

Rebuttal Evidence

Stuart **Ford**, 20**20**, "Can the International Criminal Court Succeed? An Analysis of the Empirical Evidence of Violence Providence of Violence Prevention, 43 Loy. L.A. Int'l & L.A. Int'l & Comp. L. Rev. 101", **UIC School of Law**, <https://repository.law.uic.edu/cgi/viewcontent.cgi?article=1790&context=facpubs> // RB

According to their model, the existence of **an international trial was associated with a 9-10% increase in the probability that the conflict would end**,¹⁴⁶ although the result was not statistically significant.¹⁴⁷ Ultimately, they concluded that, while their study did not provide statistically significant evidence that international trials were associated with ending conflicts, it did largely **dispel concerns that ICC involvement prolongs conflicts**. Ultimately, there will always be caveats associated with statistical studies – there is always the possibility that the model is effected by variables you have not accounted for.¹⁶⁸ Nonetheless, **the authors took pains to control for the variables (other than the ICC) that were most likely to explain the results**. By controlling for such variables, they sought to disentangle the impact of the ICC from the impact of other variables that might affect the results. These efforts help ensure the results are robust. With the exception of Professor Dancy's work,¹⁶⁹ **these studies, each using a different data set and a different methodology, independently came to essentially the same conclusion – the ICC does prevent violence**. Professor Hillebrecht found that the ICC's intervention **in Libya reduced civilian casualties**.¹⁷⁰ Professor Meernik found that states with a strong commitment to the ICC had fewer human rights violations than other states, independent of their overall commitment to the rule of law.¹⁷¹ **Professors Jo and Simmons found that the ICC reduced civilian deaths caused by both the government and rebel groups**, though the effect was more dramatic for government forces.¹⁷² Professor Appel found that joining the ICC was associated with a reduction in serious human rights abuses.¹⁷³ We can now say with reasonable confidence that the ICC does prevent violence. Ratification of the Rome Statute is associated with a reduction in violence. Criminalizing violations of international criminal law in domestic law is associated with a reduction in violence. **And when the ICC acts, whether to open an investigation, issue an arrest warrant, or try an accused person, there is a reduction in violence**. Moreover, these effects appear to be additive.¹⁷⁴ **There are no empirical studies showing that it increases violence**.¹⁷⁵

Kathryn **Sikkink**, 02-03-20**15**, "The ICC's deterrent impact – what the evidence shows", openDemocracy, <https://www.opendemocracy.net/en/openglobalrights-openpage/iccs-deterrent-impac/> // RB

In a new working paper, **Beth Simmons and Hyeran Jo** find that, **when comparing a number of conflict states, the threat of ICC jurisdiction has led to reduced violence against civilians**. They argue that **this effect is the result of both the increased likelihood that the Court will prosecute, but also what they call "social deterrence", or the ability of the ICC to mobilize social pressures to deter crimes**. According to the study, the ICC has a stronger positive effect on governments than on rebels. Yet, even the Lord's Resistance Army in Uganda reduced its levels of violence against civilians after the beginning of the ICC's investigation. In either case—ceasing hostilities or decreasing civilian targeting—the effect of the Court relies on civil society actors, which work in the shadow of ICC interventions to support accountability and monitoring.

David **Scheffer**, 07-17-20**23**, "The United States Should Ratify the Rome Statute", Lieber Institute West Point, <https://lieber.westpoint.edu/united-states-should-ratify-rome-statute/> // RB

Even though at present the United States is not a State Party to the Rome Statute, the consequence of these legislative acts would be that **any Russian** soldier or government **official involved in atrocity crimes in Ukraine and who steps foot in the United States**, including Disney World with his family, **would risk arrest** and prosecution in federal criminal court for the crime of genocide, **war crimes**, or crimes against humanity. **Even though President Vladimir Putin, Foreign Minister Sergey Lavrov, and Defense Minister Sergei Shoigu, if they dared to visit the United States, could claim head of state immunity as the most senior officials of the Russian Government and thus avoid sustained arrest, the fact that a federal criminal indictment and an arrest warrant could be issued would present legal jeopardy and public shaming none of them may wish to risk.** Of course, if the United States were a State Party to the Rome Statute, any ICC arrest warrant against such individuals should be honored if they were to visit this country.

The rest were analytics