Threats and Commitments: International Tribunals and Domestic Trials in Peace Negotiations Supplementary Materials

Genevieve Bates

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A Additional Figures and Summary Statistics

Figure A1: Proportion of Agreements with Any TJ Provisions and Commitments to Domestic Trials over Time (2002 – 2019)

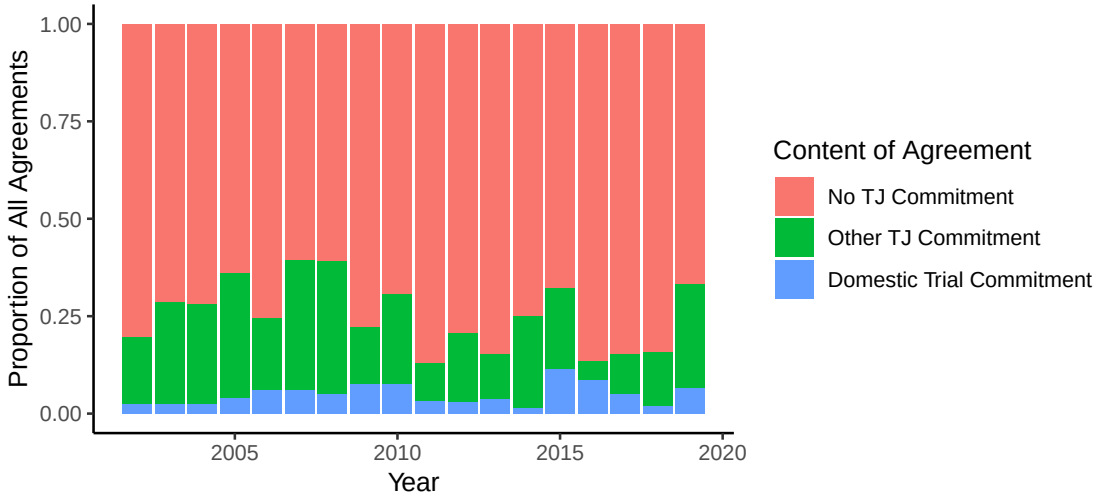


Figure A1 shows how the proportion of peace agreements with TJ provisions—including both domestic trial commitments and all other forms of transitional justice—has changed over time. Domestic trial commitments generally follow the same pattern as other TJ provisions: there are few commitments prior to 2005, with an increase in commitments in 2008 and 2014-2016.

Table A1: Summary Statistics

Statistic	Mean	SD	Min	Median	Max
Domestic Trial Commitment	0.049	0.215	0.000	0.000	1.000
Threat	0.107	0.309	0.000	0.000	1.000
Intervention	0.174	0.379	0.000	0.000	1.000
IO Signature	0.389	0.632	0.000	0.000	2.000
Rome Statute Ratification	0.278	0.448	0.000	0.000	1.000
Participatory Democracy	0.209	0.128	0.050	0.168	0.648
Access to Justice	0.388	0.278	0.028	0.304	0.971
HR Organizations	39.848	20.863	11.618	30.000	108.423
GDP Per Capita (lag)	7.217	0.962	5.480	7.112	10.699
Foreign Aid (lag)	10.788	16.927	-0.052	4.292	73.361
Combatant Casualties (lag)	8.434	2.584	0.000	8.846	12.285
Atrocities	6.221	2.652	0.000	6.576	9.620
Domestic Trial Commitment (Alternate)	0.045	0.206	0.000	0.000	1.000
Domestic Trial Commitment (Conservative)	0.007	0.083	0.000	0.000	1.000
UNSC Referral	0.103	0.304	0.000	0.000	1.000
Article 14 (Self) Referral	0.114	0.318	0.000	0.000	1.000
Propio Motu Referral	0.064	0.245	0.000	0.000	1.000

Table A1 provides summary statistics for the data used in the empirical analysis. While the peace agreements dataset includes data on 832 agreements in civil conflict since 2002, after including data on conflict, I am left with 719 observations.

B Robustness Checks and Alternate Specifications

B.1 Bootstrapping Standard Errors

The 719 agreements included in the analysis have been negotiated in 43 countries. To account for this, the models presented in Table 1 cluster the standard errors by country. It is possible, however, that this clustering strategy may be insufficient given the relatively small number of countries in the data. Table B1 presents results with bootstrapped standard errors. The results are consistent with those presented in Table 1 of the main text.

Table B1: Relationship Between ICC Involvement and Domestic Trial Commitments (Bootstrapped SEs)

	Domestic Trial Commitment		
	(1)	(2)	(3)
Threat	1.377***	2.157***	1.921***
	[0.374, 2.381]	[1.156, 3.159]	[1.084, 2.757]
	(0.007)	(<0.001)	(<0.001)
Intervention	1.273***	2.362***	1.910***
	[0.590, 1.956]	[1.318, 3.407]	[0.841, 2.978]
	(<0.001)	(<0.001)	(<0.001)
HR Organizations		0.036***	0.036***
		[0.014, 0.058]	[0.014, 0.057]
		(0.001)	(0.001)
Rome Statute Ratification		-0.650	0.032
		[-1.443, 0.142]	[-1.275, 1.338]
		(0.108)	(0.962)
Combatant Casualties (lag)		0.034	0.076
		[-0.143, 0.210]	[-0.158, 0.310]
		(0.709)	(0.526)
Atrocities		-0.007	-0.020
		[-0.212, 0.197]	[-0.247, 0.206]
		(0.945)	(0.860)
IO Signature		-0.065	-0.135
		[-0.722, 0.592]	[-0.898, 0.629]
		(0.847)	(0.730)
Foreign Aid (lag)		0.020**	0.025**
		[0.000, 0.041]	[0.001, 0.050]
		(0.045)	(0.045)
Participatory Democracy			-0.373
			[-8.105, 7.358]
			(0.925)
Access to Justice			-1.034
			[-3.468, 1.400]
			(0.405)
GDP Per Capita (lag)			0.284
			[-0.216, 0.784]
			(0.265)
Africa			0.501
			[-0.790, 1.793]
			(0.447)
Time			-0.067
			[-0.166, 0.033]
			(0.188)
Num.Obs.	719	719	719
Log.Lik.	-133.115	-127.818	-125.893
Std.Errors	Bootstrap	Bootstrap	Bootstrap

*p<0.1; **p<0.05; ***p<0.01

B.2 Accounting for Referral Mechanisms

Table B2 presents the results of an analysis that explicitly accounts for the mechanisms by which situations come to be at the ICC. Disaggregating ICC involvement by referral type is one way of modeling more explicitly how situations are selected into treatment. Note that I do not distinguish between threats and intervention in Table B2, only between referral mechanisms. As the results in Table B2 show, there is important variation in the relationship between each referral mechanism and the likelihood that negotiations result in an agreement

Table B2: ICC Involvement by Referral Mechanism and Domestic Trial Commitments in Peace Agreements

	Domestic Trial Commitment		
	(1)	(2)	(3)
UNSC Referral	1.548***	2.608***	2.092***
	[0.920, 2.176]	[1.650, 3.565]	[1.165, 3.019]
	(<0.001)	(<0.001)	(<0.001)
Article 14 Referral	0.620	0.977	0.898
	[-0.402, 1.641]	[-0.520, 2.474]	[-0.382, 2.178]
	(0.234)	(0.201)	(0.169)
Propio Motu Referral	1.817***	2.022***	2.224***
	[1.132, 2.503]	[1.077, 2.967]	[1.265, 3.184]
	(<0.001)	(<0.001)	(<0.001)
HR Organizations		0.033***	0.033***
		[0.013, 0.053]	[0.016, 0.051]
		(0.001)	(<0.001)
Rome Statute Ratification		-0.035	0.217
		[-0.909, 0.838]	[-0.940, 1.374]
		(0.937)	(0.713)
Combatant Casualties (lag)		-0.046	0.015
		[-0.227, 0.135]	[-0.173, 0.203]
		(0.621)	(0.875)
Atrocities		-0.013	-0.032
		[-0.188, 0.162]	[-0.207, 0.143]
		(0.883)	(0.721)
IO Signature		0.054	-0.100
		[-0.513, 0.620]	[-0.785, 0.584]
		(0.853)	(0.774)
Foreign Aid (lag)		0.028***	0.031***
		[0.009, 0.046]	[0.011, 0.051]
		(0.003)	(0.003)
Participatory Democracy			-0.841
			[-6.484, 4.803]
			(0.770)
Access to Justice			-0.265
			[-1.956, 1.425]
			(0.759)
GDP Per Capita (lag)			0.169
			[-0.278, 0.615]
			(0.459)
Africa			0.706
			[-0.393, 1.804]
			(0.208)
Time			-0.060
			[-0.146, 0.025]
			(0.166)
Num.Obs.	719	719	719
Log.Lik.	-130.920	-126.511	-125.186
Std.Errors	by: country	by: country	by: country

*p<0.1; **p<0.05; ***p<0.01

with a domestic trial commitment. All referral mechanisms appear to be directionally consistent – they all have a positive relationship with domestic trial commitments – but only UNSC and *propio motu* referrals appear to have a relationship that is significant. UNSC referrals may be a strong predictor because of the signal a UNSC referral sends, that the rest of the international community – or certainly the world's most powerful states – are supportive of ICC action. Notable is the fact that Article 14 referrals do not make the odds of a peace agreement containing a domestic trial commitment more likely across any of the models.

While Article 14 referrals can (and have) come from any state party to the Rome Statute, many such referrals have come from states explicitly requesting ICC involvement (so called "self-referrals"), and all countries with peace agreements negotiated under an Article 14 referral have self-referred to the ICC. The consistently insignificant relationship between these referrals and domestic trial commitments suggests an important scope condition to the argument of this article: perhaps different dynamics are at play in these situations, where states may seek to use the "international legal lasso" to punish their enemies by self-referring (Hillebrecht & Straus 2017).

B.3 ICC Involvement by Stage

Model 1 of Table B3 breaks down the involvement of the ICC by each stage of the Court's involvement, including (1) no involvement (the baseline category), (2) the preliminary examination stage, (3) the formal investigation stage, (4) the issuing of arrest warrants, (5) trials, and (6) the securing of convictions. Model 2 takes into consideration the idea that the relationship between the stages of involvement and the outcome may be nonlinear: by showing the court's resolve, intervention may serve as a stronger threat than earlier stages of involvement. I therefore create a measure of the extent of ICC involvement by stage and square it to account for the nonlinearity of the relationship. The results are largely consistent with the results presented in Table 1 in the main text.

Table B3: ICC Involvement (by Stage of Involvement) and Domestic Trial Commitments in Peace Agreements

	Domestic Trial Commitment	
	(1)	(2)
Conviction	1.784	
	[-0.429, 3.996]	
	(0.114)	
Formal Investigation	1.290***	
	[0.519, 2.061]	
	(0.001)	
Preliminary Examination	2.405***	
	[1.302, 3.507]	
	(<0.001)	
Trial	2.271***	
	[0.949, 3.593]	
	(<0.001)	
Arrest Warrant	1.811***	
	[0.922, 2.699]	
	(<0.001)	
HR Organizations	0.033***	0.030***
	[0.016, 0.050]	[0.011, 0.049]
	(<0.001)	(0.002)
Rome Statute Ratification	-0.161	0.501
	[-1.322, 1.001]	[-0.488, 1.490]
	(0.786)	(0.321)
Combatant Casualties (lag)	0.060	0.149
	[-0.153, 0.272]	[-0.075, 0.372]
	(0.583)	(0.192)
Atrocities	-0.021	-0.012
	[-0.213, 0.172]	[-0.222, 0.198]
	(0.833)	(0.913)
IO Signature	-0.132	-0.120
	[-0.868, 0.605]	[-0.860, 0.620]
	(0.726)	(0.750)
Foreign Aid (lag)	0.028***	0.015
	[0.007, 0.049]	[-0.007, 0.037]
	(0.010)	(0.185)
Participatory Democracy	-0.478	1.287
	[-6.515, 5.560]	[-6.213, 8.787]
	(0.877)	(0.737)
Access to Justice	-0.752	-1.690
	[-2.238, 0.734]	[-3.858, 0.479]
	(0.321)	(0.127)
GDP Per Capita (lag)	0.263	0.353
	[-0.239, 0.764]	[-0.137, 0.842]
	(0.304)	(0.158)
Africa	0.747	0.724
	[-0.456, 1.950]	[-0.577, 2.025]
	(0.223)	(0.276)
Time	-0.073*	-0.053
	[-0.158, 0.012]	[-0.153, 0.046]
	(0.094)	(0.294)
$Stage^2$		0.389**
		[0.045, 0.734]
		(0.027)
Num.Obs.	719	719
Log.Lik.	-125.502	-128.871
Std.Errors	by: country	by: country

*p<0.1; **p<0.05; ***p<0.01

B.4 Lagged Models

Table B4: ICC Involvement (Lagged) and Domestic Trial Commitments in Peace Agreements

	Domestic Trial Commitment
	(1)
Threat (lag)	2.175***
	[1.351, 3.000]
	(<0.001)
Intervention (lag)	2.286***
	[1.380, 3.192]
	(<0.001)
HR Organizations	0.040***
	[0.021, 0.059]
	(<0.001)
Rome Statute Ratification	0.109
	[-1.021, 1.238]
	(0.851)
Combatant Casualties (lag)	0.080
	[-0.149, 0.309]
	(0.494)
Atrocities	-0.021
	[-0.239, 0.197]
	(0.848)
IO Signature	-0.151
	[-0.896, 0.595]
	(0.692)
Foreign Aid (lag)	0.027***
	[0.007, 0.047]
	(0.007)
Participatory Democracy	-1.510
	[-7.930, 4.910]
	(0.645)
Access to Justice	-1.007
	[-2.490, 0.476]
	(0.183)
GDP Per Capita (lag)	0.328
	[-0.153, 0.809]
	(0.182)
Africa	0.286
	[-0.947, 1.519]
	(0.650)
Time	-0.087*
	[-0.179, 0.005]
	(0.063)
Num.Obs.	719
Log.Lik.	-124.200
Std.Errors	by: country

*p<0.1; **p<0.05; ***p<0.01

Table B4 more explicitly takes into consideration the timing of ICC involvement. That is, because the ICC involvement data are measured annually, it is possible that the results presented in Table 1 are spurious, either because OTP involvement occurs coincidentally after agreements are made in a given year or because the prosecutor gets involved precisely because an agreement has been reached. To address this concern, in Table B4 I re-fit the full model presented in Table 1, this time lagging my measures of threat and intervention by 1 year. The results are largely consistent with those presented in Table 1.

In Table B5, I lag all variables measured annually in the models. Again, these results are largely consistent with those presented in Table 1.

Table B5: ICC Involvement and Domestic Trial Commitments in Peace Agreements (Lagged Model)

	Domestic Trial Commitment
	(1)
Threat (lag)	2.303***
	[1.453, 3.153]
	(<0.001)
Intervention (lag)	2.374***
	[1.431, 3.317]
	(<0.001)
HR Organizations (lag)	0.041***
	[0.021, 0.060]
	(<0.001)
Rome Statute Ratification (lag)	-0.001
	[-0.724, 0.722]
	(0.998)
Combatant Casualties (lag)	0.089
	[-0.127, 0.305]
	(0.419)
Atrocities (lag)	-0.054
	[-0.260, 0.153]
	(0.611)
IO Signature	-0.131
	[-0.874, 0.612]
	(0.730)
Foreign Aid (lag)	0.026***
	[0.010, 0.043]
	(0.001)
Participatory Democracy (lag)	-2.620
	[-8.480, 3.240]
	(0.381)
Access to Justice (lag)	-0.800
	[-2.584, 0.985]
	(0.380)
GDP Per Capita (lag)	0.359
	[-0.125, 0.842]
	(0.146)
Africa	0.183
	[-1.074, 1.441]
	(0.775)
Time	-0.090**
	[-0.178, -0.003]
	(0.042)
Num.Obs.	678
Log.Lik.	-119.497
Std.Errors	by: country

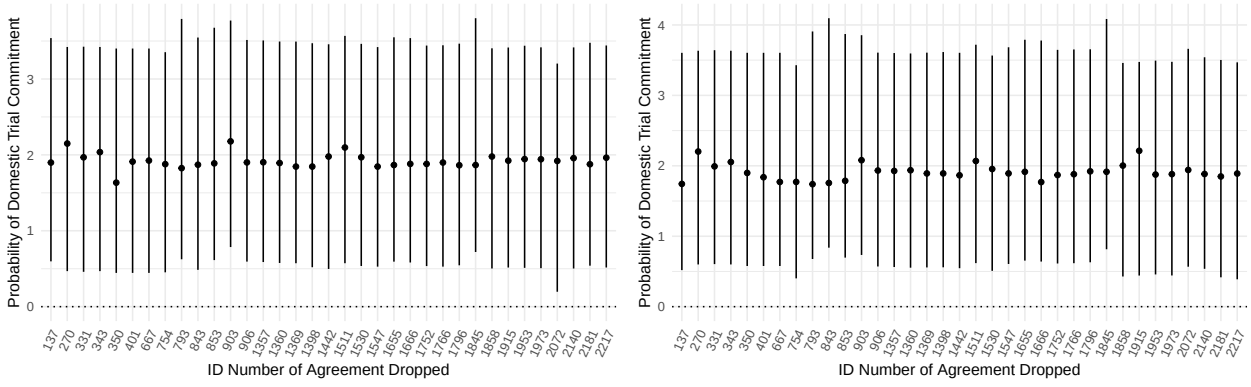
*p<0.1; **p<0.05; ***p<0.01

B.5 Sensitivity Analyses

How sensitive are the results to a specific agreement?

As I note in the main text and as can be seen in Table A1, domestic trial commitments occur in just under 5% of all peace agreements. The rare nature of trial commitments calls into question the sensitivity of my findings to any single agreement with a domestic trial commitment. To address this concern, in Figure B1 I present the results of a sensitivity analysis. In this analysis, I ran the full model with all controls presented Table 1 (model 3), dropping a different agreement with a trial commitment in each iteration. Figure B1a presents the coefficient estimates and error bars for the threat of ICC intervention, while Figure B1b presents the coefficient estimates for intervention itself over each iteration. The x-axis identifies using the PA-X agreement ID number which agreement has been removed from the model. The findings are largely consistent across all models, and all results are significant at p<.05.

Figure B1: Sensitivity Analysis to Rare Dependent Variable (Rare Events Logit)



(a) Threat

(b) Intervention

How sensitive are the results to a specific country?

Because the number of agreements with domestic trial commitments are rare, it is also important to consider if agreements related to any particular country or conflict are driving these results. That is, because agreements are clustered in several countries and trial commitments are rare, one outlier country may be driving the results. To address this concern, in Figure B2 I present the results of an additional sensitivity analysis. In this analysis, I ran the full rare events logit model specification with all controls presented Table 1 (model 3), dropping all observations clustered within an individual country over each iteration. Figure B2a again presents the coefficient estimates and error bars for the threat of ICC intervention, while Figure B2b presents the coefficient estimates for intervention itself over each iteration. The x-axis identifies which country's agreements have been removed from the analysis.

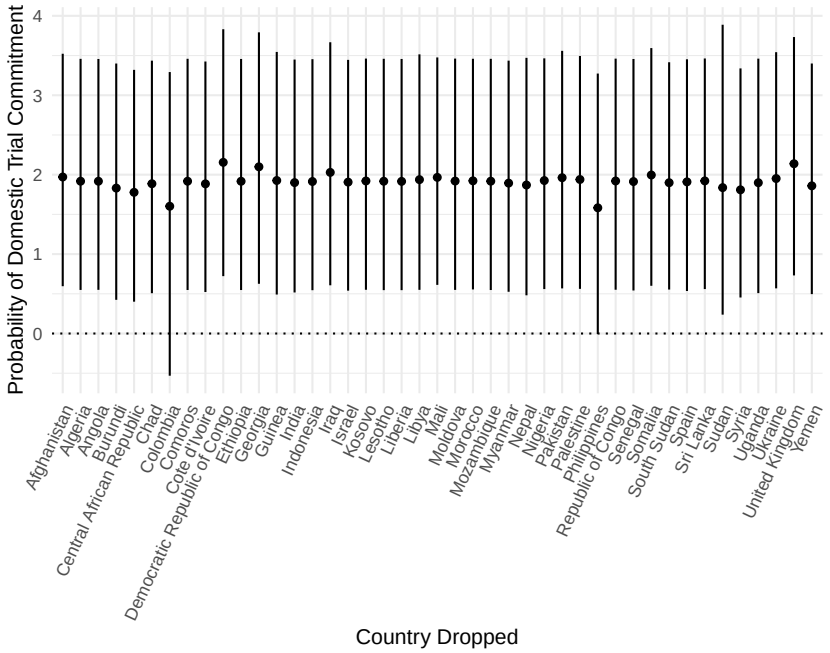
As Figure B2a shows, Colombia is a particularly influential driver of the results for the threat of intervention presented in the main analysis. Colombian agreements make up 20%

of the cases of domestic trial commitments, and when these agreements are removed from the analysis, the threat of intervention remains positive but becomes statistically insignificant. As noted in the main text, this may be a result of the particularly long preliminary examination in Colombia and the numerous agreements negotiated under the threat of intervention. That is, the length of the preliminary examination in Colombia makes it an outlier among places facing the threat of intervention: Colombia faced this threat for 16 years – nearly the entirety of the 2002-2019 time period – while other countries facing the threat of intervention did so for 5 years on average. The length of the Colombia's preliminary examination may be important for two reasons. First, the threat posed by the court was long-term and persistent, whereas in other contexts the process moved more quickly to actual intervention. This gave Colombian elites the opportunity to assess the seriousness of the OTP for a long period of time without the immediate increase in pressure posed by the issuing of arrest warrants. As an example, Colombian elites watched over years as the OTP faced increased pressure to open investigations outside of Africa, knowing that Colombia was one of few existing preliminary examinations elsewhere in the world (Interview G1, 2017). Second, the long preliminary examination created conditions that may have allowed the threat of intervention to actually be more effective in Colombia. For example, while the Colombia's preliminary examination began in 2004, key information about the false positives killings did not come to light until the scandal broke in 2008 (Daniels 2018). The availability of this information may have further shaped elite perceptions of the threat posed by the court.

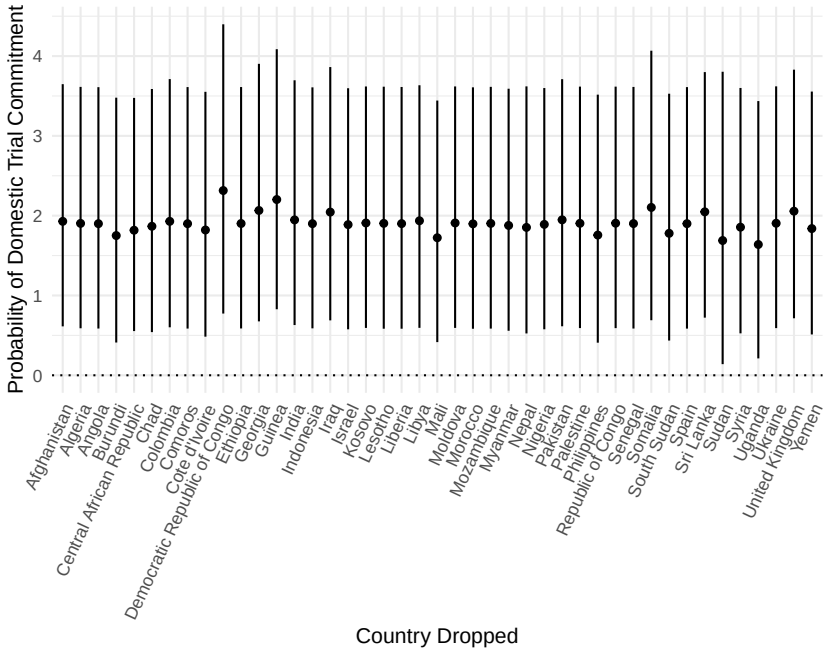
The results presented in Figure B2a also motivate the selection of Colombia as a case study in the main text. Nonetheless, the positive, though statistically insignificant results, provide suggestive evidence of the role the threat of ICC intervention has played elsewhere in the world. As long pre-arrest warrant periods become more common – for example, the Nigerian and Palestinian pre-arrest warrant periods both lasted nearly a decade – these results may become more robust.

Figure B2: Sensitivity Analysis to Agreements Clustered in Countries (Rare Events Logit)

(a) Threat



(b) Intervention



B.6 Alternate Measures of Trial Commitments

In the primary analysis presented in Table 1, I construct a variable that captures both commitments to implement domestic criminal trials and commitments that include an explicit prohibition of implementing an amnesty for international crimes (genocide, war crimes, and crimes against humanity). There are, however, several other ways of measuring trial

Table B6: ICC Involvement and Domestic Trial Commitments in Peace Agreements - Alternative DVs

	Domestic Trial Commitment		
	Primary	Alternate	Conservative
	(1)	(2)	(3)
Threat	1.921***	2.003***	2.662***
	[1.183, 2.659]	[1.237, 2.768]	[2.009, 3.315]
	(<0.001)	(<0.001)	(<0.001)
Intervention	1.910***	1.850***	2.654***
	[1.026, 2.794]	[0.933, 2.768]	[1.805, 3.504]
	(<0.001)	(<0.001)	(<0.001)
HR Organizations	0.036***	0.034***	0.071***
	[0.018, 0.054]	[0.015, 0.053]	[0.051, 0.091]
	(<0.001)	(<0.001)	(<0.001)
Rome Statute Ratification	0.032	-0.001	1.175***
	[-1.061, 1.125]	[-1.082, 1.081]	[0.379, 1.972]
	(0.955)	(0.999)	(0.004)
Combatant Casualties (lag)	0.076	0.094	0.499***
	[-0.123, 0.275]	[-0.119, 0.307]	[0.324, 0.673]
	(0.456)	(0.389)	(<0.001)
Atrocities	-0.020	-0.042	-0.501***
	[-0.220, 0.179]	[-0.256, 0.173]	[-0.651, -0.351]
	(0.841)	(0.703)	(<0.001)
IO Signature	-0.135	0.020	-0.527***
	[-0.851, 0.581]	[-0.661, 0.702]	[-0.842, -0.212]
	(0.712)	(0.953)	(0.001)
Foreign Aid (lag)	0.025**	0.024**	0.069***
	[0.005, 0.046]	[0.003, 0.045]	[0.028, 0.109]
	(0.016)	(0.023)	(<0.001)
Participatory Democracy	-0.373	-0.563	-8.365***
	[-6.619, 5.872]	[-6.594, 5.468]	[-13.725, -3.006]
	(0.907)	(0.855)	(0.002)
Access to Justice	-1.034	-0.947	2.736***
	[-2.655, 0.588]	[-2.591, 0.696]	[0.942, 4.531]
	(0.211)	(0.259)	(0.003)
GDP Per Capita (lag)	0.284	0.315	0.785***
	[-0.166, 0.734]	[-0.160, 0.790]	[0.230, 1.341]
	(0.216)	(0.194)	(0.006)
Africa	0.501	0.356	1.316*
	[-0.680, 1.682]	[-0.875, 1.587]	[-0.135, 2.768]
	(0.405)	(0.571)	(0.075)
Time	-0.067	-0.077*	-0.032
	[-0.154, 0.020]	[-0.166, 0.012]	[-0.143, 0.079]
	(0.132)	(0.090)	(0.570)
Num.Obs.	719	719	719
Log.Lik.	-125.893	-118.898	-24.552
Std.Errors	by: country	by: country	by: country

*p<0.1; **p<0.05; ***p<0.01

commitments, which I include in the analyses below. Table B6 present results using alternate measures of the dependent variable. Each model replicates the model with the full battery of controls (model 3) included in Table 1, varying only the measure of the dependent

variable. Model 1 presents the results using the measure of domestic trial commitments included in the primary analysis. Model 2 uses a measure that is more restrictive in that it only includes commitments to domestic trials without any concern for restrictive amnesties. Finally, model 3 uses the most conservative measure of domestic trial commitments, taking the value of 1 only if the trial commitments are "strong commitments to deal with judicial accountability in national court that include detailed modalities" (Bell, Badanjak, Beujouan, Epple, Forster, Jamar, Molloy, McNicholl, Nash, Pospisil, Wilson, & Wise 2020, 65). The results are consistent across all measures.

C The ICC as an Abstract Threat

C.1 A Minimalist Measure of Threat

In the main text, I use a measure of the threat of intervention that includes OTP involvement in a situation during the preliminary examination and formal investigation stages. In this section, I include the results of an analysis using an alternate, minimalist measure of the threat of intervention, which takes into consideration the informal ways the OTP might be seen as posing a threat. I provide an overview of these informal actions and the data I collected to measure them, as well as the results of the additional analysis.

There are two informal ways in which the Prosecutor may be involved in a situation. The first is that the OTP may receive information, called "communications," about the alleged commission of atrocities (Office of the Prosecutor 2013). An example of this occurred in Mexico in 2011, when human rights activists submitted information to the OTP regarding atrocities committed by the Mexican military and large scale drug trafficking organizations throughout the course of the drug war (Webb & Rueda 2011). In Syria, human rights lawyers submitted a communication to the OTP regarding abuses committed in the Syrian civil war, particularly on behalf of refugees in Jordan (BBC 2019).

And in Australia, an MP submitted a communication to the OTP over the Australian government's refugee and asylum detention policy (Doherty 2020). All such communications are initially treated equally by the OTP, which has established an evaluation process for determining whether or not to initiate a preliminary examination.[1] Receiving such communications does not necessarily mean that the OTP believes atrocities have been committed or that intervention is warranted.[2]

The second informal way that the OTP can become involved is that it may express concern about the alleged commission of atrocities in a particular situation. This expression of concern often takes the form of public statements made to the media by the Prosecutor. An example of this occurred in 2016, when the Prosecutor released a statement regarding the alleged commission of atrocities in the Philippines, noting that she was "deeply concerned about these alleged killings and the fact that public statements of high officials of the Republic of the Philippines seem to condone such killings and further seem to encourage State forces and civilians alike to continue targeting these individuals with lethal force" (Office of the Prosecutor 2016). These statements need not be linked to a preliminary examination – the OTP did not initiate a preliminary examination in the Philippines until 2018, two years after the Prosecutor's first public statement – but they nevertheless provide a clear signal that the OTP is monitoring the behavior of certain actors.

Using these additional data, I construct a second measure of the threat of intervention, what I call the minimalist measure of threat. In this minimalist measure, all involvement of

[1] The OTP outlined these guidelines in its 2013 policy paper, stating that "[t]he Office will only open a preliminary examination on the basis of article 15 communications when the alleged crimes appear to fall within the jurisdiction of the Court" (Office of the Prosecutor 2013, 18).

[2] For example, in its 2020 report on preliminary examinations, the OTP noted that it had received 813 such communications, 638 of which were related to new potential situations. Only 26 of those communications were deemed to warrant further analysis, which they will undergo at the OTP until a determination is made on whether or not initiate a preliminary examination (Office of the Prosecutor 2020).

the OTP prior to the issuing of arrest warrants – including the receipt of communications and issuing of public statements, as well as preliminary examinations and the initiation of formal investigations – is considered a threat. Everything after an arrest warrant is issued is considered intervention. I present my primary measure in the main text because it acknowl-

Table C1: ICC Involvement and Domestic Trial Commitments in Peace Agreements (Minimalist Measure)

	Domestic Trial Commitment		
	(1)	(2)	(3)
Threat	0.921	1.351***	1.250***
	[-0.190, 2.032]	[0.478, 2.225]	[0.577, 1.923]
	(0.104)	(0.002)	(<0.001)
Intervention	1.205***	2.082***	1.637***
	[0.502, 1.907]	[1.206, 2.959]	[0.710, 2.565]
	(<0.001)	(<0.001)	(<0.001)
HR Organizations		0.031***	0.033***
		[0.009, 0.053]	[0.014, 0.052]
		(0.005)	(<0.001)
Rome Statute Ratification		-0.369	0.206
		[-1.135, 0.396]	[-0.898, 1.311]
		(0.344)	(0.714)
Combatant Casualties (lag)		0.032	0.092
		[-0.146, 0.210]	[-0.115, 0.299]
		(0.723)	(0.381)
Atrocities		0.014	0.006
		[-0.185, 0.212]	[-0.195, 0.207]
		(0.893)	(0.951)
IO Signature		-0.120	-0.154
		[-0.751, 0.511]	[-0.885, 0.577]
		(0.710)	(0.679)
Foreign Aid (lag)		0.014	0.023**
		[-0.003, 0.031]	[0.000, 0.046]
		(0.106)	(0.048)
Participatory Democracy			1.313
			[-5.504, 8.130]
			(0.706)
Access to Justice			-1.603
			[-3.590, 0.383]
			(0.114)
GDP Per Capita (lag)			0.290
			[-0.171, 0.751]
			(0.217)
Africa			0.710
			[-0.570, 1.990]
			(0.277)
Time			-0.069
			[-0.161, 0.024]
			(0.145)
Num.Obs.	719	719	719
Log.Lik.	-135.098	-130.809	-127.841
Std.Errors	by: country	by: country	by: country

*p<0.1; **p<0.05; ***p<0.01

edges that communications and statements of concern by the OTP are primarily informal and may be seen by those negotiating peace agreements as purely cheap talk. The formal commencement of a preliminary examination, however, provides evidence that the OTP is an actual threat. Table C1 shows that while the positive relationship between intervention and domestic trial commitments remains, the relationship between the minimalist measure

of threat and domestic trial commitments is substantively smaller and not consistently significant across all models.

C.2 Is the Existence of the ICC Enough?

In this article, I argue that the concrete threat of intervention is enough to lead those negotiating to commit to implement domestic trials. I evaluate this argument primarily by exploiting variation across space within the time period after the ICC was established (2002-2019). As I note in the main text, ICC involvement is a reasonable measure because it indicates a concrete threat rather than something abstract. However, it may be the case that there is always some threat of ICC intervention when the ICC is operational, even if it takes no action in a particular country or year (Gilligan 2006). That is, it may be the case that all countries have some level of treatment in the post-2002 era simply because the ICC exists. To evaluate this in more detail, I use information from the PA-X data to explore variation in the content of peace agreements over time.

For these concerns to be accurate, it would need to be the case that the establishment of the ICC alone was enough to produce an increase in peace agreements with trial commitments globally. Table C2 presents a cross-tabulation of the number of agreements with domestic trials commitments before and after the establishment of the ICC in 2002.

Table C2: Peace Agreement Content Before and After Creation of ICC

	Total Agmts	Agmts with Trial Commitment	Mean
Pre-ICC	692.00	23.00	0.03
ICC	832.00	42.00	0.05

It is true that nearly twice as many agreements have included trial commitments in the era of the ICC than in the pre-ICC era. However, it is also the case that there were more agreements in general negotiated in the era of the ICC (after 2002) than in the pre-ICC era. Table C2 thus includes the mean calculated for each era. To evaluate whether the mere existence of the ICC is enough to constitute a threat, I conducted a simple one-tailed proportion test, calculating whether the observed proportion of agreements with trial commitments in the pre-ICC era is significantly less than the observed proportion of agreements with trial commitments in the era of the ICC. The results of this analysis indicate that the proportion of trial commitments in the pre-ICC era is not significantly higher than the proportion of trial commitments in the era of the ICC ($p > .05$), suggesting that the mere existence of the court is not enough to explain the results presented in this article.

D Overview of Fieldwork and Interviews

Over the course of 2.5 years, I conducted 7 months of fieldwork in Bogotá, Colombia, where I carried out semi-structured interviews with 27 people associated with the negotiation and subsequent implementation of the 2016 peace agreement between the Colombian government and the FARC.[3] My interview subjects consisted of those who had been present at the negotiations in Havana – as representatives of the Colombian government, advisors to the FARC negotiating team,[4] or as representatives of civil society and victim's groups – as well as academics and members of non-governmental organizations specializing in the peace process. Each interview lasted between 45 and 90 minutes. The interviews were conducted in English or Spanish, depending on the preferences of the individual interlocutor.[5] I recorded all interviews where acceptable and with the affirmative consent of my interlocutors, and took notes otherwise. For recorded interviews, I transcribed and translated the interviews prior to analyzing the interview data.

I began by asking each interlocutor about the history of transitional justice related to the conflict in Colombia – including the previous demobilization of the right-wing paramilitary organizations, the *Autodefensas Unidas de Colombia* (AUC), and the related transitional justice project – before asking more specific questions about the peace process with the FARC. I then asked each person about what they thought were the most important contributors to the fight against impunity in the Colombian peace process. They generally identified three broad categories of contributions as important in influencing the system of accountability in Colombia: (1) international actors and obligations, (2) victims organizations and civil society, and (3) domestic judicial institutions. For each answer as necessary, I asked the person to explain in more detail why these actors and institutions were important.

I ended each interview by asking my interlocutor three questions: (1) "do you think the most recent agreement will lead to lasting peace in Colombia?" (2) "Is there any other information you think it is important for me know?" (3) "Is there anyone else you think I should talk to?" Each individual provided me with names, contact information, and sometimes introductions to other individuals with whom they believed I should speak, allowing me to snowball sample within the somewhat limited group of individuals relevant for the research. In each iteration of fieldwork, I narrowed the scope of my snowball sampling, with an increasing focus on the actors most involved in the peace negotiations directly. There are several additional people – members of civil society, the government negotiating team, and the remaining available members of FARC leadership – who I had hoped to interview in the early summer of 2020, but my final trip to Colombia was postponed due to the COVID-19 pandemic.

In Table D1 below, I provide a list of interlocutors, each identified with a unique code, as well as the year the interview was conducted. In accordance with ethical practices and the requirements of the University of Chicago Institutional Review Board (IRB 17-1246),

[3]These periods of fieldwork include September-October 2017, July-September 2018, and June-August 2019.

[4]Several of the most important members of FARC leadership present at the negotiations in Havana, including Jesús Santrich and Iván Márquez, defected from the peace process before I had an opportunity to obtain interviews.

[5]Two-thirds of the interviews were conducted in Spanish, and one-third were conducted in English.

I asked each person I spoke with if they were comfortable being identified by name in the project. While many of the people I spoke with consented to be identified in the project, others requested anonymity. Because the pool of potential individuals to interview was small, I elected to keep all interviews anonymous to protect the identities of those who preferred anonymity. The anonymized codes included in Table D1 identify only what group

Table D1: Interviews with Colombian Elites 2017 – 2019

Subject Identification Code	Year(s) of Interview(s)
G1	2017
G2	2017
G3	2017
N1	2017, 2018, 2019
N2	2017
G4	2017
N3	2017
N4	2017
G5	2017, 2019
G6	2017
G7	2017
A1	2018
G8	2018
A2	2018
N5	2018
N6	2018
G9	2018
A3	2018
G10	2018
A4	2018
N7	2019
G11	2019
G12	2019
G13	2019
F1	2019
F2	2019
N8	2019

the individual belonged to at the time of the peace agreement:[6]

1. Government (G), including high-level members of the professional bureaucracy, ministers and other appointed officials, and members of the legislature and their advisors.

2. NGOs and civil society (N).

3. Colombian academia (A).

4. FARC (F), consisting entirely of the group's legal team, which was comprised of *non-members* of the FARC organization. While not members of the FARC themselves,

[6]Note that many of the elites I interviewed have held numerous positions within the government, NGO sector, and academia. I therefore only identify them by the sector in which they worked at the time of 2016 agreement.

these individuals were lawyers hired to advise the FARC on relevant legal matters during the negotiations.

Many of the former government officials now work in civil society and the NGO sector, and in the course of research I was also invited to attend different workshops, talks, and presentations. One organization – *Rodeemos el Diálogo*[7] – hosted near-weekly presentations and workshops, including a bimonthly "Desayuno de paz," where they brought in different state officials, members of civil society organizations, and academics to discuss issues of peace and security in Colombia. I also regularly attended these meetings and numerous others to hear the on-the-ground experiences of those working to implement the peace agreement.

[7]For more information, see https://rodeemoseldialogo.org/.

SBS-IRB
1155 East 60th Street
Chicago, IL 60637-2745
SBS IRB website: http://sbsirb.uchicago.edu/

Notification of Expedited Approval

Date of Letter: 9/14/2017
Protocol Number/Submission Link: IRB17-1246
Type of Submission: New Study
Status: **Approved**
Principal Investigator: Monika Nalepa
Protocol Title: The International Criminal Court, Local Transitional Justice, and Politics in Colombia
Risk Level: Minimal Risk
Consent Type: Waiver of Documentation of Consent

Vulnerable Populations: Non-English Speakers
Funding: There are no items to display

Stamped Documents: ENG Verbal Consent.pdf
SPAN Verbal Consent.pdf

Approval Date: 9/14/2017
Expiration Date: 9/13/2020

The above-referenced study was approved by the IRB.

Stamped approved documents associated with this study can be found in the study workspace, by following the Submission Link above.

It is the principal investigator's responsibility to notify the IRB if a study's funding status changes. If you receive external funding for this study at any point, you must notify the IRB.

Please notify the IRB when this study closes (i.e., is done with data collection and data analysis) by emailing us at sbs-irb@uchicago.edu (please include the IRB protocol number in your email message), so we can close out the protocol in AURA.

Approval Period and Expiration:

Please note the expiration date of IRB approval listed above. If IRB approval lapses, you may not conduct work on this study until IRB approval has been re-established, except as necessary to eliminate apparent immediate hazards to research subjects. At least two months prior to the expiration date, you should submit a continuing review application in AURA to renew the study if research is ongoing. Failure to allow sufficient time for IRB

review application in AGIA to renew the study if research is ongoing. Failure to allow sufficient time for IRB review may result in a lapse of approval.

Amendments:

All proposed changes to the study (including personnel, procedures, or documents) must be approved by the IRB in advance through the amendment process.

Unanticipated Problems involving Risks to Subjects or Others:

You must inform the IRB of all unanticipated problems that occur during your research study that involve risks to research subjects or others – these include, but are not limited to, events and/or information that may have physical, psychological, social, legal, or economic impact on the research subjects or others.

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