

Effect of human security law & International Criminal Court (ICC) or regional equivalents on nature and scale of violence or atrocities

International conventions and agreements overall have an adverse effect on violence and atrocities. The work of the ICC may also have adverse effects, though executing indictments has a positive effect.

Geographic focus: sub-Saharan Africa, Europe and Central Asia, Latin America and Caribbean, Global

Effect: Harmful effect ($g=-0.383$)

Confidence in study findings: Low (6 studies with 46 effect sizes)

Short summary

The cell shows that International Criminal Court (ICC) prosecutions during ongoing conflicts reduces atrocities, focusing on legal optimism and pessimism. Key factors include the ICC's legal stages (investigations, indictments, trials), human rights treaties' direct and diffuse effects, and the role of democratization in halting repression. Evidence showed democratization's effectiveness in ending large-scale repression, while human rights treaties had mixed impacts. Internationalized prosecution, a strategy of cooperation between international and domestic courts, reduced violence in some cases, as seen with CICIG in Guatemala.

Long summary

The intervention

The interventions include

- Countries being signatory to various international conventions regarding human rights, and in-country training and monitoring by the International Committee of the Red Cross regarding those rights.
- International courts, such as the International Criminal Court (ICC).

How the intervention is expected to work

Signing international agreements and conventions is expected to encourage governments to adopt the behaviours embodied in those agreements, and to put in place mechanisms, such as laws and training of police and army, to ensure they are adhered to. These effects can be reinforced by third-party training and monitoring.

The threat of punishment by international courts should act as a deterrent to criminal and violent behaviour, and the perpetration of atrocities.

The evidence base

The cell contains 9 studies: 6 impact evaluations designed as quasi-experimental and randomized controlled trials; 2 qualitative studies (Birkeland 2009 and Block 2015); and 1 systematic review. The findings across studies are mostly consistent.

The studies are from the Democratic Republic of Congo (DRC) (1), Bosnia and Herzegovina (1), Global /regional context (4), Guatemala (1), Uganda (1) and Kenya (1).

Evidence findings

The review findings

The one review (Cramer et al. 2016) included justice and reconciliation interventions at the local (and 'traditional') level as well as national and international level. It included discussion of truth commissions and the ICC. There were 15 included studies in the review suggesting that the evidence largely showed interventions to be ineffective, suggesting no clear evidence that these interventions are effective in reducing or preventing future violent conflict. Out of 15 included studies in the review, 7 were rated as high, 3 as moderate and 5 as low quality of evidence.

Impact evaluation findings

Overall the evidence shows that there was an adverse impact of human security law interventions on violence and atrocity outcomes.

However, there is some variation between the six studies:

- Signing of international conventions has a weaker effect the more time has passed since the date of signature
- Training and monitoring by the ICRC had no effect on violence
- Outstanding indictments by ICC make atrocities worse, and in-situation interventions have no effect. But, the execution of an indictment did have an effect reducing atrocities.
- Government collaboration with the International Commission Against Impunity in Guatemala (CICIG) was highly effective in reducing criminal violence.
- The study of large-scale state repressive activities found that democratization reduced these activities, but nothing else was effective in doing so.

Included studies

There are 6 impact evaluations and 1 systematic review in the cell and evidence summaries of the 7 studies are thus provided here:

Broache (2015) assessed the impact of International Criminal Court (ICC) prosecutions initiated during the ongoing conflict on atrocities, with the goal of developing a typological theory specifying the conditions under which ICC prosecutions prevent, exacerbate, or have no impact on wartime atrocities in the Democratic Republic of Congo (DRC). The study was designed as a quasi-experimental study. The case studies used in the study draw from over 100 original interviews with current and former members of these groups and other relevant actors in DRC. The study found the following findings: First, this analysis indicates that situation-level action has negligible average effects on atrocities. Second, outstanding indictments tend to exacerbate atrocities, and third, the execution of ICC indictments contributes to the prevention of atrocities. The study was rated as medium confidence as it is a non-experimental study

Bussmann (2015) assessed whether a nongovernmental actor, the distinctively neutral and independent International Committee of the Red Cross, whose mission includes the promotion of humanitarian law and the protection of the civilian population, has such a restraining effect on the conflict parties. The study was designed as a quasi-experimental study. The sample is limited to one-sided violence in civil wars for the years from 1989 to 2004 for 72 countries.

The longer the period since ratification of Geneva Conventions then the higher civilian victimization—each 10-year increase since ratification associated with 1–2 additional civilian deaths. Neither ICRC's presence nor holding, seminars, nor public condemnations by ICRC significantly reduced killings. Thus, ICRC's efforts do not significantly prevent civilian atrocities.

Cole (2012) assessed the influence of human rights treaties, with a focus on two kinds of treaty effects: direct—the effect of treaties on the countries that ratified them; and diffuse—the effect of treaties on countries regardless of ratification. The study uses a quasi-experimental design. Political terror scale and civil liberties from 1970 to 2007 are the dependent variables. The study shows that the average levels of political terror increased the longer a country was party to the Convention Against Torture (CAT), as evidenced by the significantly positive coefficient on the years-since-ratification variable ($p < 0.001$). CAT membership did not directly affect civil liberties outcomes, with statistically insignificant coefficients on the linear and quadratic years-since-ratification terms. CCPR also had little effect on civil liberties. The study is rated as low confidence as it is designed as a non-experimental study, and has partial description of the intervention.

Davenport (2022) assesses what stops large-scale state repressive (LSSR) activity (similar to that in the study of war, civil war, and terrorism). The author proposes a new theoretical framework that conceptualizes repression as a sticky process that is unlikely to terminate unless it is disturbed in some manner. The study uses a quasi-experimental design. The study utilizes a new database regarding 239 large-scale repression spells from 1976 to 2006. LSSRs go on longer when a civil conflict has recently terminated, or when the state in question has a more independent judiciary, repressive spells are shorter. The main finding is that democratization can end LSSR but little else does. The study is rated as low confidence as it is designed as a non-experimental study, and has little description of the intervention.

Miller (2022) applies the concept of assurance to explain that how the the can ICC reduce atrocities despite its limited capacity. The study has non-experimental design. The study included data of 16 armed groups that had their punishment lifted and 16 groups associated with maintained punishment. The author finds that indictments lead to a substantial initial decline in attacks against civilians by armed groups affiliated with indictees, but the attacks return to pre-indictment levels when indictees face sustained punishment from the court. The study is rated as low confidence due to non-experimental study design and little description of the description.

Trejo (2019) explores whether and how internationalized prosecution contributes to the reduction of large-scale criminal violence in Guatemala. The study is designed as quasi-experimental study design. The data was constructed using a donor pool of 11 Latin American countries that resemble Guatemala as closely as possible. The findings show that internationalized prosecution – in this case the role of the International Commission Against Impunity in Guatemala (CICIG) which provided intelligence and judicial action – was highly effective in reducing large-scale criminal violence. The study is rated as medium confidence due to non-experimental study design and partial description.

Confidence assessment

Overall low confidence as 3 of the 6 impact evaluations were rated as low confidence.

Other outcomes in the cell:

Human security/Political security

Link to review summaries

Cramer (2016)

All the studies can be accessed via the EGM.