The Double Bind of International Justice: Shorter Wars or Fewer Casualties?

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Abstract

How do overlapping international and domestic legal threats reshape the trajectory of civil wars? While scholars have long debated the "peace versus justice" trade-off, we lack an understanding of how rebels navigate simultaneous pressure from home governments and foreign jurisdictions. This paper introduces a theory of dual enforcement, arguing that the interaction between domestic and international accountability creates divergent strategic pathways for rebel groups. When rebels face robust international threats (e.g., International Criminal Justice or universal jurisdiction) but weak domestic enforcement, they are incentivized to settle; however, they intensify civilian victimization to maximize bargaining leverage before disarming. Conversely, when both domestic and foreign authorities impose high prosecutorial risks, rebels face a "double bind." Unable to secure impunity through flight or negotiation, they prolong the conflict while exercising restraint toward civilians to evade further scrutiny. Testing these claims on a global dataset of civil wars (1946–2023), findings highlight a tragic dilemma for international justice: the configuration of domestic and international pressures can facilitate shorter wars or minimize atrocities, but it rarely achieves both.

Introduction

Does the international prosecution of war crimes foster or deter peace? The answer remains deeply contested. Some scholars argue that institutions such as the International Criminal Court (ICC) mitigate commitment problems and deter atrocities, thereby facilitating negotiated settlement (Simmons and Danner 2010; Daniels 2018). Others contend that international prosecution hardens belligerents' incentives, reduces prospects for negotiated exit, and may intensify violence (Prorok 2017; Ginsburg 2009). Although these arguments are often qualified by specific conditions, substantial discrepancies persist—particularly between studies focusing on conflict termination and those examining civilian victimization. As Jo and Simmons (2016) succinctly observe, a fundamental contradiction lies at the center of this debate: "It is odd to argue that the court's weakness renders it unable to deter crime, yet to claim that the court exacerbates conflict by (credibly, apparently) threatening to punish perpetrators, who are thereby supposedly incentivized to elude justice and continue fighting" (446).

Partly because of these unresolved theoretical tensions, existing scholarship does not fully explain the heterogeneous responses of rebel groups to international legal pressure. In the shadow of international prosecutions, some rebel organizations seek negotiated settlements with their governments (e.g., the Séléka in the Central African Republic), whereas others escalate violence (e.g., the Justice and Equality Movement in Sudan) or gradually fade into inactivity (e.g., the Lord's Resistance Army in Uganda). Explaining this variation is essential not only for theoretical clarity but also for informing policy interventions aimed at shortening conflicts, mitigating civilian harm, and deterring future atrocities.

This paper seeks to resolve these empirical and theoretical puzzles by proposing a new framework that analyzes conflict termination and civilian targeting jointly. Existing research typically evaluates the effects of international criminal justice through conditions within rebels' home states—for example, by examining whether the ICC has jurisdiction

or is actively involved in the conflict country. However, this perspective overlooks an important dimension: the extraterritorial reach of international prosecutions in foreign territories where rebel groups operate. Because many insurgent organizations maintain cross-border presence, the risk of international prosecution may arise not only from the legal environment of the home state but also from that of host states.

I argue that rebel responses to international criminal justice depend on how prosecution risks are distributed across these transnational legal environments. Specifically, the interaction between legal enforcement in rebels' home states and host states shapes their strategic incentives under the shadow of international justice. Analyses that focus exclusively on either the home state or the international court therefore overlook a critical component of rebel decision-making, helping explain why existing studies reach inconsistent conclusions regarding the relationship between justice and peace.

Building on this framework, I develop two expectations. First, when legal enforcement is singular—meaning that prosecution risk is concentrated in host states while an impunity gap persists in the home state—conflict termination becomes more likely. Increased prosecution risks abroad raise the operational costs of continued rebellion and incentivize insurgents to pursue negotiations with the government. However, this condition also increases incentives for civilian targeting, as rebels seek to strengthen their bargaining position in negotiations.

Second, when legal enforcement operates simultaneously in both home and host states, rebels face limited prospects for a safe negotiated exit. Under such dual enforcement conditions, conflicts are more likely to persist. Yet this prolonged conflict is accompanied by lower levels of civilian victimization, as rebels attempt to reduce their visibility in order to evade legal scrutiny and minimize actions that could attract prosecution.

Empirical analyses presented in this paper strongly support these expectations. Collectively, the findings reconcile previously inconsistent results in the justice–peace debate and reveal a previously overlooked consequence of international criminal law: an unintended

trade-off between reducing civilian victimization and shortening civil wars.

This study contributes to three strands of literature. First, it advances research on international legal institutions by highlighting how enforcement environments interact across jurisdictions. While existing studies recognize the extraterritorial reach of international justice, they typically examine legal enforcement within a single jurisdiction. By analyzing the interaction between enforcement in rebels' home and host states, this study demonstrates how transnational legal environments jointly shape the strategic incentives of armed actors.

Second, the study contributes to the civil war literature by integrating international criminal justice into theories of rebel bargaining and wartime violence. Rather than treating conflict termination and civilian victimization as separate outcomes, the analysis shows that these strategies are jointly determined under legal pressure. When prosecution risks constrain rebels' exit options, insurgent organizations adjust both their willingness to terminate conflict and their use of civilian targeting as part of a broader bargaining strategy.

Finally, the study contributes to research on civilian targeting by identifying a conditional and potentially perverse effect of international criminal justice. While existing scholarship often expects international legal pressure to deter violence against civilians, this study shows that under certain enforcement configurations it can instead increase incentives for civilian victimization. When legal pressure constrains rebels' exit options, insurgent organizations may resort to civilian targeting as part of their broader wartime bargaining strategies.

Literature Review: International Justice and Wartime Behavior

The scholarship on international justice institutions—particularly the International Criminal Court (ICC)—has generated substantial theoretical and empirical advances over the past two decades. Although the "peace versus justice" framework has often served as the dominant lens for interpreting this literature, existing studies have largely developed along two distinct strands, evaluating the effects of international justice on two dimensions of peace: the duration of war and the human costs borne by civilians. Both dimensions capture important normative and strategic concerns in civil conflict. Yet because decisions about civilian targeting and conflict termination often emerge from the same strategic calculus of armed actors, it is surprising that these two strands of scholarship have largely developed in parallel rather than being examined jointly.

Research on *civilian targeting* examines whether international criminal justice reduces violence against civilians. Much of this literature finds that ICC investigations and prosecutions reduce intentional civilian killing by rebel groups (Hillebrecht 2016; McAllister 2023; Miller 2022). The core logic underlying these arguments is deterrence: by increasing the likelihood of investigation, arrest, and punishment, the ICC raises the expected costs of committing atrocities. International prosecutions may also impose reputational costs on armed groups seeking domestic or international legitimacy. However, the empirical record is not entirely consistent. Some studies find limited or null effects of international justice on civilian victimization, while recent evidence suggests that certain forms of legal intervention may even be associated with increased rebel violence. For example, the relationship between ICC ratification and rebel civilian killing has been shown to be empirically complex, with some findings suggesting a counterintuitive increase in violence (Jo and Simmons 2016). Yet the mechanisms through which international legal pressure might generate such responses remain underdeveloped.

Research on *conflict termination* instead focuses on how international criminal justice shapes bargaining dynamics between warring parties, particularly through its effects on commitment problems. Because combatants often cannot credibly commit to peaceful agreements, negotiations frequently collapse even when compromise would be mutually beneficial (Fearon 2004; Walter 2002). Within this literature, however, scholars disagree on whether international legal institutions alleviate or exacerbate such commitment problems. Some studies argue that international legal institutions can mitigate commitment problems. For instance, Simmons and Danner (2010) contend that ICC ratification signals credible commitments by governments to restrain violence, thereby facilitating negotiated settlement. Similarly, Daniels (2018) argues that the ICC can act as an external guarantor of justice during peace negotiations.

Other scholars reach the opposite conclusion, arguing that international criminal justice may exacerbate commitment problems. By raising the risk of prosecution for rebel leaders, the ICC may reduce incentives for negotiation and prolong conflict (Prorok 2017). When prosecution becomes unavoidable, rebels may perceive continued fighting—or even regime overthrow—as their only path to survival. Under such conditions, international legal pressure may lengthen conflicts and intensify violence (Ginsburg 2009; Snyder and Vinjamuri 2003).

Taken together, these two strands of literature—on civilian targeting and conflict termination—generate a theoretical tension. As Jo and Simmons (2016) note, it is difficult to argue that the Court is too weak to deter atrocities while simultaneously claiming that it credibly threatens perpetrators enough to intensify conflict. Moreover, even within each strand of research, empirical findings remain mixed. These tensions suggest the need for a more integrated framework to understand how international criminal justice shapes wartime behavior.

The Interaction of Prosecution Risks Across Jurisdictions

The lingering disagreements in the literature can be partly attributed to its narrow analytical scope. Existing studies typically measure prosecutorial risk through domestic indicators such as ICC ratification or direct ICC involvement within the conflict country. Likewise, conditional effects of international criminal justice have largely been analyzed in terms of domestic political and legal institutions (Simmons and Danner 2010; Prorok 2017).

However, this approach overlooks a crucial dimension: the transnational environments in which many rebel organizations operate. More than half (55%) of rebel groups maintain a presence in foreign states (Salehyan 2008; Cunningham et al. 2013). These cross-border sanctuaries often provide relatively secure environments that allow insurgents to evade military pressure and legal accountability (Salehyan 2007; 2010).

Traditionally, foreign sanctuaries have been understood to reduce the vulnerability of rebel leaders to punishment and coercion. If rebel leaders can maintain impunity abroad, the home government's position on amnesty provisions or prosecutorial threats may not singularly determine rebel incentives. Even when governments restrict amnesties under ICC obligations, rebels may continue to benefit from external safe havens that reduce their exposure to prosecution. For this reason, prior research shows that rebel organizations operating from foreign sanctuaries tend to prolong conflicts. External bases complicate governments' ability to monitor rebel capabilities, exacerbate information asymmetries, and strengthen rebels' bargaining positions (Salehyan 2007; 2009). By lowering the costs of fighting, foreign sanctuaries enable rebels to sustain prolonged conflicts.

However, this literature implicitly assumes that foreign sanctuaries remain secure environments for insurgent leaders. Broader developments in international criminal justice suggest that the security of external safe havens may no longer be taken for granted. The expansion of international criminal justice—including ICC enforcement and the growing practice of foreign prosecutions—has created new forms of extraterritorial legal exposure for political leaders operating abroad (Krcmaric 2020). Similar dynamics may also extend

to rebel leaders who rely on foreign sanctuaries. Specifically, for transnational rebels, this host-state risk manifests through two distinct legal mechanisms: the host state's formal commitment to the ICC, which creates a long-term institutional obligation to cooperate with international warrants, and the domestic exercise of universal jurisdiction, whereby foreign courts initiate criminal proceedings against non-state actors for international crimes. As a result, the "impunity safe haven" effect traditionally associated with foreign bases may be weakening, altering the strategic environment in which rebels operate.

A second reason why host states matter concerns the enforcement of international criminal justice itself. Because the ICC lacks independent executive powers to arrest and transfer suspects to The Hague, its ability to pose a credible threat of prosecution depends heavily on the cooperation of states where suspects reside. If rebel actors operate or reside abroad, the effectiveness of international criminal justice therefore hinges not only on domestic accountability institutions—as emphasized by Simmons and Danner (2010) and Prorok (2017)—but also on the enforcement environments of host states. Whether through the passive risk of ICC-related extradition or the active risk of standing trial in a foreign domestic court, host states now possess the legal tools to undermine the traditional impunity of transnational rebels.

Taken together, these dynamics suggest that prosecutorial risk cannot be understood solely in domestic terms. Rebels may face legal exposure in both their home state and the foreign jurisdictions in which they operate. An accurate assessment of the international accountability regime therefore requires considering how prosecutorial risks across jurisdictions interact. Depending on whether enforcement pressures emerge in the home state, host states, or both, rebel leaders may confront distinct strategic environments that shape their incentives for violence, bargaining, and conflict termination.

While a configuration of high prosecution risk in the home state but low risk abroad would typically encourage rebel leaders to seek exile or remain in foreign sanctuaries—a condition that existing studies associate with prolonged conflict and higher civilian tar-

geting (Salehyan 2007; Blair 2022; **?**)—this paper focuses on the strategic consequences that emerge when such extraterritorial impunity erodes. In particular, I examine two enforcement environments: one in which prosecution risk arises primarily in host states while remaining limited in the home state, and another in which prosecution risks are present in both home and host states.

		Host State Prosecution Risk	
		Low	**High**
Home Risk	**Low**	*Baseline*	**Singular Enforcement** ↓ Duration / ↑ Targeting
	High	*Santuary Literature* ↑ Duration / ↑ Targeting	**Dual Enforcement** ↑ Duration / ↓ Targeting

Table 1: Transnational Enforcement Environments and Rebel Incentives

Accordingly, this paper develops an integrated theoretical framework that incorporates prosecutorial threats across both domestic and foreign jurisdictions. Table 1 summarizes the four transnational enforcement environments resulting from the interaction of prosecutorial risks across home and host states. The first column—comprising the Baseline and the Sanctuary Literature configurations—represents environments where international legal risks in the host state are effectively absent. While the Low/Low cell may be less empirically common in active civil wars—as rebels almost always face some form of military or political risk—it serves as a necessary theoretical benchmark where neither jurisdiction imposes a credible prosecutorial threat. The Sanctuary Literature cell (High Home/Low Host) reflects the strategic configuration extensively studied by previous scholarship (Salehyan 2007), where rebels use foreign impunity to evade domestic pressure, thereby prolonging conflict and increasing civilian targeting to consolidate control.

This study focuses on the two remaining cells to examine the strategic consequences of eroding extraterritorial impunity. In the following sections, I develop hypotheses for Singular Enforcement (High Host / Low Home) and Dual Enforcement (High Host / High

Home), elaborating the theoretical implications for conflict termination and the strategic use of violence against civilians.

Effects on War Termination

Prior research demonstrates that rebel organizations operating from foreign sanctuaries tend to prolong conflicts. External bases complicate governments' ability to monitor rebel capabilities, exacerbate information asymmetries, and strengthen rebels' bargaining positions (Salehyan 2007; 2009). By lowering the opportunity costs of fighting, foreign sanctuaries enable rebels to sustain protracted insurgencies. In this rebel-driven environment, the duration of conflict is often determined by the insurgents' access to these risk-free external spaces rather than the home government's actions alone. Historical precedents, such as the long-standing cross-border operations of the Lord's Resistance Army (LRA) or various Karen insurgent groups in Myanmar, illustrate how rebels exploit porous border controls or host-state support to maintain operational longevity.[1]

If the risk of international prosecution intensifies in host states, the operational costs for rebels rise significantly, incentivizing a strategic shift toward conflict resolution. This compromised security increases the physical and legal hazards of remaining abroad. As the likelihood of decisive military victory diminishes and the costs of maintaining trans-border bases escalate, rebels become more inclined to negotiate with the home government to secure a domestic exit. Consequently, I argue that transnational rebel groups, facing imminent legal threats in host states, are more likely to seek earlier conflict termination to preempt further international exposure. The higher the credibility and intensity of enforcement in the host state, the more acute this pressure becomes, substantially undermining rebels' traditional sanctuary advantage.

However, this dynamic depends on the availability of a legal escape in the home state.

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[1]See Salehyan (2007) for an extensive discussion on how rebels obtain transnational bases and how it facilitates rebel resilience.

If the home government maintains an impunity gap (i.e., low domestic enforcement that allows room for negotiation), a peaceful settlement becomes both feasible and attractive. Previous research indicates that ICC involvement in the home state can undermine the credibility of amnesty offers, making the option of impunity less viable (Prorok 2017). Rebels perceive a realistic chance of avoiding prosecution only in the absence of active ICC investigations in their home territory. Consequently, I argue that when prosecution risk is high abroad but low at home, the "push factor" from the host state drives rebels toward a settlement they might otherwise have avoided.

Hypothesis 1a (Singular Enforcement): *An increase in prosecutorial risk within foreign bases, coupled with low ICC enforcement in the home state, increases the likelihood of conflict termination.*

Conversely, I argue that *dual enforcement* across both host and home states creates a legal trap that prolongs conflicts. When prosecutorial risks are high in both foreign sanctuaries and the home state, rebels perceive no safe space for either exile or negotiation. Unable to secure immunity through settlement and wary of attracting further international scrutiny through escalation, rebels may opt for low-profile or sporadic violence—enough to survive as an organization but insufficient to trigger a decisive military conclusion. In this "double-bound" scenario, rebels cannot afford to demobilize because doing so would expose them to certain prosecution, yet they cannot negotiate a credible amnesty. This protracted stalemate extends conflict duration, as formal agreements remain elusive and rebels remain locked in a state of permanent, low-intensity rebellion to avoid legal accountability.

Hypothesis 1b (Dual Enforcement): *An increase in prosecutorial risk in both foreign bases and the home state reduces the likelihood of conflict termination.*

Effects on Violence Against Civilians

My second theoretical expectation concerns the victimization of civilians by rebel groups. Existing studies emphasize that the strategic use of violence against civilians is closely tied to a rebel organization's dependence on local versus external sources of support. When insurgents lack external sanctuaries and must rely on local populations for resources, information, and recruitment, they face strong incentives to exercise restraint. Maintaining civilian cooperation becomes essential for survival, which often encourages rebels to limit victimization and sometimes provide protection or governance to secure local support (Metelits 2009).

Conversely, when rebels maintain foreign sanctuaries, this domestic accountability weakens. Access to external bases provides resources and secure rear areas that reduce insurgents' dependence on local populations. By lowering the costs of continued fighting and insulating rebels from local retaliation, foreign sanctuaries enable insurgent organizations to sustain higher levels of military activity and frequently increase violence against civilians (Salehyan 2009; Blair 2022).

The emergence of extraterritorial prosecution risks, however, alters this strategic environment. When host states introduce credible legal threats—through ICC commitments or the exercise of universal jurisdiction—the security of foreign sanctuaries erodes. While conventional logic might suggest that restricted access to external bases would push rebels toward strategies of civilian restraint, I argue that this effect depends critically on whether impunity remains available in the home state.

Under conditions of *singular enforcement* (high prosecution risk in the host state but low risk in the home state), the introduction of host-state legal risk reshapes the strategic horizon of rebel leaders. In this environment, the erosion of foreign sanctuary creates a narrow window during which rebels seek to secure their political survival before external prosecution risks materialize. This dynamic operates through three related mechanisms.

First, the rising legal risk in foreign sanctuaries makes remaining abroad increasingly

untenable. As host states signal their commitment to international justice—through ICC ratification or the initiation of investigations—rebel leaders face an imminent threat of arrest or extradition. Returning to the home state becomes the most viable survival strategy, provided that a domestic "impunity gap" still exists.

Second, this transition creates a timing problem. Unlike domestic rebels who have spent years building "hearts and minds" networks, transnational rebels returning from foreign bases often lack a consolidated social or political infrastructure at home. Building such support is a slow, resource-intensive process for which these rebels no longer have the luxury of time. Faced with an urgent need to secure their future before the international legal net tightens, negotiation becomes the most realistic path to survival.

Third, ironically, this moment of rebel vulnerability may increase the likelihood of a settlement. Following the logic of "weakness as an asset" (cf. Daniels), governments may be more willing to offer concessions or political settlements to a weakened adversary that is clearly looking for an exit, seeing it as an opportunity to end the conflict on favorable terms.

However, entering negotiations from a position of relative weakness—characterized by the loss of a secure rear and a lack of domestic social roots—presents a significant strategic hazard for rebel leaders. To mitigate their diminished military leverage and avoid being dictated terms by the government, rebels engage in a strategic escalation against civilians. Rather than investing in the protracted process of cultivating local legitimacy, they utilize one-sided violence as a short-term instrument of bargaining power. This tactical shift serves to signal their remaining coercive capacity, demonstrating that despite their weakened organizational state, the rebels retain the ability to impose prohibitive costs on the regime. Simultaneously, this escalation functions as a mechanism to deter political exclusion, ensuring that the rebels are not marginalized during the peace process and effectively forcing their inclusion in the final settlement.

This claim aligns with strategic theories of civilian targeting, which argue that rebels

deliberately target civilians to influence conflict dynamics (Kalyvas 2006; Mason and Fett 1996; Wood 2010; Stanton 2020; Azam 2006; Balcells 2011; Hoffman 2004). More specifically, it builds upon research suggesting that insurgents victimize civilians to enhance their bargaining power relative to the regime, thereby improving their ability to extract concessions (Hultman 2007; 2009; Kydd and Walter 2006; Lake 2002; Wood and Kathman 2014). For example, Wood and Kathman (2014) show that violence against civilians can improve insurgents' bargaining leverage by revealing information about rebel resolve and the likely costs of continued conflict.

More generally, when prosecution risk emerges in only one jurisdiction while impunity remains available in another, rebels face incentives to exploit this legal asymmetry. The growing pressure created by enforcement in one arena, combined with the remaining possibility of impunity elsewhere, may encourage short-term escalation against civilians as rebels seek to strengthen their bargaining leverage before settlement opportunities close. Hence, under conditions of singular enforcement—where prosecution risk arises in either the home or host state but not both—I expect an increase in civilian targeting as rebels attempt to improve their bargaining position in negotiations.

Hypothesis 2a (Singular Enforcement): *ICC ratification by the home or host state, while leaving low enforcement elsewhere, increases civilian deaths by rebel groups.*

Hypothesis 2b (Singular Enforcement): *ICC investigation at home or foreign trial at host state increases civilian deaths by rebel groups.*

Conversely, under dual enforcement conditions—where rebels face significant prosecutorial risks in both their home and host states—there is diminished incentive to terminate the conflict, as negotiations are unlikely to yield impunity. This situation heightens their caution against attracting further international scrutiny. In this context, increasing civilian targeting would only intensify scrutiny from international courts. Therefore, rebels are

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likely to reduce their visibility to evade legal scrutiny, which consequently leads to a reduction in civilian casualties.

Hypothesis 2c (Dual Enforcement): *ICC ratification by both the home and host state reduces civilian deaths by rebel groups.*

Hypothesis 2d (Dual Enforcement): *ICC investigation at home and foreign trial at host state together reduce civilian deaths by rebel groups.*

Research Design

I test the hypotheses on civil conflicts from 1946 to 2014 using the UCDP/PRIO Armed Conflict Dataset (Harbom et al. 2008). The unit of analysis is the state–rebel dyad-year. This structure allows the analysis to capture temporal variation in legal accountability mechanisms affecting rebel organizations. It also captures differences across rebel groups in their exposure to external legal environments. Because host-state legal risk is conceptually meaningful only for rebel organizations that operate across borders, the analysis focuses on state–rebel dyads in which rebels maintain an external presence abroad (hereafter, Transborder Rebels, or TBR).[2] The dataset identifies host states where rebels maintain external presence, enabling the measurement of host-state legal risk. Because the available data do not systematically track changes in host locations on a year-by-year basis, the analysis focuses on the primary host state recorded for each transborder rebel organization.

The study examines two dependent variables capturing key dimensions of rebel wartime behavior. The first is conflict termination (*Time to Termination*), measured using the UCDP Conflict Termination Dataset (Kreutz 2010). The second is rebel one-sided violence against civilians (*Rebel OSV*), measured as the annual number of civilian deaths

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[2]Rebel organizations that operate exclusively within their home country do not face such external legal exposure. For these groups, prosecution risk originates only from the home state, making the dyadic legal enforcement mechanism examined in this paper less relevant.

attributed to rebel organizations using the UCDP Georeferenced Event Dataset (GED) ([Sundberg and Melander 2013](#)).

To analyze conflict termination, I estimate Cox proportional hazards models that assess how covariates influence the timing of war termination. To examine civilian targeting, I estimate ordinary least squares (OLS) models using the annual level of rebel-perpetrated civilian fatalities. Standard errors are clustered at the dyad level to account for potential correlation within rebel–state pairs over time.

Independent Variables

The key explanatory variables capture prosecution risks in both the rebels' home state and their host states. For the home state, I measure whether the country has ratified the Rome Statute (*Home State ICC Bound*) and whether the International Criminal Court (ICC) has opened an investigation in that country during a given year (*Home ICC Investigation*). These variables capture both the institutional commitment to international criminal accountability and the activation of enforcement mechanisms.

To assess the legal risks rebel actors face within a host state, I include two primary measures. First, I account for whether the state has ratified the Rome Statute (*Host State ICC Bound*). As member states are legally obligated to cooperate with the ICC—including the arrest and transfer of suspects—rebels face a higher risk of being targeted for extradition in these jurisdictions compared to non-member states.

Second, I measure whether criminal proceedings against foreign nationals occur within the host state in a given year (*Host Foreign Trial*). These trials, often conducted through mechanisms like universal jurisdiction, provide a direct proxy for the host state's active judicial commitment to prosecuting foreign combatants. While international legal scrutiny exists at a global level, the occurrence of domestic trials for foreign crimes signals a tangible and immediate legal challenge for rebel actors residing within that specific host state. All independent variables are sourced from the Transitional Justice Evaluation

Tools (TJET) Database ([Dancy et al. 2024](#)). All explanatory variables are lagged by one year to mitigate concerns about reverse causality, except the institutional status variable capturing ratification of the Rome Statute (ICC Bound), which is coded contemporaneously to indicate whether a country has ratified the Rome Statute in a given year.

Control Variables

The models include controls commonly associated with conflict termination and civilian targeting in the civil war literature.

In the war termination models, I include several controls to capture the structural and contextual determinants of conflict resolution. `Conflict Intensity` level is incorporated, as higher violence may prolong wars by raising stakes and entrenching belligerents' positions ([Mason and Fett 1996](#)). The `number of dyadic conflicts` the home government is engaged in accounts for resource strain and strategic prioritization, which can impede termination ([Cunningham 2006](#)). The `relative power` between the home state and rebel group is included, given its influence on bargaining leverage and the likelihood of stalemate or victory ([Fearon 2004](#)). `Rebel territorial control` is added, as it may enhance rebels' bargaining power or signal resilience, affecting the prospects of settlement ([Clayton 2013](#)). Additionally, I control for the natural logarithm of population (`Population (ln)`), as larger populations may complicate governance and sustain conflict through resource availability. Home state electoral `democracy`, measured via Vdem, is included because democratic institutions may constrain or facilitate negotiation processes ([Abass 2006](#)). Finally, `judicial independence`, from World Bank data, is incorporated, as a robust legal system might signal credible commitments to peace agreements, influencing termination outcomes.

For the rebel violence against civilians models, I select controls to address factors driving rebel targeting behavior. `Conflict Intensity Level` is again included, as heightened violence often correlates with increased civilian victimization ([Hultman 2007](#)). War

Duration, along with its squared and cubed terms, is added to model the non-linear effects of time on violence—early escalation, mid-conflict stabilization, or late desperation—which prior studies suggest shape rebel strategies (e.g., Lacina 2006). The natural logarithm of population is included, as larger populations may offer more targets or resources, amplifying violence potential. Whether rebel groups pursue secessionist goals is controlled for, following Jo and Simmons (2016). Home state judicial independence (World Bank) is incorporated, as stronger legal institutions might deter rebel atrocities by signaling accountability. The presence of UN peacekeepers in the home state is included, given evidence that peacekeeping operations can constrain rebel violence by altering the costs of civilian targeting (Hultman et al. 2013). Lastly, home state electoral democracy is included.

Results

Results on Conflict Termination

Table 2 reports Cox proportional hazards models examining how international legal enforcement affects the timing of civil war termination. In Cox models, positive coefficients indicate an increase in the hazard rate of conflict termination (i.e., conflicts end sooner), whereas negative coefficients indicate a reduced hazard rate (i.e., conflicts last longer).

Models 1 and 2 examine the effect of ICC Rome Statute ratification by the home and host states, without and with control variables, respectively. The variables Home ICC Bound and Host ICC Bound capture situations of single enforcement, in which either the home state or the host state is bound by the Rome Statute while the other is not. Consistent with Hypothesis 1a, both variables have positive and statistically significant coefficients in Models 1 and 2.[3] In substantive terms, ICC ratification by either the home or the host state, but not both simultaneously, is associated with a higher hazard of conflict termination.

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[3]This finding is consistent with Simmons and Danner (2010), who show that ICC ratification by the home state can facilitate conflict termination.

By contrast, the interaction term, `Home ICC Bound × Host ICC Bound`, is negative and statistically significant in both models, indicating that simultaneous ICC ratification by both states is associated with a lower hazard of conflict termination. This pattern is consistent with Hypothesis 1b and suggests that dual ratification may complicate conflict resolution rather than facilitate it.

Models 3 and 4 examine the influence of ICC involvement levels in the home and host states, estimated without and with control variables. Because information on ICC involvement is limited, these models rely on a substantially smaller sample and should therefore be interpreted with caution. In Model 4, higher levels of ICC involvement in the home state (`Home ICC Involvement Level`) are associated with a lower hazard of conflict termination, whereas ICC involvement in the host state is positively associated with conflict termination. These patterns are consistent with the theoretical expectation that legal scrutiny in foreign sanctuaries can raise the costs of external operations for rebel groups, thereby increasing incentives to terminate conflict. The interaction between home- and host-state ICC involvement is negative and statistically significant, indicating that simultaneous legal engagement in both jurisdictions is associated with longer conflicts.

Models 5 and 6 examine more direct legal enforcement mechanisms: ICC investigations in the home state and foreign trials in host states. In both models, ICC investigations in the home state (`Home ICC Investigation`) are positively and statistically significantly associated with the hazard of conflict termination. Host-state foreign trials (`Host Foreign Trials`) are positively associated with conflict termination in Model 5, although the estimate becomes statistically insignificant once additional controls are included in Model 6. Importantly, the interaction between `Home ICC Investigation` and `Host Foreign Trials` is negative and highly statistically significant across both specifications. This indicates that simultaneous legal enforcement actions in both jurisdictions are associated with a substantially lower hazard of conflict termination. The magnitude of this interaction reflects the rarity of cases in which both legal enforcement mechanisms occur simultaneously,

but the direction and significance of the estimate consistently indicate that overlapping enforcement pressures are associated with prolonged conflicts. Tests of the proportional hazards assumption indicate that the assumption holds for Models 1–4 but is violated in Models 5 and 6, suggesting that the effect of these legal enforcement mechanisms may vary over the duration of conflicts. The estimated coefficients should therefore be interpreted as average effects over the observation period rather than strictly constant hazard ratios.

Control variables generally display expected patterns across specifications. Higher conflict intensity is associated with longer conflicts, while more balanced power dynamics between conflict parties are also linked to prolonged conflict duration. Larger populations are similarly associated with longer conflicts. By contrast, stronger democratic institutions and judicial independence in the home state are associated with a higher hazard of conflict termination. Taken together, the results are consistent with the theory of dyadic legal enforcement. Legal enforcement by either the home or the host state individually is associated with a higher hazard of conflict termination, whereas simultaneous enforcement in both jurisdictions is associated with longer conflict duration.

Table 2: Cox Models on Conflict Termination

	M1	M2	M3	M4	M5	M6
Home ICC Bound	1.24*	1.22**				
	(0.48)	(0.43)				
Host ICC Bound	0.66*	0.93**				
	(0.30)	(0.34)				
Home ICC Bound X Host ICC Bound	−2.35*	−2.30**				
	(0.95)	(0.82)				
Home ICC Involvement Level			−0.05	−0.02		
			(0.12)	(0.14)		
Host ICC Involvement Level			0.45**	0.13		
			(0.14)	(0.18)		
Home ICC Involvement X Host ICC Involvement			−0.16*	−0.25**		
			(0.08)	(0.09)		
Home ICC Investigation					1.41***	1.49***
					(0.31)	(0.42)
Host Foreign Trials					0.98*	0.63
					(0.45)	(0.47)
Home ICC Investigation X Host Foreign Trials					−14.86***	−14.42***
					(1.10)	(1.20)
Intensity Level		−0.94***		−2.30***		−0.85**
		(0.27)		(0.55)		(0.27)
Number of Dyads		−0.10		0.99†		−0.12
		(0.11)		(0.54)		(0.11)
Balance of Power		−0.42†		−1.75*		−0.41
		(0.26)		(0.69)		(0.26)
Territorial Control		−0.62*		−0.14		−0.65*
		(0.29)		(0.74)		(0.28)
Population (ln)		−0.12		−2.19***		−0.13
		(0.11)		(0.56)		(0.11)
Home Electoral Democracy		−0.33		4.04		0.14
		(1.11)		(2.93)		(1.13)
Home Judicial Independence		−1.11		7.88***		−1.49†
		(0.81)		(2.23)		(0.85)
AIC	2891.66	2818.23	171.89	143.26	2882.94	2824.60
R^2	0.02	0.08	0.16	0.46	0.01	0.07
Max. R^2	0.92	0.92	0.85	0.85	0.92	0.92
Num. events	225	224	23	23	224	224
Num. obs.	1173	1171	98	97	1172	1171
PH test	0.38	0.14	0.40	0.12	0.00	0.00

$^{***}p < 0.001$; $^{**}p < 0.01$; $^{*}p < 0.05$; $^{†}p < 0.1$

Results on Rebel Violence Against Civilians

This section examines how international legal enforcement influences rebel violence against civilians. Figures 1 and 2 present predicted changes in rebel-induced civilian fatalities conditional on legal enforcement in the home and host states. The full regression results

and marginal effect estimates are reported in Appendix A1.

Figure 1 displays predicted civilian fatalities (left panel) and the marginal effect of host-state ICC Rome Statute ratification (right panel). When the host state has not ratified the Rome Statute, ratification by the home state is associated with a slight increase in civilian casualties caused by rebel groups, although the marginal effect is statistically insignificant. By contrast, when both the home and host states have ratified the Rome Statute, the marginal effect indicates a significant reduction in civilian fatalities—approximately 146 fewer deaths.[4]

Figure 2 presents predicted civilian fatalities conditional on ICC investigations in the home state and foreign trials in the host state. When no foreign trial occurs in the host state, an ICC investigation in the home state is associated with an increase in civilian deaths attributed to rebel groups. Similarly, when a foreign trial occurs in the host state without a concurrent ICC investigation in the home state, civilian fatalities increase substantially, consistent with research linking transborder rebel activity to intensified violence (e.g., Salehyan et al. 2014; Blair 2022).

Existing studies typically emphasize the general effects of legal interventions without distinguishing the combined influence of internal and external enforcement mechanisms. The results here suggest that these effects are conditional. When both an ICC investigation in the home state and a foreign trial in the host state occur simultaneously, the escalation in civilian targeting disappears and reverses, reducing predicted civilian fatalities by approximately 164 deaths. This pattern highlights the importance of coordinated legal enforcement across jurisdictions.

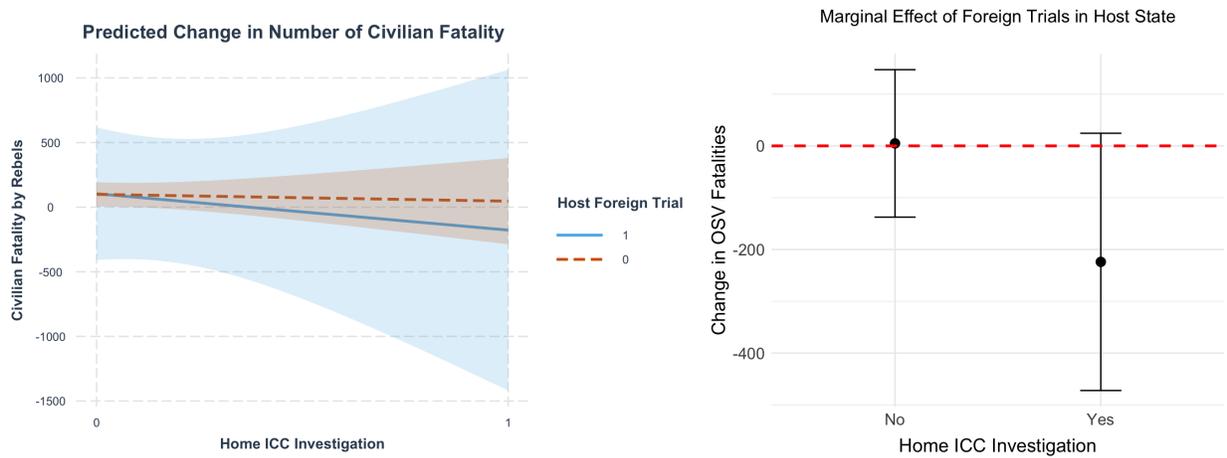[4]Marginal effects were calculated using the `margins` package in R.

Figure 1: Civilian Fatality by ICC Ratifications at Home State and Host State
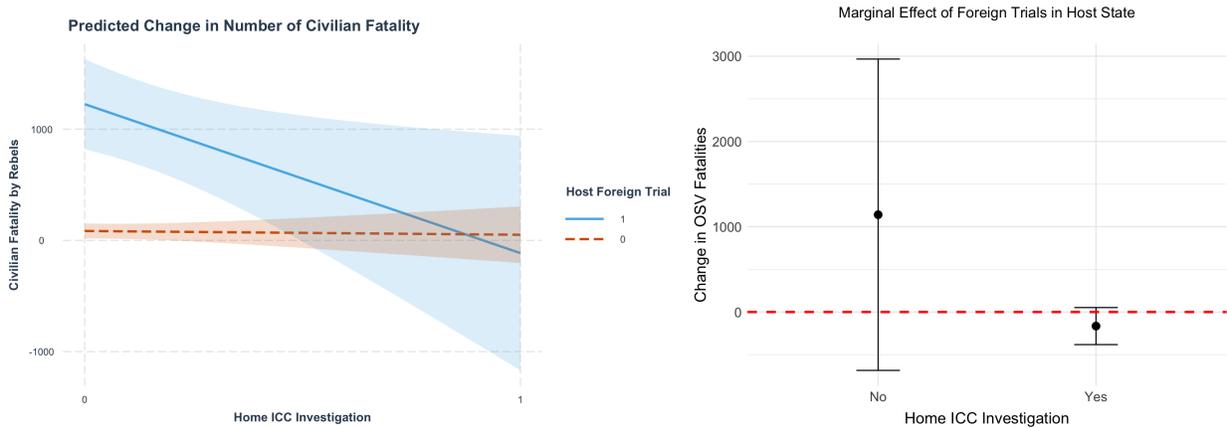

Figure 2: Civilian Fatality by ICC Investigation at Home State and Foreign Trial in Host State

Overall, the results provide modest support for the single-enforcement effects on civilian victimization (Hypotheses 2a and 2b) but stronger support for the joint enforcement mechanism (Hypotheses 2c and 2d). International legal enforcement appears most effective in reducing civilian targeting when both the home and host states impose legal pressure simultaneously. In this sense, coordinated enforcement across jurisdictions resembles a form of "herd immunity": legal accountability becomes effective only when multiple jurisdictions participate, whereas partial enforcement may create incentives that contribute to increased civilian victimization. The results also suggest that the negative

consequences often associated with unilateral ICC pressure—such as short-term escalation in civilian targeting—may be mitigated when external legal risks in host states are present simultaneously.

Conclusion

This study advances a new theoretical perspective on how international accountability regimes shape civil war dynamics. By shifting the unit of analysis from the home state to the transborder rebel dyad, I demonstrate that rebel behavior—and, consequently, conflict outcomes—is fundamentally shaped by the interaction of prosecutorial risks in both home states and foreign sanctuaries. This analysis reveals that when transborder rebels face legal exposure, the resulting "enforcement landscape" is not a uniform pressure, but a complex mechanism that creates distinct trade-offs between conflict duration and civilian victimization.

Empirical findings support this framework. Singular enforcement in the host state, combined with an impunity gap at home, accelerates conflict termination by increasing the operational costs of maintaining external sanctuaries and incentivizing rebels to negotiate with home governments. However, this same pressure often triggers a "backlash" effect, as rebels escalate violence against civilians to enhance their bargaining leverage. Conversely, dual enforcement across both jurisdictions produces the opposite result: it suppresses civilian targeting by eliminating safe havens, yet simultaneously prolongs conflicts by diminishing the credible settlement options available to parties in a total-impunity stalemate.

These results help reconcile persistent tensions in the justice–peace debate. Previous studies, largely focused on home-state ICC involvement, offer conflicting conclusions, alternately emphasizing deterrence and conflict resolution (Simmons and Danner 2010; Jo and Simmons 2016) or prolonged violence and worsening human rights conditions (Prorok

2017; Ginsburg 2009). The analysis presented here shows that the effects of international legal enforcement are conditional on the spatial distribution of legal risk. By incorporating the safe-haven dimension, this study demonstrates that the central trade-off is not simply between justice and peace, but between the duration of conflict and the severity of civilian victimization.

These findings also carry important policy implications. Because legal enforcement operates across jurisdictions, isolated commitments by individual states may generate unintended consequences. Host-state enforcement alone can accelerate conflict termination but risks increasing civilian violence if rebels respond through escalation. Conversely, coordinated enforcement across both home and host states can reduce civilian targeting but may prolong conflicts by eliminating viable exit options for armed groups. Policymakers therefore face a difficult trade-off between accelerating conflict termination and minimizing civilian harm. Effective international accountability strategies must therefore consider how legal pressures interact across jurisdictions rather than treating enforcement within individual states as independent.

APPENDICES

Regression Table for OLS Models on Rebel Violence Against Civilians

These marginal effects were produced using the `Margins Package in R`

A1. Robustness Check: Models on Rebel Civilian Killing with A Year Lagged Independent Variables

Table A4: OLS Results for Rebel's Civilian Killings: ICC Ratification of Home and Host States (t-1)

	M1′	M2′	M3′	M4′	M5′
Home State ICC Bounded (t-1)	214.51*	222.79*	211.16*	214.87*	211.94*
	(95.91)	(94.91)	(95.54)	(96.03)	(93.49)
Host State ICC Bounded (t-1)	−16.50	11.75	18.42	9.36	6.33
	(16.41)	(14.71)	(15.71)	(16.93)	(25.80)
Home State ICC Bounded (t-1) × Host State ICC Bounded (t-1)	−211.44*	−213.42*	−198.82*	−201.31*	−196.26*
	(97.81)	(96.91)	(97.36)	(98.02)	(95.18)
Conflict Intensity			157.68**	161.72**	160.88**	158.58**
			(49.02)	(49.46)	(49.88)	(54.35)
Territorial Control			−24.70†	−16.87	−17.82
			(14.81)	(17.98)	(17.51)
Ethnic War				29.24	27.30
				(28.53)	(29.26)
Rebel Strength (Relative to State)					5.76
					(26.91)
Constant	52.82***	−139.42*	−132.50*	−135.23*	−122.90
	(11.97)	(56.28)	(55.18)	(55.14)	(91.50)

$^{***}p < 0.001$; $^{**}p < 0.01$; $^{*}p < 0.05$; $^{†}p < 0.1$

Table A1: OSV Models on Rebel Violence Against Civilians

	M7	M8	M9	M10	M11	M12
Home ICC Bound	125.73[†]	102.96				
	(66.04)	(82.12)				
Host ICC Bound	6.80	−62.80				
	(36.70)	(86.26)				
Home ICC Bound X Host ICC Bound	−161.93*	−84.14				
	(74.53)	(108.21)				
Home ICC Involvement (t-1)			80.71*	13.30		
			(33.28)	(42.25)		
Host ICC Involvement (t-1)			61.89[†]	68.39[†]		
			(33.74)	(34.73)		
Home ICC Involve (t-1) X Host ICC Involve (t-1)			41.11**	−5.40		
			(14.47)	(23.84)		
Home ICC Investigation (t-1)					48.77	−52.64
					(94.07)	(208.27)
Host Foreign Trials (t-1)					39.96	4.81
					(120.54)	(72.65)
Home ICC Investigation (t-1) X Foreign Trials (t-1)					−199.43	−228.71[†]
					(149.86)	(138.46)
Duration at War		−7.41		11.00		−9.19
		(14.34)		(15.53)		(19.57)
Duration^2		0.20		0.95		0.38
		(0.79)		(1.23)		(1.05)
Duration^3		−0.00		−0.03		−0.00
		(0.01)		(0.03)		(0.02)
Conflict Intensity		320.58*		208.76*		399.91*
		(129.88)		(82.55)		(167.71)
Population (ln)		14.86		100.98*		12.20
		(14.52)		(47.48)		(19.67)
Secessionist		−98.19**		−336.22*		−122.00**
		(36.52)		(141.55)		(46.70)
Home Judicial Independence		173.34[†]		274.43		19.39
		(99.92)		(294.64)		(137.35)
UN Peacekeeper at Home		195.46		−79.73		190.63
		(209.73)		(108.69)		(274.21)
Home Electoral Democracy		−200.88*		−689.77*		−40.18
		(96.34)		(312.93)		(121.74)
Constant	94.54***	−357.29*	218.46**	−983.80*	110.70***	−403.26[†]
	(25.41)	(161.18)	(76.80)	(478.79)	(30.35)	(210.51)
R^2	0.00	0.06	0.29	0.55	0.00	0.07
Adj. R^2	−0.00	0.05	0.25	0.43	−0.01	0.05
Num. obs.	642	635	61	61	479	473

*** $p < 0.001$; ** $p < 0.01$; * $p < 0.05$; [†] $p < 0.1$

Variable	Condition	AME	SE	z	p	CI_Lower	CI_Upper
Host1_icc_sp	0	-62.8	86.21	-0.7285	0.46631	-231.8	106.165
Host1_icc_sp	1	-146.9	73.58	-1.9971	0.04581	-291.1	-2.733

Table A2: Average Marginal Effects of `Host ICC Ratification` on Civilian Fatality

Variable	Condition	AME	SE	z	p	CI_Lower	CI_Upper
Host1_trials_foreign	0	1141.0	931.5	1.225	0.2206	-684.6	2966.6
Host1_trials_foreign	1	-164.9	110.8	-1.488	0.1367	-382.1	52.3

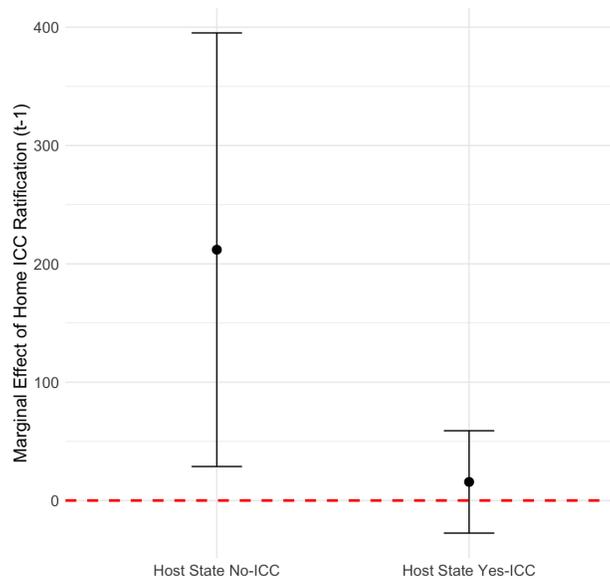**Table A3:** Average Marginal Effects of `Foreign Trial in Host State` on Civilian Fatality

Figure A1: Home ICC Ratification (t-1) Effect on Rebel's Civilian Killing Conditional on Host State's ICC Ratification (t-1)

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