has instead taken a broad stance of non-interference in foreign policy. Mongolia hosted a ministerial meeting of the Community of Democracies in 2013, an international body dedicated to the ideals of democratic government. While not directly referencing atrocity crime prevention, the meeting focused on issues around corruption and the furtherance of women’s rights and participation. It was also at this meeting that Mongolia announced the formation of the UBDE (see Indicator above). |
| Strengthen the role and capacity of regional organisations. | Weak | In 2013, Mongolia appointed a permanent representative to ASEAN, in order to facilitate greater economic and diplomatic relations with its member states. |
| Support the development and work of regional human rights and other preventive capacities. | Fair | In 2019 Mongolia hosted the Ulaanbaatar Democracy Forum, an event in partnership with the United Nations Development Program and a host of civil society organisations. Participants discussed “…linking human rights with peace, gender, environment and various thematic issues…” throughout Asia and beyond. Mongolia developed a ninth Millennium Development Goal (MDG) in 2005 concerning human rights, democratic governance and anti-corruption. It has seen some results, although more still needs to be done. |
| Support atrocity prevention through development and assistance partnerships. | Fair | Mongolia has become a middle income country, thanks in part to a mining boom that accounts for 18% of the country’s GDP, despite a drop in commodity prices slowing growth. Foreign aid also plays a part, with 14 UN organisations operating within its borders and the country... |


United Nations, prevention, Peacekeeping, and assistance

| Support the early warning and capacity building efforts of the UN Office on Genocide Prevention and R2P. | Weak | Mongolia abstained when voting on the Venezuelan amendment against strengthening and expanding the Office of the Special Advisor on the Prevention of Genocide (OSAPG).\(^{66}\) No other evidence could be found regarding either support or opposition to the efforts of the OSAPG. |
| Support the strengthening of the UN’s capacity for atrocity prevention, including through the UN Human Rights system. | Weak | The country was the 46\(^{65}\) highest donor to the UNOHCHR in 2016 when they joined the HRC, equal to both Chile and UNICEF.\(^{67}\) As already noted, during its tenure on the HRC, Mongolia did not vote against any resolutions and was overall supporting of UN actions to further human rights. |
| Support preventive actions on atrocity crimes. | Weak | While the few comments and actions by Mongolia in UN fora seem to suggest the country has a broad acceptance of R2P, little could be gleaned on whether it actively supports preventive actions on atrocity crimes. |
| Contribute to United Nations peacekeeping operations (especially those with a protection of civilians mandate). | Very Strong | Mongolia has an excellent reputation for providing effective peacekeeping forces since 2002. Since its independence from Soviet influence, Mongolia’s military has undergone a transformation into a modern and professional force with an identity based around peacekeeping.\(^{68}\) This military desire is complemented by the country’s political desire to be a responsible member of the UN and be separate from the influence of its neighbours Russia and China.\(^ {69}\) Currently it has just under 900 peacekeepers active on five different deployments, four of which have a protection of civilians mandate. These are UNAMID (seven police); UNISFA and MONUSCO (two experts on mission each) and its biggest deployment UNMISS (16 staff officers, |

64 OECD, 2017. Receipts for Mongolia, https://public.tableau.com/views/OECDDADAidataglancebyrecipient_new/Recipients?embed=y&\:display_count=yes&\:showTab s=y&\:toolbar=no?&\:showVizHome=no. (Select ‘Mongolia’ from the drop down menu at the top of the screen).
Mongolia has continued to engage with and expand its role in peacekeeping, attending the 2019 Peacekeeping Ministerial Conference to discuss future prospects.

For the past 17 years, Mongolia has hosted Khaan Quest, a multinational military and peacekeeping exercise co-sponsored by U.S Indo-Pacific Command. The purpose of the annual exercise is for participants to gain experience in peace support operations and interoperability with other nations’ militaries.

Support the Kigali Principles.

As of 2018, Mongolia has not signed the Kigali Principles on the Protection of Civilians.

Support UN Security Council veto restraint on issues relating to atrocity prevention.

Mongolia is a signatory to the Security Council code of conduct in regards to atrocity crimes, and to the French/Mexican initiative on veto restraint in the case of mass atrocity crimes.

Develop the capacities needed to support civilian protection, including through the training of military and civilian personnel for peacekeeping.

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