

## **The effect of human security law & International Criminal Court (ICC) or regional equivalents on willingness to participate or help**

International criminal tribunals have limited or negative effects on intergroup conflict or cooperation. Other external actors and prior intergroup dynamics exert greater influence.

Geographical Region: Europe and Central Asia

Effect size: Small effect ( $g=-0.16$ )

Confidence in study findings: Low (1 study with 11 effect sizes)

### **Short summary**

The International Criminal Tribunal for the Former Yugoslavia was established in 1993 to investigate and prosecute war criminals and violations of the humanitarian law in the former Yugoslavia, aiming to promote justice and reconciliation. While it was expected to foster cooperation by reinforcing the rule of law, evidence from one impact evaluation shows its effect on the relationship among Bosnia's ethnic groups was insignificant or even negative. Other external actors (e.g., EU, NATO, the USA, Croatian government) and prior patterns of intergroup conflict or cooperation had more influence on community behaviour.

### **Long summary**

#### *The intervention*

The International Criminal Tribunal for the Former Yugoslavia (ICTY), established by the United Nations Security Council in 1993, aimed to investigate and prosecute violations of international humanitarian law committed during the conflicts in former Yugoslavia. The decision to create the ICTY was due to the belief that holding war criminals accountable would help support peace and stability in the region. The tribunal's judges saw their role as not only delivering justice but also fostering peace and reconciliation. The ICTY paved the way for the creation of the International Criminal Court, and most notably, brought ~51 individuals involved in war crimes in the Balkan region.

#### *How the intervention is expected to affect this outcome*

International criminal tribunals, such as the ICTY, are expected to influence willingness to participate in reconciliation efforts by promoting impartial justice and accountability. By prosecuting war criminals, these tribunals may restore faith in the judicial process and reinforce the rule of law, which may encourage dialogue among leaders rather than division among different ethnic groups. However, some critics argue that such interventions alone are insufficient to foster genuine reconciliation. While international prosecutions may promote accountability, they often fail to address the broader political and social structures that enabled mass violence, as they tend to be more focused on individuals. For one, people may view themselves as victims or perpetrators rather than citizens who share the common goal of rebuilding or reconciliation. Without a shared sense of accountability or ownership through local institutions, individuals may be less inclined to participate in reconciliation processes.

### *The evidence base*

The cell includes 1 impact evaluation study. The study utilized the Kansas Event Data System (KEDS) to measure the level of conflict and cooperation among main ethnic groups in Bosnia and Herzegovina (i.e., Bosniaks, Serbs, and Croats).

### *Evidence findings*

The effect of the ICTY on willingness to participate or help was limited or even negative. Study findings suggest little evidence on the tribunal's effect on the degree of intergroup conflict or cooperation in Bosnia. In most cases, its actions appeared to deepen ethnic divisions, where arrests and decisions often increased hostility among ethnic groups. In comparison, previous patterns of intergroup conflict or cooperation and the involvement of other actors such as the EU, NATO, the USA, and the Croatian government had greater influence on community behavior.

### *Included studies*

**Meernik (2005)** investigates the efforts of the International Criminal Tribunal for the Former Yugoslavia to provide justice for the people of Bosnia and Herzegovina by analyzing the impact of the arrests and judgments of war criminals on societal peace in Bosnia. The study is designed as non experimental study design. The data of conflict and cooperation directed by each of the ethnic groups within Bosnia and Herzegovina was aggregated and a 1,412 involved actions taken by Bosniaks, Bosnian Serbs, or Bosnian Croats toward each other. This investigation of the efforts of the International Criminal Tribunal for the Former Yugoslavia to provide justice for the people of Bosnia and Herzegovina and contribute to peace and reconciliation has brought us a step closer to understanding the prospects for judicial remedies in the aftermath of brutal war. Study results show limited or negative influence of the tribunal on the degree of intergroup conflict or cooperation in Bosnia. The study is rated as medium confidence due to non experimental study design.

### *Confidence assessment*

Overall low: The study is rated as low confidence as it only includes 1 study.

### **Other outcomes in the study:**

None