Repressed by the Scales of Justice:
The Ramifications of the International Criminal Court

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Abstract:

The recent movement toward international legal institutions has culminated in the creation of the International Criminal Court (ICC) by the Rome Statute. Proponents maintain that this supranational court will deter massive human rights violations by creating an external threat of punishment. I argue, however, that this very threat of punishment creates an incentive for state leaders to further repress their citizens. I hypothesize that both ratification of the Rome Statute and active involvement by the ICC will increase levels of repression. Using an ordered logistic regression, I find partial support for the hypothesized theory. Rome Statute ratification is associated with lower levels of repression while active involvement is associated with higher levels of repression. The findings have major implications for the international community as they imply that the mere existence of the ICC is a deterrent and that any action by the Court, however, may backfire, potentially worsening human rights.
Introduction

Many praise the emergence of international justice institutions such as the International Criminal Court (ICC) for promoting human rights. By holding individuals responsible for serious human rights violations, the ICC hopes to deter such crimes. Can the ICC actually serve, however, as a tool that actually fosters increased repression? The answer can speak to the effects of international justice and prosecution in general, examining whether international justice mechanisms benefit human rights or create another incentive for leaders to enhance their repression programs.

Relevant literature has addressed the question of why states repress their populations, but I build on this area of literature, arguing that it provides yet another incentive to repress. Previous research in transitional justice has addressed the effects of trials and tribunals on human rights (notably the former Yugoslavia and Rwanda) but not on the international scale. The Rome Statute created the International Criminal Court (ICC) in 2002, so there is very little scholarly work focusing on the effects and implications of the court.

First, I begin by addressing the relevant literature, including repression and international human rights efforts and their impacts. Part II details the theory arguing that the International Criminal Court actually worsens human rights. I argue that both ratification of the Rome Statute and active involvement by the Court incentivize leaders to repress their citizens as they are desperate to avoid punishment. Part III explains the research design, an ordered logistic regression of physical integrity rights. Next, I interpret and analyze the results in relation to the proposed theory. Finally, I conclude with implications and proposals of future research.

Literature Review

What causes human rights violations? Why do leaders repress their people? States repress their people and violate human rights to achieve an end. State leaders are rational and
strategically employ repressive policies (Poe, Tate, & Keith, 1999; Moore, 2000). Leaders repress their citizens in order to impose their own practices or beliefs or, conversely, to defend these practices or beliefs from any challenges (Davenport & Armstrong, 2004). Scholars have explored various incentives that states, and specifically their leaders, have to violate human rights. This literature will be summarized, followed by an analysis of international human rights efforts and their impacts.

**Incentives to Repress**

Motives for repression can be categorized into two distinct groups: domestic structures and domestic incentives. The former considers the state as a whole and looks at its political and economic institutional structure while the latter considers the leader’s personal incentives to maintain power and control. Domestic structures such as regime type and economic interdependence affect state levels of repression (Poe & Tate, 1994; DeMeritt & Young, 2013; Conrad & DeMeritt, 2013). Democracies in general repress less than their autocratic counterparts, and human rights violations increase when leaders are not dependent on their citizens for financial or electoral support to remain in office. Oil also plays a significant role in repression, as states relying on oil are more likely to violate personal integrity rights (DeMeritt & Young, 2013).

Several domestic factors can create incentives for repression. The main incentive for repression is domestic dissent (Davenport, 1995; Gartner & Regan, 1996; Shellman, 2006; Franklin, 2009). When leaders perceive a threat, they often resort to repression to neutralize opponents and deter future challenges (Davenport, 1995). Conrad and Ritter (2013) add to this extensive literature by arguing that regimes respond to threats differently depending on their job security. Similarly, civil and/or international war incentivizes repression as the regime is threatened by outside actors, either foreign or domestic (Poe & Tate, 1994; Poe, Tate, & Keith, 1999).
Domestic legal institutions can influence a leader’s decision to commit crimes by raising or lowering the costs. An effective domestic legal institution can deter repression by posing a real threat of punishment. An ineffective judiciary system, or one under the leader’s control, may lower the costs of committing crimes by posing no threat of investigation or trial (Powell & Staton, 2009).

**International Efforts**

States, and their individual leaders, clearly have incentives to violate human rights, so what can be done to prevent such crimes and atrocities? What has the international community done, and how well has it worked? Proponents of international institutionalization argue that new organizations and treaties will establish and spread norms in support of human rights. Some scholars argue that international normative context is important and pressure from transnational actors makes a positive difference through a diffusive “norm cascade” (Finnemore & Sikkink, 1998; Cardenas, 2004).

**Naming and shaming.** In analyzing the proposed “norm cascade,” there is some divergence as to the effects of naming and shaming on human rights. The jury is still out on whether transnational advocacy groups’ popular method of publicly calling out violators of human rights achieves positive results. Some research shows that it can have a positive effect, depending on regime type and when combined with domestic and/or international pressure (Murdie and Davis, 2012; Krain, 2012; Hendrix & Wong, 2012). On the other hand, some scholars argue that, under certain conditions, naming and shaming can worsen human rights violations (Hafner-Burton, 2008; Hendrix & Wong, 2012). Naming and shaming has different effects, depending on regime type. The method can be beneficial in autocracies, while democracies and hybrid regimes are less likely to change after being named and shamed (Hendrix & Wong, 2012).
**Human Rights Treaties.** International human rights treaties, such as the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Convention against Torture (CAT), have been adopted to propel universal respect for human rights. Human rights treaties are atypical compared to other international treaties such as those concerning finance and trade (Neumayer, 2005). The human rights regime is weak because there is no international enforcement mechanism, which creates a problem where states commit to a treaty and then fail to comply with its terms. Do international human rights treaties work, i.e., do they improve human rights in ratifying states? There are many factors that affect the impact of human rights treaties, and once again scholars do not all agree on whether they are a positive or negative force in reality.

The effect of human rights treaties varies depending on state behavior and domestic institutions (Hathaway, 2007; Powell & Staton, 2009; Hill, 2010). Human rights treaties are more effective with strong domestic institutions where commitments are enforced (Hathaway, 2007). Because there is no international enforcement mechanism, compliance is left to domestic legal institutions. Powell and Staton argue that an effective domestic judiciary, which acts as a “genuine constraint on state behavior,” serves as the main enforcement mechanism of human rights treaties (2009, 154). On the other hand, ineffective domestic legal institutions lower the costs of ratification and compliance.

Neumayer (2005) argues that civil society plays a key role in the effectiveness of human rights treaties. Ratification is beneficial in a democracy and/or where a state has a strong civil society, i.e., a high level of active citizen participation in international non-governmental organizations. Without a strong civil society and/or in pure autocracies, human rights treaty ratification often makes no difference, and can even make things worse.
Transitional justice. After conflict and/or state repression, transitional justice is often implemented to address massive human rights violations and strengthen trust and the rule of law. Transitional justice mechanisms include criminal prosecutions, truth commissions, amnesties, and reparation programs. This subject has attracted much scholarly attention, questioning whether transitional justice promotes peace and stability and—importantly—deters future repression. Post-conflict justice has the potential to lead to a more durable peace in all types of regimes, but the results are weak and hard to generalize, varying with the types of transitional justice (Lie, Binningsbø, & Gates, 2007). Kim and Sikkink (2010) find that human rights prosecutions improve human rights protection and have a successful deterrent effect internationally. Similarly, Olsen, Payne, Reiter, and Wiebelhaus-Brahm (2010) find that truth commissions can have a positive impact when complemented by amnesties and prosecutions.

Others, however, have concluded that no relationship exists between transitional justice mechanisms and peace duration, and others have argued for a negative relationship. Snyder and Vinjamuri (2004) find that trials do little to deter violence and do not help peace. Further, they are skeptical of the “norm cascade” of international human rights. Meernik, Nichols, and King (2010) support these findings, concluding that domestic human rights trials and international criminal tribunals do not generally improve peace and human rights practices after civil conflict. In a specific analysis of the International Criminal Tribunal for the former Yugoslavia (ICTY), Meernik (2005) finds that the proceedings had little, if any effect, on societal peace in Bosnia. Sometimes, the trials even resulted in increased hostility between ethnic groups. There is no consensus on the impact of transitional justice mechanisms, as it seems that they can have both positive and negative effects on societal peace after conflict.
**The International Criminal Court.** The International Criminal Court differs from similar transitional justice trials and international criminal tribunals because it is an independent, permanent court that seeks to prosecute the most serious violations of human rights. The Rome Statute, establishing the court’s structure, jurisdiction, and functions, was adopted on July 17, 1998, and went into effect on July 1, 2002. One hundred and twenty-two countries are States Parties to the Rome Statute of the International Criminal Court. The Court investigates four crimes considered to be so heinous that they are a matter of international concern and jurisdiction: genocide, crimes against humanity, war crimes, and crimes against aggression (Neumayer, 2009). The ICC can investigate and prosecute any of these crimes committed in the territory of a state party, by a national of a state party, or by U.N. Security Council referral. The Court functions with a complementarity principle, acting as a complement to existing state judicial systems. It may only act if states are unable or unwilling to investigate and prosecute themselves, or if the proceedings are deemed not genuine. Proponents of the Court argue that its main function is deterring future crimes. Now, twelve years after its creation, has the Court been successful? Does it have a positive influence on respect for human rights around the world?

The ICC has many opponents and disbelievers. Some skeptics believe that the Court does not do enough simply prosecuting individuals but should expand into restorative and transitional justice in order to make a difference in preventing human rights violations (Sarkin, 2011). As the ICC investigates and prosecutes more individuals, a few scholars are beginning to research the impact of the Court. Prorok (2013) argues and finds empirical support for the notion that the ICC increases the threat of punishment for state and rebel leaders and thus generates incentives for leaders to continue conflict and war to avoid punishment. This is a major finding, suggesting the ICC does not help advance the international norms of peace and justice.
Theory and Hypotheses

Judicial deterrent capability has laid the foundation for human rights treaties and the creation of the International Criminal Court. This framework claims that judicial institutions should deter crimes as people want to avoid punishment. I, however, argue that its application to the ICC has unintended consequences. The Court creates an additional avenue and threat of punishment but does not serve as a successful deterrent. Expanding on Prorok’s (2013) argument, I argue that the ICC provides another incentive for leaders to repress their people in hopes of silencing the opposition.

Two fundamental assumptions underlie this theory: repression is a rational decision and leaders consider the possibility of punishment in their actions. Extensive literature argues that state leaders are rational in their decision to repress, weighing several consequences, both positive and negative, of repression (Poe, Tate, & Keith, 1999; Moore, 2000; Davenport & Armstrong, 2004). When leaders perceive a threat, whether from dissent or war, repression allows them to suppress their opposition and deter challenges (Davenport, 1995; Gartner & Regan, 1996; Shellman, 2006; Franklin, 2009). Leaders, however, weigh these benefits with the threat of punishment by domestic legal institutions (Powell & Staton, 2009). Ultimately, leaders use repression to achieve an end, often maintenance of control and power.

Second, as rational actors, leaders consider the threat of punishment in decision-making. Punishment is well-researched in the fields of psychology, sociology, and criminology. While some scholars argue that punishment institutions (e.g., the penal system) have a deterrent effect, others support the “risk-reward trade-off” (Luckenbill, 1982; Viscusi, 1986). In “Compliance under Threat of Severe Punishment,” Luckenbill discusses the decision process of a potential criminal, weighing the “relative merits” of either compliance or opposition before selecting the “one judged most useful in preserving well-being” (1982,
Individual biases and perceptions are important in criminal deterrence and help determine how much a person estimates the risk and value of the punishment (Viscusi, 1986). People, including leaders who make decisions about repression, consider how likely the perceived risk is when deciding whether (and how much) to repress. Facing unacceptable risk, they may (as proponents of deterrence expect) choose not to repress. I argue that they may instead choose to continue repression in a way that minimizes or eradicates that risk (by attempting to bully and silence the opposition). Perhaps the benefits outweigh the expected risk of punishment. While punishment can be a deterrent, it can also negatively affect behavior, especially if there are other, stronger, incentives to defect and commit crimes.

A strong domestic judiciary poses a real threat of punishment and thus works to commit leaders to international agreements, such as human rights treaties, and deter crimes (Powell & Staton, 2009). An ineffective judiciary, however, poses no real threat of punishment, allowing leaders to defect and commit crimes without a possibility of personal accountability. Oftentimes, especially in states with past human rights abuses, the judiciary is not fully independent of the executive, simply ineffective, or corrupt. Conversely, domestic leaders cannot control or influence the ICC’s investigations and decisions. Therefore, the ICC adds an external avenue of punishment, aside from traditional domestic judicial institutions (which may or may not actually pose a threat of punishment). Because of the complementarity principle, if domestic judiciary systems refuse to investigate and prosecute, leaders are vulnerable to the ICC. This personal accountability and potential punishment (indictment, trial, and imprisonment) weigh on the minds of leaders.

Prorok finds that involvement by the ICC (investigation or indictment) in a civil conflict counter-intuitively “decreases the prospects for peace, as leaders will fear that joining negotiations, relinquishing political power, or demobilizing forces will lead to capture, transfer to The Hague, and prosecution” (2013, p. 40). Prorok argues that active ICC
involvement makes punishment “more certain and more immediate.” With this increased expectation of punishment, leaders are desperate to avoid punishment and thus extend the conflict. The threat posed by the ICC, however, extends beyond civil conflict and into human rights violations. The Court does not incentivize domestic leaders, whether official state or rebel leaders, to begin repressing (as opposed to factors such as domestic dissent and international and/or civil war discussed earlier). Rather, the ICC motivates leaders to continue repressing, in hopes of silencing the opposition and bullying those that may call attention to their behavior. Leaders may kill off allies that could potentially testify against them or continue repressing the opposition so they are unable to report the abuses. Conversely, leaders who do not anticipate punishment or repression have little or no incentives to keep repressing after they accomplish their goal.

It is difficult to find supporting examples because states are getting smarter at covering up their torture and abuses; however, the recent investigation in Kenya is an instructive example. Uhuru Kenyatta, the current President of the Republic of Kenya, is under investigation by the ICC for post-election violence in 2007-2008. He is allegedly responsible as an “indirect co-perpetrator” for crimes against humanity, including murder, deportation or forcible transfer, rape, persecution, and other inhumane acts. William Rutto, current Deputy President of Kenya, is on trial for crimes against humanity, including murder, deportation or forcible transfer of population, and persecution. The ICC began investigating in 2010, and since then, the Kenyatta regime has worsened its record on fundamental human rights (International Federation for Human Rights, 2014). According to the International Federation of Human Rights, Kenyatta and his allies have been “actively undermining” human rights. In addition to ignoring the victims of the post-election violence and avoiding any potential justice, the government has severely suppressed “dissenting voices.” They have silenced the media and civil society in order to control the flow of information. Discrimination against
women and minorities has also increased along with police violence in the past year of Kenyatta’s tenure.

Since the ICC began its investigation in 2010, Kenyatta has severely repressed his people. Specifically, his anti-terrorism operations have involved massive human rights abuses. While it is impossible to concretely say what has motivated these actions, the imminent threat of punishment and trial has likely played a role. Kenyatta concern about ICC prosecution serves as an incentive for him to continue his repressive acts in the hope of containing information regarding questionable past actions and silencing any opposition that may come forward with accusations. The International Criminal Court can thus backfire, producing unintended consequences of worsening respect for human rights. Once an investigation has been opened, a leader is even more aware of the real potential of punishment. Desperate to keep power and avoid trial, leaders are likely to use extreme measures including killing off alleged victims and potential witnesses. Along these lines, this study has two hypotheses in regards to the relationship between human rights and ICC ratification and active involvement.

\( H_1: \text{Ratification of the Rome Statute increases repression.} \)

\( H_2: \text{Active involvement by the International Criminal Court increases repression.} \)

Research Design

To test the two hypotheses, I use a time-series cross-sectional research design. The temporal domain of this study covers the period from 2002 to 2010. The Rome Statute establishing the International Criminal Court went into effect in 2002, so I begin in 2002 and continue through 2010, the last year included in the necessary data sets. Spatially, it incorporates a globally representative sample of 155 states.

Dependent Variable
The primary dependent variable, repression, is operationalized using the Cingranelli-Richards (CIRI) Personal Integrity Rights Index (Cingranelli, Richards, & Clay, 2014). While repression includes both personal integrity rights abuse and empowerment rights abuse, this analysis focuses on personal integrity rights. The CIRI Index includes all four aspects of personal integrity abuse: extrajudicial killing, torture, disappearance, and political imprisonment. Government respect for each personal integrity right is measured on a three-point scale from 0 to 2, with higher values capturing better respect for the right. The four measures are then combined to produce an index that ranges from 0 to 8, with higher values capturing better government respect for personal integrity rights overall. The CIRI Physical Integrity Rights Index adds the four components and ranges from 0 to 8, with increasing values representing increasing government respect for human rights. To make the results more intuitive, I reverse the coding so that higher values represent increasing personal integrity abuse. In this analysis, the CIRI Index is more beneficial than the Political Terror Scale (PTS), another available measure for repression (Gibney, Cornett, Wood, & Haschke, 2012). The CIRI Index range is greater, allowing for more distinction in the computation and data analysis. The CIRI Index is also more suitable because it measures human rights practices while the PTS measures human rights conditions.

Independent Variables

Key explanatory variables. To investigate the effects of the International Criminal Court, I use two binary variables: ratification of the Rome Statute and active involvement by the ICC. Both variables are coded using publicly available information drawn from the ICC website. Rome Statute ratification is coded dichotomously according to the year of ratification. Active involvement by the ICC encompasses a variety of activities “ranging from the initial phase, termed preliminary examination, to investigation, trial, verdict, and sentencing” (Prorok, 2013). Active involvement is coded using the official ICC start dates of
open cases, which, in most cases, coincides with the case referral. Cases can be referred to the ICC Prosecutor by any State Party or from the United Nations Security Council. Further, the Court may investigate based on information from individuals or organizations within the Court’s jurisdiction. All cases are coded through the end of the data in 2010, including cases where the suspects are still at large.

Control variables. While the International Criminal Court is the independent variable of interest, it is necessary to control for other factors that may contribute to states’ levels of repression. As discussed earlier, repression is often utilized in response to dissent (Davenport, 1995; Gartner & Regan, 1996; Shellman, 2006; Franklin, 2009). I operationalize dissent using the Banks Cross-Sectional Time-Series Data Archive (Banks & Wilson, 2014). I create a single measure of dissent summing domestic acts against the state, including assassinations, general strikes, guerilla warfare, riots, revolutions, and anti-government demonstrations for each country-year in the data.

Second, war also affects repression. International and/or civil war, as discussed earlier, presents challenges to a regime, incentivizing the use of repression (Poe & Tate, 1994; Poe, Tate, & Keith, 1999). The Uppsala Conflict Data Program is used to control for this relationship, creating separate interstate and civil war dummy variables (Gleditsch, Wallensteen, Eriksson, Sollenberg, & Strand, 2002). Third, domestic legal institutions can affect repression levels, depending on their effectiveness. Strong, independent domestic judiciaries deter human rights violations while weak, ineffective ones allow leaders to avoid punishment (Powell & Staton, 2009). I utilize CIRI’s measure of judicial independence (Cingranelli, Richards, & Clay, 2014). The estimates are trichotomous: a score of 0 indicates not independent, a score of 1 indicates partially independent, and a score of 2 indicates generally independent. I create a dummy variable, combining the partially and generally independent scores (originally 1 and 2) as a new “independent” score of 1 along with the
original “not independent” estimates. Fourth, a country’s past level of respect for human rights is likely to influence its present level of respect (Poe & Tate, 1994; Poe, Tate, & Keith, 1999). Therefore, I include a one year lag of the dependent variable as a control independent variable.

Fifth, democracy is generally positively correlated with respect for personal integrity rights (Henderson, 1991; Poe & Tate, 1994; Poe, Tate, & Keith, 1999). I measure democracy using the Polity database (Jaggers & Gurr 1995). The variables range from -10 to 10, with lower values indicating increasing levels of autocracy and higher values indicating increasing levels of democracy. Sixth, population size often negatively affects repression. Large populations create strain on the society and stress on natural resources, resulting in repression (Poe & Tate, 1994; Poe, Tate, & Keith, 1999). I include the natural log of state population, taken from the World Bank Database (World Bank, 2014).

Methodology

Because the dependent variable is ordinal, I use an ordered logistic regression model to analyze the data. Unlike an ordinary least squares model, the ordered logistic regression does not assume that the dependent variable is continuous or normally distributed. Ordered logit allows for statistical analysis for the operationalized dependent variable, repression, using the CIRI Physical Integrity Rights Index.

Results and Analysis

The hypotheses posit that both ratification of the Rome Statute and active involvement by the ICC will worsen respect for human rights. First, to investigate the relationships between the International Criminal Court and repression, I examine the different means of repression and perform corresponding two sample t-tests. Table 1 displays the means and t-tests for repression by ratification and involvement.
The two t-tests find that there are significant differences, suggesting that the International Criminal Court affects repression, both in terms of ratification and involvement. The t-tests assume equal variance of samples. I tested for equal variance and found with statistical significance that they are unequal. Therefore, I performed a nonparametric bootstrap (with no assumption for variance equality) for difference in means for both ratification and active involvement. The results are statistically significant and support the t-test findings.

The tests, however, do not provide perfect support for the original hypotheses. $H_1$ finds no support as the test provides evidence that states that have ratified the Rome Statute repress less than non-ratifiers. This test, on the other hand, does support $H_2$ that active involvement is associated with more repression.

While these descriptive statistics are insightful and suggest that there is some relationship between the ICC and repression, further analysis is required. There are many other factors that affect levels of repression, such as democracy, dissent and war. To control for other variables, specified above in the research design, I perform an ordered logistic regression. The results are displayed in Table 2.

The results of the ordered logistic regression support the initial findings of the t-tests. A robust model was calculated, and the results are similar and support the original model. Controlling for several other factors, the two ICC variables play a significant role in state levels of repression. Once again, the results suggest that the ratifiers of the Rome Statute repress less than non-ratifiers. Active involvement by the ICC, on the other hand, is associated with more repression. The control variables are mostly all significant, acting as suspected. The existence of civil war is positively, and significantly, related to repression. Interstate war, however, is not significant in this model. This is likely due to the extremely small number of interstate wars in this time period. Across all countries and years, there are only nine instances of interstate war. Large amounts of dissent and large populations both
have positive, significant relationships with repression. Domestic judicial institutions and polity are negatively and significantly related with repression.

**Effects of the ICC on Repression**

While these findings do not support both hypotheses, they are insightful and allow for increased understanding of the mixed effects of the International Criminal Court. Ratification of the Rome Statute seems to improve respect for human rights while active involvement is associated with worsening levels of human rights. This partially supports the arguments in favor of the ICC with the theory of deterrence. These results imply that the pure existence of the ICC has a positive effect but any activity towards accomplishing its mission backfires.

This study finds, contrary to the proposed theory and hypothesis, that ratification of the Rome Statute has a positive effect on human rights. States Parties to the ICC statistically have better human rights respect than non-party states. This supports deterrence theory, claiming that the ICC will dissuade states from committing massive human rights violations. The Court, however, is more complex as it investigates and indicts leaders for crimes, and the results suggest that this is where it backfires and worsens human rights. The component of active involvement corresponds to the proposed theory and H2. I theorize, and find support, that the Court creates another incentive for leaders to repress their population. These findings imply that leaders who feel threatened by the Court and realistically face punishment are likely to further repress their people. They hope to cover up their crimes and silence any opposition that may come forward to aid in the prosecution’s case.

**Design Complications**

This design faces an overall endogeneity problem, so it is difficult to assign causality. I attempted to control for past levels of repression by including a lag of the dependent variable, but this created a multicollinearity problem which affected the accuracy of the estimates. The presented results, uninfluenced by the correlation, leave room for endogeneity
concerns for both independent variables. Past levels of repression are likely to influence current levels of repression. States that repressed their population in the past are likely to continue repressing, and conversely, states that have a high respect for human rights are likely to continue their respect and not engage in human rights violations. The benefit of excluding this potentially important variable is accuracy in the estimates, which is necessary for analysis and interpretation.

There is also a selection bias with ratification and active involvement. Certain types of states are likely to ratify human rights treaties including the Rome Statute while others tend to avoid such agreements. The control variables, such as polity, address this issue. The selection bias with active involvement, however, is harder to address. The Court investigates human rights violations, so it becomes involved in states with high levels of repression. Ultimately, this means that the court will not get involved in states with low levels of repression. This selection bias affects the analysis and interpretation of the results. Can the significance of the active involvement variable be attributed to the action of the Court rather than the nature of previous repression that warranted involvement? There are, however, numerous countries with extremely high levels of repression that have not been studied.

**Conclusion**

States and their leaders face several incentives to repress their populations, and the International Criminal Court arguably creates yet another incentive. Human rights treaties were created to deter human rights violations, but has the movement toward international justice been successful? These findings suggest that the ICC has mixed effects, both improving and worsening respect for fundamental human rights. Ratification of the Rome Statute is associated with increased respect for human rights, while active involvement by the ICC is associated with decreased respect for human rights.
These results have major implications in the international community and the movement toward international justice. The ICC was created as a deterrent court, and its mere presence may serve this purpose. Action by the Court, however, seems to increase repression. Is action (investigation, indictment and prosecution) really necessary or beneficial? Interestingly, the statistical findings of this study suggest that the mere existence of the ICC may be enough to deter human rights abuses.

Because it is a fairly new organization, there is little research about the effects of the International Criminal Court. With the preliminary findings of this study, there is a need for further research into the effects of the ICC on human rights. Different, more complicated models (such as a selection model) can be developed to account for the potential problems with selection bias. Future research should focus separately on the disaggregation of physical integrity rights, examining extrajudicial killings, disappearances, political imprisonment, and torture.
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| Variables                | Yes    | No     | t-test for difference in means |
|--------------------------|--------|--------|--------------------------------|
| Rome Statute ratification| 2.438  | 4.274  | t = 17.6115, p-value = 0.0000  |
| Active involvement       | 6.214  | 3.210  | t = -7.5157, p-value = 0.0000  |
Table 2: The Effects of the ICC on Repression

| Variables                      | Coefficient (Standard Error) |
|--------------------------------|------------------------------|
| Rome Statute ratification      | -0.5578*** (0.124)           |
| Active involvement             | 1.0616*** (0.350)            |
| Civil war                      | 2.2381*** (0.183)            |
| Interstate war                 | -0.1579 (0.642)              |
| Domestic dissent               | 0.2349*** (0.030)            |
| Polity                          | -0.1091*** (0.010)           |
| Domestic judicial institutions  | -1.3519*** (0.118)           |
| Population (ln)                | 0.5245*** (0.039)            |
| Constant cut 1                 | 3.5181*** (0.624)            |
| Constant cut 2                 | 5.4958*** (0.627)            |
| Constant cut 3                 | 6.5925*** (0.631)            |
| Constant cut 4                 | 7.8385*** (0.640)            |
| Constant cut 5                 | 9.0875*** (0.652)            |
| Constant cut 6                 | 10.1273*** (0.662)           |
| Constant cut 7                 | 11.4436*** (0.679)           |
| Constant cut 8                 | 12.8442*** (0.704)           |
| Observations                   | 1,383                        |

*** p<0.001