Justice v. The Terminator
Militants, Civilian Killing, and the International Criminal Court

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Abstract

Can international justice intervention in conflict zones reduce militant violence against civilians? We argue that the warrants issued by the International Criminal Court (ICC) can reduce civilian killing by militants when such groups already have tenuous support. In some cases, leaders' arrest warrants have helped reduce tangible international support for militant violence, weakening such groups' motives and means to kill local populations. We explore the possibilities – and limits – of arrest warrants issued by the ICC between 1989 and 2019 for moderating intentional civilian killing by militant groups using global time series cross-sectional data. We also follow up with the case of the Democratic Republic of Congo (DRC), utilizing interrupted time series analyses and qualitative investigation of militant violence and ICC involvement. ICC warrants have had modest effects that seem to work through the vulnerability of some groups' support portfolios, which in turn has encouraged them to moderate their violence toward civilians. At a time when the legitimacy of the ICC has come into question, our results point to the modest power of an international arrest warrant to provide normatively relevant information that has helped to moderate violence toward civilians, at least in some circumstances. This research clarifies that there may be costs to sidelining the ICC when militants intentionally attack civilians.

Bosco Ntaganda was frequently called "The Terminator," as he was known to "kill people easily."[1] As the leader of various militant groups[2] in the Democratic Republic of Congo (DRC), he did his share to contribute to the six million lives lost in the Second Congo War,[3] where 50 armed militant groups vied to achieve political and economic goals by terrorizing civilians on a wide-spread basis. Militant violence[4] in the DRC is particularly long-lived and widespread, but it is hardly unique. Over the past four decades, militant violence against civilians in the form of civilian killing, sexual violence, and child soldiering, has been common in conflict zones, such as Nigeria, Syria, Afghanistan, Yemen, and Myanmar.[5] By the turn of the century, civilian killing[6] by non-state militant actors had surpassed that of state actors in civil conflicts.[7]

The International Criminal Court (ICC) was established to address such atrocities by prosecuting violations of international criminal law by both state and non-state actors. Twenty years of research suggest ICC actions have had some influence on *state* violence against civilians.[8] Whether ICC interventions can impact *non-state* violence is less systematically explored,[9] even though the majority of the ICC's forty indictees are non-state militant leaders.[10]

Under what conditions can international justice efforts moderate such militant violence? Researchers have noted the difficulty the ICC faces in bringing rebel leaders to justice.[11] The Court has a limited mandate and a weak enforcement capacity.[12] It is highly dependent on state cooperation to capture and successfully try suspects. Armed militants, on the other hand, have adopted a range of strategies to evade the ICC's reach: they engage in criminal enterprises,[13] hide in rough terrain, intimidate local populations, and tactically ally with other groups and even supportive states to avoid accountability for their crimes. Under what conditions, *if any,* can a seemingly weak justice institution such as the ICC influence militant leaders' atrocity behavior and civilian killing in particular?

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[1] Dale 2019.

[2] Early 2000s, Ntaganda worked with Thomas Lubanga (also indicted by the ICC) in FPLC (*Forces Patriotiques pour la libération du Congo*; Patriotic Forces for the Liberation of Congo), which was the military wing of the UPC (*Union des Patriotes congolais*; Union of Congolese Patriots). Then, in the mid-2000s, he worked with Laurent Nkunda at the CNDP (*Congrès national pour la défense du peuple*; National Congress for the Defence of the People). He then formed his own rebellion M23 in 2012.

[3] An estimate from BBC 2025. "Africa's world war/The Second Congo War/The war claimed up to six million lives, either as a direct result of fighting or because of disease and malnutrition."

[4] We use "militants" to refer to groups and individuals engaging in armed struggle against national governments. "Militants" as used here include rebels, insurgents, and terrorists, since groups' goals evolve, and these categories themselves do not have clear boundaries.

[5] Pettersson and Öberg 2020.

[6] Our focus is primarily on willful civilian killing as specified in Article 8 of the Rome Statutes (which specifies civilian killing as war crimes) as well as the common article 3 of the Geneva Conventions (which lays out legal obligations for non-state armed actors to abide by the principles of international humanitarian law).

[7] Davies et al. 2024.

[8] Gilligan 2006; Simmons and Danner 2010; Jo and Simmons 2016; Prorok 2017; Appel 2018; Krcmaric 2020; Hashimoto 2020.

[9] But see important contributions by e.g. Cronin-Furman 2013; McAllister 2016; Broache 2016a; 2016b.

[10] Jo 2025.

[11] Cronin-Furman 2013; Prorok 2017 in the context of civil war termination.

[12] De Vos 2013.

[13] Felbab-Brown, Trinkunas, and Hamid 2017; Schouten 2022.

A key condition, we suspect, lies in the nature of the support base for militant actors. Non-state militant actors depend to varying degrees on resources, alliances, and local communities to carry out their strategic violent campaigns. Their "support portfolio" characterizes a set of resources available to support their activities and organizations. Such a portfolio might contain proceeds from criminal activities such as smuggling or extortion, material support from external state sponsors, or cooperative support from local communities. Militant groups with a small and tenuous support portfolio will be more susceptible to ICC indictment and arrest, since even marginal changes in support can affect their ability to achieve their objectives. Large and diversified support portfolios may insulate a leader from indictment, at least in the short term. The militant leader in question might draw support from external state sponsors even after the ICC warrants or collude with government officials to engage in illicit trades. In this setting, ICC actions may have the *potential* to degrade a group's support portfolio by naming specific rebel leaders as suspects responsible for international crimes. Arrest warrants, in particular, could issue normative pressures to discourage the international and local communities from supplying support.

The literature on violence against civilians has recognized the importance of militant groups' support base. Militants kill civilians during the competition for territory or for control of the population.[14] Rivalry can induce retaliatory killing in some instances.[15] In general, research shows that a firm civilian base is unlikely to result in militants' civilian killing, while resource dependency without civilian reliance is likely to result in militants' civilian killing.[16] External patrons without any humanitarian concern could also spur civilian killing by militants in a demonstration of their capacity.[17]

Given the background of militants' support portfolio and incentives to kill civilians, our theory of ICC influence will hinge on the strategic response of indicted leaders, their followers, and the international community to a formal allegation of serious international crimes by the world's most authoritative institution in this space, the ICC. No court can directly manipulate militant groups' sources of support. Doing so depends on a court's *normative focal power* to reduce the support of neighboring or extra-regional states, non-state alliances and networks, and black-market resource networks that sustain military resistance with few constraints on militants' atrocities. Normative power hinges on the acceptance of related stakeholders in the international community, including external state sponsors of militant groups, about the graveness and seriousness of international crimes. Focal power stems from the Court as the center of the authority to issue, signal, and name the perpetrators.

Our argument also depends on non-state militants' perceptions of their support vulnerability once their leaders have been revealed as suspects of serious international crimes. We demonstrate that this perception is plausibly at play, especially when militant groups are vulnerable to the denial of support. Even with low or dwindling support, militants still retain several options. With the ICC as an outside option, indicted leaders who are vulnerable or who have become vulnerable to loss of support could behave differently. They could submit voluntarily to arrest, and their troops could disband and disperse, making systematic violence against civilians less likely. Or the group could continue to fight the state but try to cultivate local hearts and

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[14] Kalyvas 2006.
[15] Balcells 2017; Asal, Rethemeyer, and Phillips 2022.
[16] Weinstein 2007; Stewart and Liou 2017; Whitaker, Walsh, and Conrad 2019.
[17] Salehyan, Siroky, and Wood 2014. On the possibility of external sponsors prolonging the conflict, see Sawyer, Cunningham, and Reed 2015.

minds for support, again likely moderating violence against civilians. Furthermore, they could decide to continue their brutal tactics, but with a diminished capacity to wreak physical harm, such as killing of civilians. Any of these options suggests a diminished capacity or will to inflict atrocities against civilians. For this reason, we associate arrest warrants issued by the ICC with reduced one-sided violence against civilian populations, *conditional on militants' small or eroding bases of support.* In this theory, the status of support is key. With robust support, militant groups have no incentives to adjust their behavior. When support is not robust or can be eroded, an arrest warrant is a tipping condition that moderates militants' violent behavior.

We explore this theory in two ways. First, we use the universe of ICC arrest warrants to show that groups with a small and insubstantial support base are more likely than those with a large and substantial support base to moderate civilian killing when the ICC issues a warrant for their leader or member(s). Second, we study the situation in DRC to show that in some cases, an ICC arrest warrant likely caused a degradation in groups' support portfolios. In these cases, post-warrant and post-surrender civilian killing is significantly less than the counterfactual number of lives lost had the ICC remained aloof. The ICC's decisions to serve warrants to arrest "The Terminator," Bosco Ntaganda, in 2006 (when he was a military chief of staff at CNDP, the National Congress for the Defense of the People) and again in 2012 (as leader of the infamous M23),[18] plausibly contributed to scores of civilian lives saved over these years. Ntaganda evaded the ICC for some years but eventually met justice when he was convicted in 2019. Our research shows that the decision to issue an arrest warrant triggered the Court's positive influence, only when the support base for M23 was substantially weakened and debased. Around the time of Ntaganda's surrender, M23 lost Rwandan support, which was the chief external state sponsor for the group. Other international pressures, such as United States and European Union aid cuts to Rwanda as well as UN peacekeeping activities contributed to the reduction of violence as court-assisting factors.

Our findings are consistent with the modest and marginal contribution of the Court in deterring militant groups.[19] Our contribution goes further to underscore the heterogeneity of militant organizations.[20] After the Court's normative focal authority was activated in the form of warrants, court-assisting measures, such as diplomatic pressures on external state sponsors, intensified to influence militant violence levels in some cases.[21] Overall, this research demonstrates that arrest warrants can be normatively powerful information that have played a role in reducing violence, at least for non-state militant groups dependent on a vulnerable support system. The warrants can have the potential to reduce civilian killing only if well-resourced groups lose substantial support after international actors coordinate around the Court's focal power to issue an arrest warrant. Whether the Court can continue to play this normative role as it increasingly comes under attack by erstwhile supporters remains to be seen – an issue we come back to in our conclusion section.

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[18] 22 August 2006 and 13 July 2012 are the warrant dates. ICC 2012.

[19] Cronin-Furman 2013; Jo and Simmons 2016; Mendeloff 2018.

[20] Broache 2016a; Broache 2016b.

[21] The literature on interdependencies of international measures in conflicts is growing. See for instance, Beardsley, Cunningham, and White 2019; Owsiak et al. 2021; Clayton and Dorussen 2021; Broache and Cronin-Furman 2021.

Militant Support Portfolio, International Justice, and Civilian Killing

Militant groups are a heterogeneous lot. They have different goals, organizational structures, and, importantly for our purposes, different bases of material, political, or social support. The majority of militant groups have benefited from some degree of external state sponsorship since World War II.[22] Some depend on proceeds from criminal activities, such as the production of illicit substances, or the exploitation of natural resources in the territories they control. Extortion or "tax" from local civilian populations can constitute resources for militants as well. Though we define militants as opponents of the state, some may form tactical alliances with the government to fight rivals, and such co-optation or patronage politics can provide political resources for some militants.[23] We refer to the support systems, alliances and resources that sustain a militant group's organizational activities as its *support portfolio.*

The nature and extent of a group's support portfolio influences their propensity and capacity to engage in civilian killing. External state support can incentivize civilian harm by militants,[24] especially if that external state does not prioritize human rights.[25] External state support can incentivize militants to demonstrate to their sponsors a resolve to prevail. External supporters may lack full information on atrocities and have minimal incentives to check the behavior of their militant allies. Lack of discipline among lower-ranking soldiers augments the problem.[26] Moreover, with support from the outside, militants tend to depend less on civilians for support. Absent a reason to cultivate local hearts and minds, militants have been found to take a more violent approach when they are supported externally.[27]

Militant dependence on criminal activities or natural resource exploitation to sustain operations can similarly incentivize civilian killing,[28] especially when exacerbated by competition among militants or with the state for territorial control.[29] Conflict diamonds in Angola, charcoal sales by al-Shabaab in Somalia, and minerals exploitation by militant groups in the DRC are prominent examples. Militant-government collusion over natural resources and illicit activities only heightens the risk of militants committing atrocities with impunity.[30]

In contrast to both external support and criminal/resource exploitation, civilian support systems often have violence-reducing effects. Militants may need civilian communities for information, logistical and/or political support.[31] Studies find that militants who rely on civilian

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[22] San-Akca 2016, 1-2.

[23] Reno 2007; Seymour 2014; Stearns 2022.

[24] Blair 2023.

[25] Salehyan, Siroky, and Wood 2014.

[26] Hoover Green 2018.

[27] Fortna et al. 2018.

[28] Weinstein 2007.

[29] Rigterink 2020. The pattern holds particularly for the types of resources that generate little connection to civilians (Whitaker, Walsh, and Conrad 2019)

[30] Staniland 2014; Lee 2021. Sweet (2020, 297) puts this starkly as "Rebels used bureaucracy to finance violence" in the context of the Democratic Republic of Congo. One example of impunity following collusion is Katanga (Tutsi) domestic trial after the ICC trial (Labuda 2016).

[31] Literature on rebel governance illustrates this rebel incentive to govern by instituting political, social and economic rebel institutions, such as rebel police force, dispute settlement authorities, health clinics, and currencies (Loyle et al. 2021).

support tend to kill fewer civilians, compared to those who rely on transnational state support or extractive natural resources.[32]

Militant groups rarely rely on one single resource but on the combination of multiple resources and support types. The efforts to intervene to render justice for international crimes will have distinct consequences for civilian killing, depending on the strength of the militant group's support portfolio.[33] Strong support portfolio will be composed of "holdings" that could be sizeable and substantial. A weak support portfolio will be composed of support types that are insignificant and insubstantial in the militant's "income" basket. If the militant support is strong and sturdy when justice intervenes, atrocious militants might have little incentive to change their behavior. Militants with strong portfolios can hold out and evade justice by buying the government's complicity or by continuing to be funded by external sponsors. In contrast, if militant support is weak, and then justice intervenes, the marginal impact of justice may be felt. The news of warrants for instance can potentially deny a leader's safe haven or restrict the ability to secure foreign private support via travel. The leader's hiding could prompt large-scale defections of lower-ranking soldiers, which could reduce systematic and widespread civilian killing orchestrated by the leader. The nature and operation of various justice interventions, particularly the role of ICC warrants, is our next topic.

Justice Intervention and ICC Warrants

"Justice intervention" is a term borrowed from the domestic sphere that refers to actions taken by the legal system – police, courts, and correctional institutions – to manage criminal behavior and prevent future offenses.[34] International justice mechanisms lack the first but have developed a prosecutorial and punishment capacity for international crimes, including genocide, war crimes, and crimes against humanity. Intentional killing and other egregious violence against civilians would likely be classified as a war crime or a crime against humanity.[35] Under the Rome Statute, "situations" may be investigated and individuals alleged to have committed crimes under the Court's jurisdiction may be indicted, served arrest warrants, captured, prosecuted, and – if found guilty – convicted. The system is based on complementarity: it is available when the national processes cannot or will not be used to hold actors accountable for international crimes.[36]

International justice interventions are intended to influence criminal behavior through legal means. To be influential, a justice intervention should come from a respected and focal institution[37] that commands some normative pull with actors that are able to affect militants' prosecutorial risk. In the realm of international criminal law, the ICC has been such an institution. As the world's only permanent and global criminal court, the ICC is the focal international

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[32] Weinstein 2007; Holtermann 2019; Blair 2023.

[33] The case of UNITA, as discussed in Radtke and Jo 2018. UNITA relied on diamond sales and U.S. support, and when diamonds were sanctioned with U.S. support withdrawn, the group's fate took its turn.

[34] See for instance, Long and Sullivan 2016; Braithwaite 2021; Rossner and Taylor 2024.

[35] In the literature on violence against civilians, these are usually classified as cases of strategic violence against civilians. See Balcells and Stanton 2021 for the comprehensive review of the literature on the violence against civilians, as well as the discussion on the levels of analysis issue.

[36] On the criteria and process of the ICC cases, see Prorok, Appel and Minhas 2024.

[37] Jo and Simmons 2016 and Mailath, Morris, and Postlewaite 2017 theorize a coordinating focal role as law's authority.

authority to determine whether a person has plausibly crossed the line of egregious criminality that the international community has an interest in maintaining.

Many phases of ICC action constitute an "international justice intervention." Merely investigating Colombia's "situation" has been shown to be associated with reduced FARC violence against civilians in Colombia.[38] The combined effects of *all* "ICC actions" measured as a three-year moving average of preliminary examinations, investigations, arrest warrants by the Office of the Prosecutor, and convictions have been shown to modestly reduce militants' intentional civilian killing.[39] Hillebrecht and Read contend that even the ICC's out-of-court communications are significant interventions, though they have no official legal status.[40] These actions raise the perceived risk of prosecution, if only to a small degree, as militants learn that the Court is serious about prosecuting serious international crimes.

ICC arrest warrants are a special category of action that signal probable individual responsibility for international crime(s). As such, warrants signal something quite different from an investigation or even from the "out of court" signals that the Office of the Prosecutor may choose to send. We focus on arrest warrants because they connect a specific actor with a very serious, named violation of widely held legal norms. Moreover, once the Court issues an arrest warrant, its execution is binding on all states that accept the ICC's jurisdiction, which theories of legal commitment anticipate will increase compliance with authoritative measures. An arrest warrant therefore signals a much higher risk of prosecution – if still not very high – than militants had previously thought.[41] Arrest warrants, particularly unsealed ones, have the potential to alter the public information on which other leaders and even rank-and-file group members assess their own prosecution possibilities. Research has shown that even lower ranking soldiers often know and have opinions about their leaders' indictment.[42]

Researchers are divided over violent actors' response to being named in an arrest warrant. Some believe arrest warrants incentivize further violent actions in order to gain a strategic advantage from which to negotiate or to fight on. In this view, once warrants are issued, accused perpetrators will have weaker incentives to reduce violence.[43] Other research shows indictments (not necessarily warrants) reduce violence at least in the short term because perpetrators believe they may not be tried.[44] To this debate, we contend that arrest warrants not only affect the immediate calculations of militant groups. But also, the warrant's normative focal power shapes militant options depending on how the international community responds, and whether wanted militants can maintain their support system to continue to fight. We argue that as their access to support base degrades, militants have incentives to moderate their behavior toward civilians.

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[38] Jo, Simmons, and Radtke 2021. The article demonstrates in the Colombian case that the opening of ICC preliminary examinations in 2004 affected actors' political and legal calculations.

[39] Jo and Simmons 2016.

[40] Hillebrecht and Read 2023.

[41] Prorok 2017, 218 also notes that warrants, in the process of ICC proceedings, increase "intent to prosecute" compared to the preliminary investigation stages.

[42] Broache 2016a; Jo, Simmons, and Radtke 2018.

[43] Hillebrecht and Read 2023 summarize the literature at 63-64.

[44] Miller 2022.

Arrest Warrants and Militant Support Portfolio

Our key theoretical focus is on how an arrest warrant alters militants' choices for *whether* and *how* to continue to fight. What options do wanted militant leaders have when the ICC issues a warrant for their arrest? In one scenario, though least likely, the wanted person can respond to an arrest warrant by turning themselves in, believing they will not be convicted, or that an ICC conviction would be better than local justice at the state's hands. With an indicted leader out of the picture, fighters who continue the struggle may reassess their tactics in light of their leader's arrest warrant. Leaderless, they may be less able to continue violent struggles. A leader's self-surrender can also trigger some defections, making it hard for the militant group to continue fighting at all. According to theories of general deterrence,[45] arrest and surrender could also significantly change militant tactics toward civilians.

More likely, wanted militants will try to evade arrest. They may even be motivated to intensify their violent struggle to avoid capture or to improve their strategic position before negotiations.[46] But even so, their choices will be shaped by the composition of "income" from "assets" that remain in their support portfolio once a warrant has been issued. This is because an arrest warrant can affect militants' operational support in several ways. First, an arrest warrant can reduce foreign forms of support for the group. The key reason has been elaborated in the literature: the normative focal power of an ICC action – of which an arrest warrant is one of the most precise, authoritative, and, for ICC members, obligatory – has the potential to encourage foreign states to reduce or even terminate support for a group accused of egregious international crimes.[47] ICC warrants result in restricted freedom of movement for suspects, constricting their safe haven options.[48] Relatedly, material support for a wanted militant leader – finance, weapons, supplies, and logistical support – may be cut off as well, accompanied by economic sanctions involving arms embargoes or travel bans on militant leadership. We acknowledge that such reductions are not always spontaneous: they might result from diplomatic pressures applied by other ICC-supporting states. But whether spontaneous or politically induced, we expect an arrest warrant will ultimately diminish – though it may not eliminate completely – the support portfolio of a militant group whose leader is a fugitive from ICC justice.

> *Hypothesis 1: An arrest warrant for a militant leader will **reduce foreign support** for that group. As a result, the likelihood of dependence on foreign resources in the group's support portfolio will decline after an arrest warrant.*

Another major source of support for militant groups: the (illicit) sale of natural resources in the territories they control. Rebel contraband – from diamonds to charcoal to cocaine – is a well-documented source of income often essential to maintaining military and other organizational operations. Conflict diamonds that have funded decades of violence in Angola and Sierra Leone are one of the best-known cases, but militant groups have also sustained violence from the sale of coltan, drugs, gold, timber, and much more.[49]

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[45] Dancy 2017; Jo and Simmons 2016.
[46] Broache and Cronin-Furman 2021.
[47] Jo and Simmons 2016.
[48] Gilligan 2006 and Krcmaric 2018 apply this logic of safe haven to the case of state actors.
[49] Saab 2025.

Rebel contraband is more difficult to stem by outside actors, because it requires a broad and sustained effort to boycott many such resources. States have fought illicit drug markets for decades with mixed results, and we do not expect an ICC warrant to significantly change gains from illicit drug sales. However, boycotts of otherwise legal goods, such as oil or diamonds, require widespread cooperation from dispersed market actors willing to bear some cost to keep such goods out of the licit market. For example, the Kimberly process to certify the provenance of diamonds, for example, required collaboration between human rights NGOs, the diamond industry, and states that ultimately passed legislation to support the process.[50]

Boycotts of otherwise licit trade are costly to sustain – much more so than foreign aid reductions. International relations scholars have demonstrated the importance of international institutions in making a commitment to enforce such sanctions credible.[51] We use a similar logic for understanding how an ICC arrest warrant could potentially provide the normative justification for entities with pro-justice preferences to strengthen their demands for widespread adherence to ban the products of a group whose leader is alleged to have committed an international crime. An arrest warrant can be leveraged by non-governmental organizations to raise the reputational stakes of market actors to cooperate with the boycott. A warrant reduces ambiguity about whether a group "deserves" to be boycotted and amplifies demands to trace sourcing and pressure commercial actors to avoid suspect trade. Thus, we expect that it will be harder for a militant group to gain from natural resources when leader(s) are named in an ICC arrest warrant than was the case before the warrant.

> *Hypothesis 2: An arrest warrant for a militant leader will reduce the likelihood of significant **natural resource revenues**. As a result, the likelihood of dependence on natural resources in the group's support portfolio will decline after issuance of an arrest warrant.*

Unlike external sponsorship or natural resources, we expect that warrants are not likely to affect militant civilian support. Warrants are public international signals to international actors. As such, we do not necessarily expect that warrants would directly impact militants' domestic civilian support.

With the above expectations about how the three support types are affected by warrants, H3 sums up our overall expectations about warrants and militant groups' support portfolio. If our theory holds, then we would expect the overall strength of the militant group's portfolio to diminish and become less diverse in terms of "holdings" of substantial support types.

> *Hypothesis 3: An arrest warrant for a militant leader will likely reduce the **overall strength** of that group's support portfolio.*

Warrants and Portfolio Precarity: Moderating Violence against Civilians

That an arrest warrant may impact a group's support portfolio suggests a mechanism, but ultimately, we are interested in how the arrest warrant affects group violence against civilians.

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[50] Tamm 2004.
[51] Martin 1992.

Our main contention is that the effect of arrest warrants will depend on the strength of the militant support portfolio. A strong support base affords a fugitive many options for protection against capture and prosecution, allowing militants to continue to fight as they please with less concern about the withdrawal of support.[52] It is possible that the militant leader with a strong external support might increase the violence in order to demonstrate capacity. But as sources of support are withdrawn, arrest warrants increase prosecutorial risks. With a diminished capacity, militant groups have two options: they can sue for peace, or they can redouble their effort to find support by cultivating the hearts and minds of local civilians. Either choice implies less violence against civilians, in the case of withdrawn support. In sum, international justice pressure is more likely to operate on militant actors when their core external support bases degrade. With the territorial safe haven gone, foreign assistance withdrawn, and a blocked chance of marking of natural resources, ICC's impact is likely to be felt by the militant actors and produce the outcome of reduced civilian killing.

> *Hypothesis 4: When the ICC issues an arrest warrant for a militant leader:*
> a. *Militant groups with a strong support portfolio will not reduce civilian killing significantly.*
> b. *Militant groups with a weak support portfolio will reduce civilian killing.*

Realistically, it will be very difficult to eliminate all these internal and external support systems specific to each militant group. Our expectations depend on the marginal effect of the normative focal power of an ICC arrest warrant that can galvanize the international community to reduce support for militant groups. We do not deny that militants are capable of adaptation and innovation. But our theory suggests that this will be harder for armed groups that are more vulnerable to foreign resource constraints. For such groups, the most obvious incentives are to exercise restraint and cultivate more positive relations with civilians.

Empirical Analysis

To investigate our arguments empirically, we present two sets of analyses. One is the analysis of all civil wars between 1989 and 2019 at the global level. The other is a case analysis of two violent militant groups in the Democratic Republic of Congo (DRC), one of which has a strong support portfolio (the M23) and the other a relatively weak support portfolio (FDLR). The global analysis examines the impact of ICC warrants first on portfolio "holdings" (Hypotheses 1-3) and then on militant violence (Hypotheses 4a and 4b). Overall, we find evidence that arrest warrants have reduced the strength of support portfolios of groups whose leaders are targeted. The results also show that strong support portfolios tend to buffer militant groups from shifting their strategies away from the intentional killing of civilians.

Global Analysis

Data Our global analysis employs the Uppsala Conflict Data Program (UCDP) dyadic dataset v 20.1, which identifies 385 militant groups involved in internal armed conflicts 1989-

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[52] For the analysis of other factors affecting violence against civilians in civil conflicts, see Kalyvas 2012; Cederman 2015; Balcells and Stanton 2021.

2019.[53] We generate monthly observations for each group during "active conflict" periods and continue these observations for an additional 24 months during inactivity. "Active conflict" is defined as at least one battle-related death per month, while inactivity is determined by 24 consecutive months without any battle-related deaths. This extended dataset enables an examination of militant violence during both active conflict and transitions toward peace.[54] This sampling approach assumes that violence can be generated even when active fighting subsides. Our final sample captures the monthly dynamics of violence across multiple conflict zones. The unit of analysis is the militant group-month-year, with the information about militant groups' civilian killing counts for each month in a particular year. In some analysis, we employ annual-level observations, as necessary and appropriate.[55]

The primary dependent variable is the monthly count of civilian deaths resulting from one-sided violence perpetrated by militant groups. One-sided violence refers to the intentional and direct killing of civilians by a specific perpetrator, in our case, militant groups.[56] Using the UCDP Georeferenced Event Dataset (GED), global version 20.1,[57] we calculate a monthly count by aggregating the best estimates of civilian deaths from all violent events recorded within a given month.

The treatment variable is the ICC warrants. It is coded as 1 after the warrants are issued to a militant leader. Pre-warrant periods or no-warrant month/year are marked as zero. Among 385 groups in our dataset, individuals in six groups were issued ICC warrants: 1) CNDP (*Congrès national pour la défense du peuple*; National Congress for the Defence of the People) in the Democratic Republic of Congo, 2) LRA (Lord's Resistance Army) in Uganda, 3) M23 (*Mouvement du 23 Mars*; March 23 Movement) in the Democratic Republic of Congo; 4) Ansar Dine in Mali, 5) FDLR (*Forces democratiques de libération du Rwanda*; Democratic Forces for the Liberation of Rwanda), and 6) anti-Balaka in the Central African Republic.[58] The small number of treated groups presents an inferential challenge in cross-national and cross-militant analysis, which we attempt to tackle by providing a complementary analysis of specific cases in the DRC.

To examine the conditional effect of ICC warrants on militant violence, we develop a measure of the strength of militants' support portfolios (SP) using hierarchical item response theory (hIRT) models.[59] This measure integrates several dimensions of support, including external sponsorship, natural resource access, and civilian support. For external support, we use the UCDP External Support Dataset (ESD),[60] a total of 11 items related to both state and non-state

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[53] Davies et al. 2024. The UCDP dataset includes those groups involved in conflicts over 25 battle-related deaths.

[54] For a similar approach, see e.g. Cunningham, Gleditsch, and Salehyan 2009; Hultman, Kathman, and Shannon 2013.

[55] To test Hypotheses 1, 2, and 3, we rely on a group–year dataset, created by aggregating the monthly data to the yearly level, because the dependent variable (militant support portfolio/SP scores) only varies annually.

[56] Eck and Hultman 2007.

[57] Sundberg and Melander 2013; Pettersson and Öberg 2020.

[58] In the statistical analysis, M23 is dropped due to its missing values for other covariates. In total, 20 militant leaders of 10 groups faced indictment by the ICC. See Jo 2025.

[59] Zhou 2019.

[60] Meier et al. 2023.

sponsors.[61] Natural resource data are sourced from the Rebel Contraband Dataset (RCD), [62] consisting of 42 indicators of extortion, theft, smuggling, and booty futures, totaling 42 items.[63] Proxies for civilian support comprised 2 response items related to territorial control and mobilization capacity.[64] In total, 55 variables from these three datasets are used as response items to generate the SP latent variable. This aggregation of various components constitutes the first step of generating the SP latent measure, capturing the portfolio concept.

Next, the latent score of the support portfolio (SP) is estimated with a normal prior. The updated mean is conditioned on key covariates such as the strength of central command, indices of militant strength and fighting capability, group fragmentation, presence of factions, and political wings.[65] This step gives weight to the SP measure depending on the groups' various characteristics related to size and capacity. Without the weighting, the latent scores for prominent groups would be the same as obscure groups. The weights produce time-varying (yearly) latent measures, covering 274 out of 385 groups from 1989 to 2019. The distribution of SP is approximately standardized, ranging from -3 to 3 with a standard deviation of 1.03.

The resulting SP measure is a one-dimensional measure of militant support portfolio, as one of the assumptions of IRT models is one-dimensionality. Most of the items related to external sponsorship (e.g. weapons or troop support) and territorial control that proxy civilian support load positively, as well as well-earning resources such as drug smuggling or diamond smuggling. [66] Most of the natural resource items that are small in scale, such as agricultural extortion or oil theft, load negatively. With these loadings, the SP measure can be best interpreted as the strength of support for a militant group in a particular year. At the militant group level, high SP scores would mean strong portfolio groups with the combination of positive loadings that are substantial in size, for instance, the combination of weapons support from external sponsors, as well as diamond smuggling. In contrast, low SP scores would indicate the militant characteristics of a weak portfolio with the combination of insubstantial holdings, say, from several theft and extortion items.

Figure 1 presents a heat map that locates each militant group's portfolio holdings, as well as corresponding SP scores. The whole view of the heat map gives a visual sense of the portfolio

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[61] Eleven component variables are 1) troop support, 2) foreign troop presence, 3) access to infrastructure, 4) weapons support, 5) material and logistics support, 6) training and expertise support, 7) funding support, 8) intelligence support, 9) access to territory, 10) other support, and 11) unknown support.

[62] Walsh et al. 2018. Four categories of extortion, theft, smuggling, and booty futures are included in this "natural resources" category.

[63] For extortion, a total of 21 items are included: agriculture, animal, cannabis, cassiterite, charcoal, coal, cocoa, coffee, coltan, diamond (alluvial), drugs, gems, gold, iron, mineral (unknown), oil, opium, others, rubber, tea, timber; For theft, a total of 10 items are included: agriculture, animal, cannabis, cassiterite, coffee, diamond (alluvial), diamond (primary), gold, oil, timber; For smuggling, a total of 10 items are included: agriculture, animal, cannabis, cobalt, coffee, diamond (alluvial), drugs, gems, gold, timber; For booty futures, one item, oil is included.

[64] The data were updated from the Non-State Actor dataset by the authors. The codebook, narrative description, as well as the data for the groups after the year 2012 (the end point of the NSA dataset), are on file with the authors.

[65] The data on these covariates come from the updated Non-State Actor dataset. The update from year 2012 onwards was made by the authors and will be available with the replication data.

[66] The item loadings related to the SP measure are on file with the authors, along with a table that contains item-parameter estimates for the support-portfolio latent trait.

holdings (in columns) of all the groups (in rows). The focused view of the SP measure, with negative and positive loadings, provides some examples of the SP measure on one dimension.
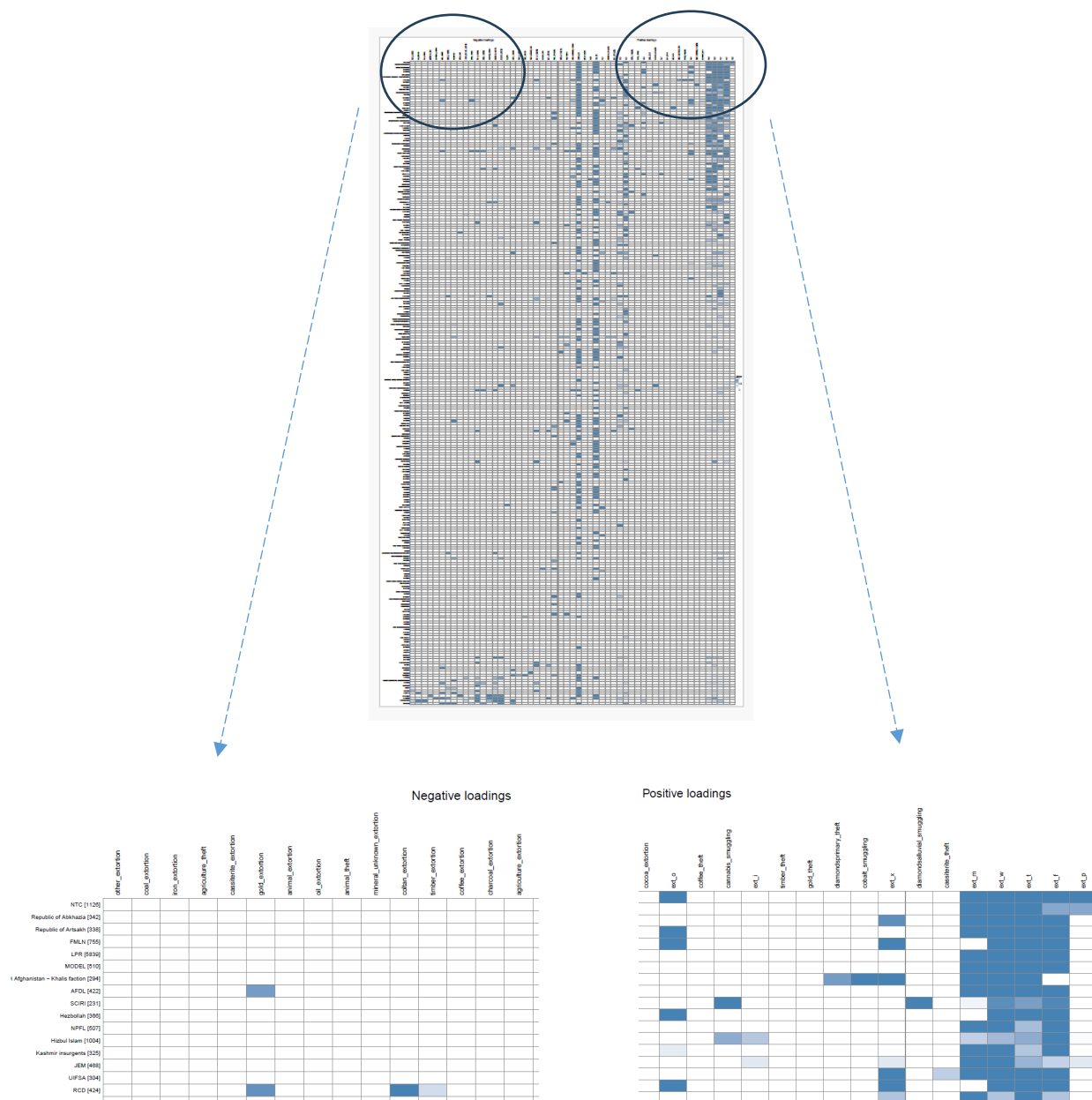
FIGURE 1. Heat Map of Militant Holdings and Militant Support Portfolio (SP) Measure

In addition to the aggregated SP score, we generate disaggregated SP scores for external support (to test Hypothesis 1) and natural resources support (to test Hypothesis 2). The SP measure for external support is constructed from using all 11 composite variables from ESD. The SP score for natural resource draws on 42 indicators from RCD, as described above.

Estimation We estimate the effects of ICC warrants using PanelMatch.[67] PanelMatch is a difference-in-differences (DiD) estimator enhanced by matching methods. This approach is particularly suited to our analysis, as ICC warrants are not randomly assigned. PanelMatch's embedded matching procedure accounts for the selection process underlying warrant issuance, while also facilitating the estimation of dynamic treatment effects. This method further addresses potential feedback loops between past violence and warrants issuance. The matching process produces comparable sets between the groups that received treatment (i.e. with ICC warrants) and those that did not receive treatment (i.e. without ICC warrants).

The PanelMatch method produces matches between treated groups and control groups at the observation level (i.e., unit–time). Treated units are militant groups receiving ICC warrants at time t. Control units are militant groups that did not receive warrants but share otherwise identical "treatment histories" with treated groups, up to a pre-specified lag L. Here, "treatment history" is defined as the trajectory of occurrence of treatment and non-treatment for a designated pre-treatment period.[68] For the main analysis of the effect of warrants on civilian deaths, we specify $L = 4$ to match treated and non-treated groups with the same treatment history and similar covariate values over the four months before treatment. We then refine the matched sets by balancing covariates and outcome histories between treated and control units, ensuring comparability. The covariates include host country factors (e.g., GDP, democracy level, rebel competition), militant group attributes (e.g., military strength, territorial control, central command), other international intervention events (e.g., mediation, sanctions, peacekeeping), and history of violence for each group (e.g., past outcomes and battle-related deaths).

After identifying and refining matched sets, we apply the DiD estimator as follows:

$$\hat{\delta}(F, L) = \underbrace{\frac{1}{\sum_{i=1}^{N}\sum_{t=L+1}^{T-F} D_{it}}}_{\text{Average over all treated observations}} \sum_{i=1}^{N}\sum_{t=L+1}^{T-F} D_{it} \underbrace{\left\{ \left(Y_{i,t+F} - Y_{i,t-1}\right) - \sum_{i'\in M_{it}} w_{it}^{i'}\left(Y_{i',t+F} - Y_{i',t-1}\right)\right\}}_{\text{Treated observation-specific DiD estimate}} \quad (1)$$

where Y_{it} is the outcome, D_{it} indicates treatment status, F is the post-treatment, and $w_{it}^{i'}$ are weights reflecting the likelihood of treatment based on covariates and past outcomes. For the main analysis of the effect of warrants on civilian victimization, we set $F = 12$ to estimate dynamic treatment effects over a 12-month period post-warrant, capturing both immediate and longer-term impacts. The DiD estimator calculates the local average treatment effect on the treated (ATT) and then computes the average of these treated observation-specific estimates across all treated observations, the global ATT $(\hat{\delta}(F, L))$. Confidence intervals are calculated using conditional standard errors, equivalent to unit/group-clustered standard errors in our context, which adjust for temporal dependence within each militant group. We conduct extensive robustness checks by varying pre-treatment periods and using alternative refinement methods.

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[67] Imai, Kim, and Wang 2023.
[68] Rauh, Kim, and Imai 2025, 8-9.

Results

Test of Hypotheses 1-3: The Effect of Warrants on Militant Support Portfolios (SP)

We first evaluate the effect of ICC arrest warrants on militant support portfolios. Our theory suggests that ICC warrants may reduce a group's support portfolio (SP), which in turn could decrease civilian deaths. To test this mechanism, we construct a group–year dataset by aggregating monthly observations to the yearly level, as the dependent variables in this analysis, the latent SP scores and their disaggregated dimensions (external support and resource scores), vary annually.[69] Using this dataset, we apply the PanelMatch method, with ICC warrants as the treatment.[70] Among the six treated groups with warrants mentioned in the previous section, the results in Figure 2 rely on two treated groups with warrants: the LRA in 2005 and the FDLR in 2010. The matched set for the LRA includes 36 control groups, while that for the FDLR includes 4 controls. The other four groups were not utilized because those groups lacked sufficient pre- or post-treatment periods. That is, they are absent from the dataset for the five years following the issuance of arrest warrants or three years before the arrest warrants.

Figure 2 presents the test result of Hypothesis 1, showing that ICC warrants lead to a reduction in *foreign support* latent scores.
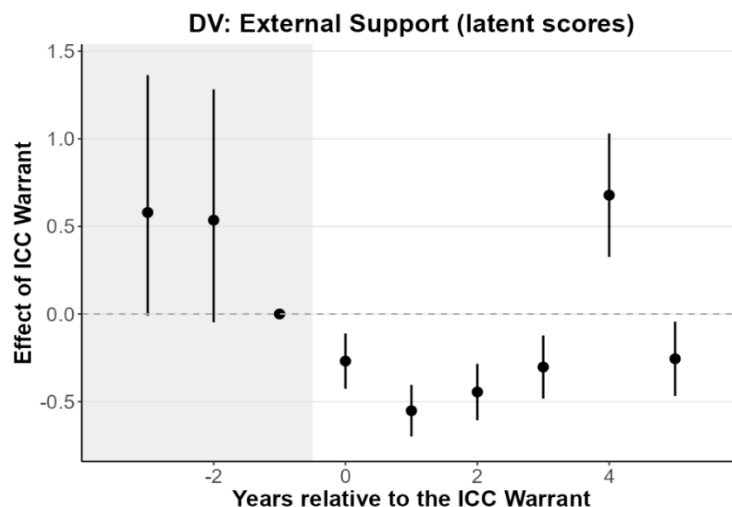
FIGURE 2. ICC warrants reduce external support.

Notes: The results are from two matched sets of treated and control units: the LRA in 2005 (36 controls) and the FDLR in 2010 (4 controls).

Specifically, the figure plots the effects of ICC warrants on external support (ES) latent scores. In the year the warrants are issued, ES scores decrease by approximately 0.27 standard deviations. This decline continues into the following year, with a drop of about 0.55 standard

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[69] Because civilian support latent scores show little variation over time, we do not analyze the effect of warrants on this dimension of support.

[70] In this analysis, we set L=3 and F=5 and employ the same covariates as in the main analysis to refine the matched sets.

deviations compared to groups that did not receive warrants. Similar to the patterns observed for SP latent scores, the effect gradually weakens over time and reverses by the fourth year after the warrants are issued. On average, during the first four years (from t+0 to t+3), groups receiving ICC warrants experience a reduction of about 0.4 standard deviations compared to non-warranted groups. The wide confidence intervals during the pre-treatment periods indicate no violation of the parallel trends assumption, since the treated and control groups are not statistically different in the outcome before treatment.

Second, we consider the role of ICC warrants on natural resources in militants' support portfolios. Figure 3 presents the test result of Hypothesis 2, showing that ICC warrants affect the natural resources SP latent scores. ICC warrants decrease the natural resources latent scores between two and four years. The size effect (approximately 0.1 standard deviation of natural latent scores) is relatively small, compared to the external support effect reported in Figure 2. As in Figure 2, the wide confidence intervals during the pre-treatment periods indicate no violation of the parallel trends assumption, since the treated and control groups are not statistically different in the outcome before treatment.

The result suggests the possibility that the ICC warrants might operate mainly from the reduction in external support, rather than from the reduction in natural resources. We surmise the result is due to the fact that external state sponsorship is a policy spicket that other states control. It can be shut off fairly quickly. Resources such as oil or diamonds provide benefits based on the market, and, for many resource items, there is a world price that cannot easily be controlled. The results further highlight the importance of targeted political cooperation to cut off support. It may be harder to deny militants benefits by trying to control market access.
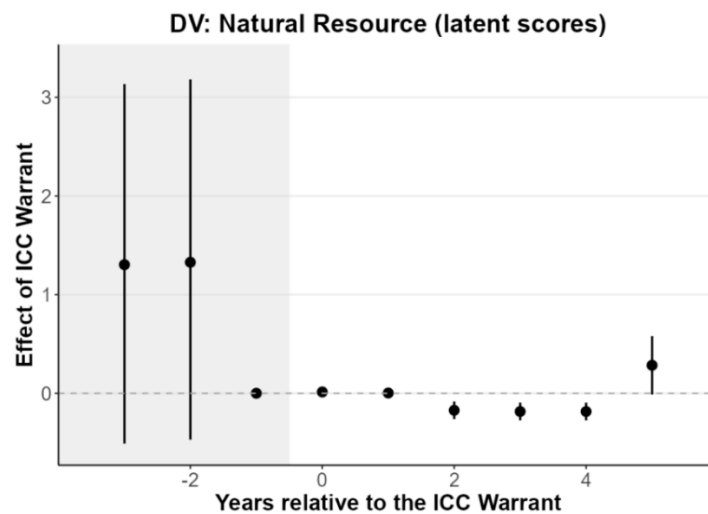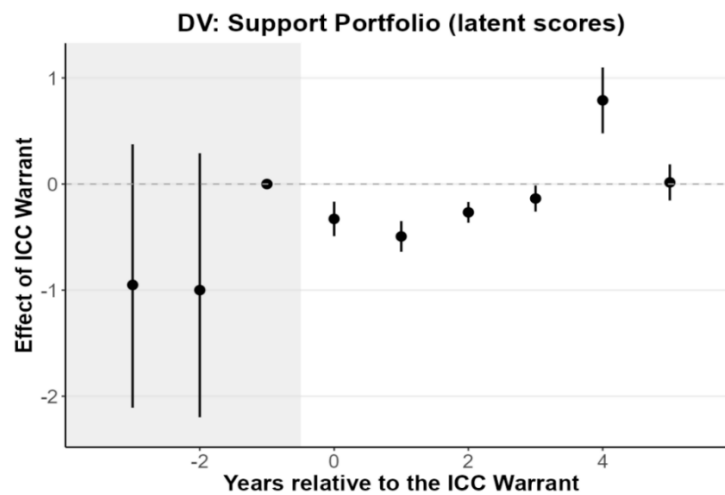

FIGURE 3. ICC warrants reduce militant resource portfolio.

Notes: The results are from two matched sets of treated and control units: the LRA in 2005 (36 controls) and the FDLR in 2010 (4 controls).

Finally, we consider the *overall strength* of militants' support portfolios. Figure 4 presents the test result of Hypothesis 3, showing that ICC warrants lead to a reduction in overall support latent scores. In the year the warrants are issued, SP scores decrease by approximately 0.3 standard deviations, and in the following year, they drop by about 0.5 standard deviations compared to groups that did not receive warrants. The effect gradually weakens over time, showing an increase by the fourth year after the warrants' issuance. On average, during the first four years (from $t+0$ to $t+3$), groups whose leaders were issued ICC warrants experience a reduction in the overall support portfolio strength of about 0.3 standard deviations compared to non-warranted groups. No significant differences or trends are observed between the treated and control groups during the pre-treatment period, providing suggestive evidence that ICC warrants reduce militant groups' foreign support portfolios.

**FIGURE 4. ICC warrants reduce the strength of militants' support portfolio.**

Notes: The results are from two matched sets of treated and control units: the LRA in 2005 (36 controls) and the FDLR in 2010 (4 controls).

Overall, the results suggest that ICC warrants are associated with reduced strength in militant groups' portfolios. Importantly, this illustrates a plausible mechanism through which ICC warrants work: as crucial normative information, they make it harder for foreign states or gray markets to countenance support for a group whose leader(s) are considered to be responsible for some of the worst atrocities committed against civilians.

Test of Hypotheses 4a and 4b: The Effect of Warrants on Civilian Deaths

Our primary concern is to test for a link between ICC arrest warrants and a shift in fighting strategy, away from intentional civilian killing. Figure 5 illustrates the dynamic effects of ICC warrants on civilian deaths over a 12-month period following the issuance of a warrant to arrest a leader of the respective group at time $t = 0$. Shaded areas indicate the periods before warrants;

un-shaded areas indicate the periods after the warrants.[71] To make the comparison between strong SP and weak SP groups, we transform the continuous latent SP measure into a binary variable by using the median value as the threshold. The y-axis indicates the Average Treatment Effects on Treated (ATT), representing the number of civilian deaths incurred by the treatment group, relative to the control group. 0 means that there is essentially no difference between cases in which leaders were issued warrants compared to the control cases where they were not. Positive y-values indicate that the treated group kills *more* civilians than to control group at time t; negative y-values would mean that the treatment group kills *fewer* civilians than the control group at time t. The results in Figure 5 are based on five matched sets of treated and control units (i.e. militant group-month): LRA in October 2005, treated (60 controls); FDLR in September 2010, treated (65 controls); CNDP in August 2006, treated (5 controls); Ansar Dine in September 2015, treated (91 controls); and anti-Balaka in November 2018 (87 controls). One treated group, M23, is excluded from the analysis since the group was treated from its first appearance in 2012, so no pre-treatment period exists. This is due to Ntaganda's leadership transition from CNDP to M23. We revisit the analysis of M23 later with monthly data of the DRC conflict.
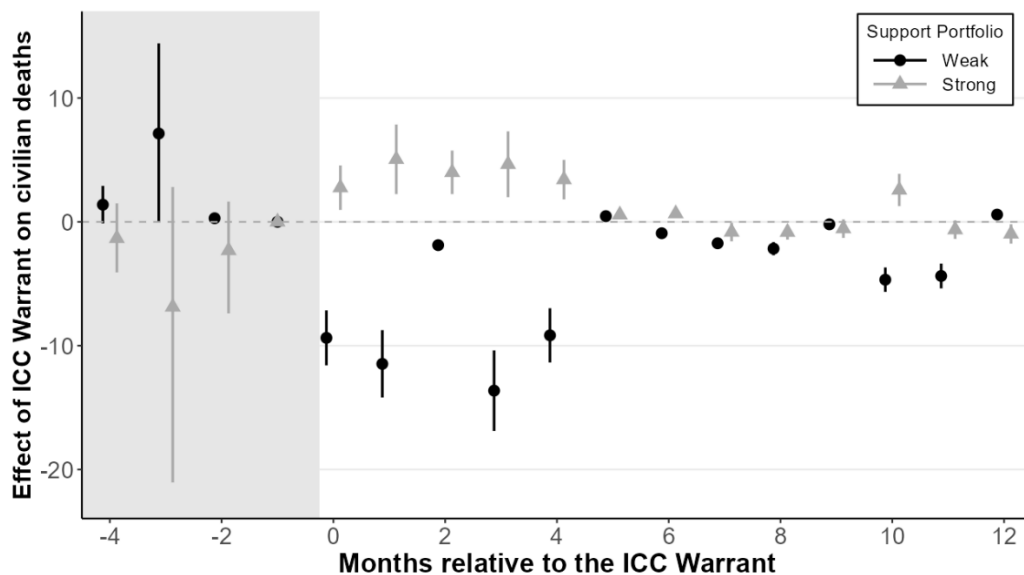
FIGURE 5. Militant Support Portfolio & Civilian Killing after ICC Warrants

Notes: The y-axis indicates the difference in civilian killing between treatment and control groups. Positive values indicate treatment groups kill more civilians than control groups. Negative values indicate treatment groups kill fewer civilians than control groups. Black dots represent the estimates for militant groups with weak support portfolios. Gray dots represent the estimates for militant groups with strong support portfolios. Bars represent 90% confidence intervals.

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[71] The shaded areas indicate the pre-treatment periods before ICC warrants were issued. During these periods, no significant differences or trends are observed between the treated and control groups, suggesting that the results are not significantly biased by improper selection of counterfactual units. To ensure the robustness of our findings, we perform additional analyses using different pre-treatment periods and refinement methods.

Here is the most pronounced pattern in Figure 5 and the central point of this research: *Among militant groups with weak support portfolios* (represented by black circles and bars), *ICC warrants significantly reduce civilian killings*. The most effect occurs in the first five months (from $t+0$ to $t+4$), where ICC warrants are associated with an average monthly decrease of approximately 9 civilian deaths compared to groups that did not receive warrants. Although the magnitude of this reduction diminishes over time, the effect remains consistently negative across most months and is statistically significant at the 10% level. Over the entire 13-month post-warrant period, ICC warrants correspond to an average decrease of about 5 civilian killings per month among groups with weak support portfolios. In total, these groups commit approximately 65 fewer civilian killings (13 months x 5 civilian deaths) compared to their non-warranted counterparts during this period. These findings underscore the substantive impact of ICC warrants on reducing violence by militant groups with weak support portfolios.

In contrast, *ICC warrants for their leader(s) do not reduce civilian killings for militant groups with strong support portfolios* (represented by grey triangles and bars). Instead, ICC warrants appear to lead to an increase in civilian killing in the short term. During the first five months following the issuance of ICC warrants, these groups killed approximately 4 more civilians per month compared to those that did not receive warrants. This short-term escalation gradually weakens over time, with violence levels stabilizing around zero in the long run.

Over the entire 13-month period following the issuance of ICC warrants, militant groups with strong support portfolios kill about 2 more civilians per month compared to non-warranted groups, or about 26 additional civilian deaths over the year following the issuance of ICC warrants. These findings support the hypothesis that ICC warrants reduce violence for low-level support portfolio groups but have short-term violence-increasing effects for groups with high support portfolios.

From the analysis of global militant violence and ICC warrants presented in Figures 2-5, we learn two things. One is the possibility of ICC warrants reducing militant civilian killing, particularly for groups with weak support portfolios. The estimated effect is moderate but statistically significant. Also, we learn that the plausible mechanism by which militant crime reduction occurs is the reduction in external state support. In the era of over 50% of militant groups being supported by external state sponsors,[72] this is an informative result. The results indicate that international justice in general operates in the geopolitical context, which necessitates the cooperation of potential external state sponsors of armed groups. In the context of reducing international crimes by militant groups in civil conflicts, ICC warrants work through the reduction of external state sponsorship.

Analysis of the Militant Violence in the DR Congo

We now investigate the impact of international justice interventions on militant violence in the context of the conflict in the Democratic Republic of Congo (DRC). The main goal of this section is to illustrate the mechanism by which, under certain circumstances, ICC warrants reduce militant support portfolios, leading to the reduction of militant violence against civilians. The focus on the DRC allows us to compare across militants while holding constant numerous potential confounding factors that can vary across different countries. The case represents about two

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[72] Robinson 2025.

decades of involvement with the Court, intensive interactions, three convictions of non-state violent actors, one acquittal, and one case of dropped charges.[73] The long temporal window allows us to observe the reactions of militant individuals and groups as well as the fluctuation of atrocity – our key outcome of interest.

Second, and more crucially, the case also provides the variability of non-state armed actors. Depending on how we count, the various factions and fluctuation of splits and mergers, about 50 to 100 armed groups in the territory of DRC and neighboring countries of Burundi, Rwanda and Uganda.[74] This is a unique ecology as few cases have this many armed groups. But the logic of ICC warrants affecting militant resource portfolio will be transportable to other contexts. The variation across non-state armed actors is crucial in testing our hypothesis with comparable cases involving different levels of militant support portfolios.

The estimation approach we take is interrupted time series analysis (ITSA).[75] The ITSA models are alternatively called "impact models" as they estimate the impact of intervention/interruption by taking into account the temporal trend. More importantly, ITSA allows the estimation of counterfactual scenarios, which is done by projecting the trend before the treatment. With this tool, we are able to investigate what would have happened without the ICC warrants and compare that scenario to the situation where ICC warrants actually occurred.

Among the DRC groups, two militant groups are chosen for comparative purposes. One is the CNDP (*Congrès national pour la défense du peuple*, National Congress for the Defence of the People)/M23. The other is the FDLR (*Forces démocratiques de libération du Rwanda*; Democratic Forces for the Liberation of Rwanda). The leaders of both groups were the subject of arrest warrants. But they differ on their militant support portfolios. Also, SP strength varies within each group and over time. CNDP/M23 exhibits relatively high support portfolio strength – with the external support from Rwanda, collaboration with the host DRC government, and natural resources, while FDLR scores relatively low levels on this measure – with no apparent external state sponsor, low level of friendly relations with the host government, and little natural resources. Despite the presence of multiple groups in eastern Congo, the primary line of civil conflicts has always been the tension between the Tutsi-related groups (of which CNDP is one main line) and Hutu-related groups (of which FDLR is one main line). Notwithstanding the fragmentation, two groups are representative of the groups, besides the Mai Mai self-defense militia groups.

CNDP/M23 (Case of Strong SP)

M23 was formed in 2012 and was led by Bosco Ntaganda. Ntaganda was indicted by the ICC in 2006 for the crimes he committed as the Deputy Chief of the Staff and commander of operations of the FPLC (*Forces Patriotiques pour la Libération du Congo*, Patriotic Forces for the Liberation of

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[73] As of January 2023, the DRC "situation" involves six non-state militant leaders (see ICC 2023): Thomas Lubanga (convicted), Bosco Ntaganda (convicted), Germain Katanga (convicted), and Ngudojolo Chui (acquitted), Calixte Mbarushimana (charges not confirmed, case closed), and Sylvestre Mudacumura (at large). Other ICC situations involving militia leaders include Uganda (Kony, Owgen), Darfur, Sudan (Banda, Abu Garda, and Rahman), Mali (Al Madhi, Al Hassan), and CAR II (Said).

[74] Stearns 2012; Tamm 2016. Kivu tracker 2021, with all the minute factions within one group, counts about 120 in eastern Congo alone.

[75] McDowall et al. 2022.

Congo).[76] The first warrant was issued on August 22, 2006, under seal, due to the concern of fleeing and obstruction of justice.[77] The main charges were about the use of child soldiers.[78] The warrant was unsealed on April 28, 2008, when the Court determined the circumstances had changed and the victims were not in danger.[79]

By 2008, Ntaganda was the chief of staff of the CNDP, the other Tutsi rebel group operating in Ituri. On March 23, 2009, the DRC government and the CNDP signed a peace agreement in Goma on March 23, 2009.[80] By the terms of the agreement, the CNDP soldiers were integrated into the Congolese army, FARDC (*Forces armées de la république démocratique du Congo,* Armed Forces of the Democratic Republic of the Congo). Subsequently, Ntaganda revolted in March 2012, accusing the government of violating the terms of the 2009 peace deals by founding M23 (*Mouvement du 23 mars).* The second ICC warrant to Ntaganda was issued in July 2012 with additional charges of war crimes and crimes against humanity. It is the second warrant effect we examine in what follows, as the first warrant quickly subsided with the peace negotiation.

As a group based on the Tutsi ethnicity, the CNDP had garnered support from Rwanda,[81] collaborated with the host DRC government, and ultimately made a peace deal in 2009. The integration of CNDP elements into the FARDC national army only increased the group's mining control in eastern Congo by 2011.[82] In addition, Ntaganda commanded charcoal markets and illegal checkpoints, with some local businesses in the Kivus.[83] For the strong portfolio group like the CNDP/M23, our theory predicts the group would not reduce civilian killing significantly after the ICC warrants (Hypothesis 4).[84]

The estimated impact model is $Y_t = \beta_0 + \beta_1 T + \beta_2 X_t + \beta_3 W_t$, where T is time, X_t is the intervention (treatment), and W_t is the withdrawal of the intervention, marking the time-point of receding intervention effect. This W_t term is to estimate the gradual temporal effect of ICC warrant. With the presence of W_t, the model essentially assumes an abrupt and temporary change in violence after the intervention.[85] The treatment in this model is the ICC arrest warrant for Ntaganda in July 2012. In the model, β_2 represents the level change at introduction and β_3 represents the remaining level change at withdrawal. This impact model, as well as the

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[76] FPLC was the military wing of the UPC, which was under the command of Thomas Lubanga, the first individual who was found guilty of child enlistment and conscription by the ICC. FPLC was formed in 2010 by former members of the CNDP (Stearns 2011).

[77] International Justice Monitor 2025.

[78] ICC 2008a.

[79] Ibid.

[80] UN-DPPA 2024.

[81] International Crisis Group 2009.

[82] De Koning 2011.

[83] Dale 2019.

[84] Unsealed warrants do not involve public signals, whereas sealed warrants involve public signals. Therefore, the unsealed warrant can be a placebo. Without the public signal quality, we expect that the violence level would not change after an unsealed warrant. We test this potential placebo effect with the periods before and after Ntaganda's unsealed warrant of August 22, 2006. Our expectation holds. Results on file with the authors.

[85] Figure 2e in Bernal et al. 2017. We also conducted analyses with other assumptions (e.g. slope change, gradual effects, etc.) and found that this model yields the best model fit in terms of AIC (Akaike Information Criterion) among available ARIMA models. The AIC for this model is 65.99 with ARIMA (1,0,3) with 1-order of autoregressive model, no degree of differencing, and 3-order of moving average.

subsequent impact models, include the following control variables: 1) the number of UN troops (logged), 2) military operations by the government (dummy), 3) election period (dummy), 4) mediation (dummy), and 5) sanctions (dummy).[86] These controls are added with the aim of accounting for other salient events around the main intervention event.

Figure 6 presents the interrupted time series analysis of the M23 violence between 2011 and 2014.
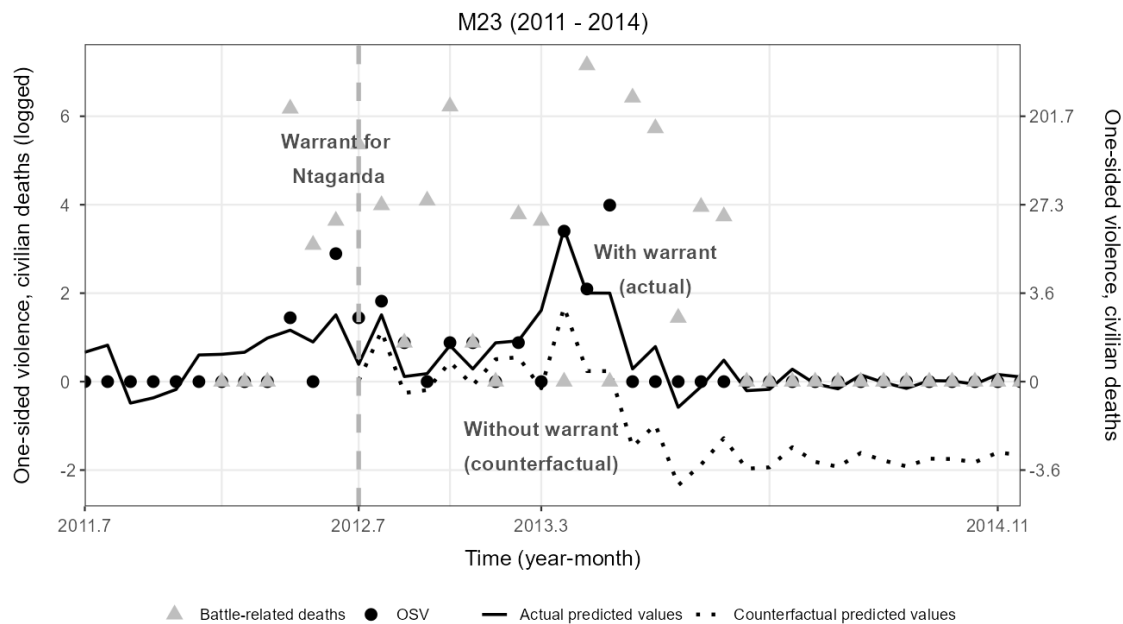
FIGURE 6. Interrupted Time Series Analysis of M23 Violence (Warrant Effect)

Note: In the post-warrant period, the actual violence level (solid black line) is above the counterfactual scenario (dotted gray line). For M23, the warrant led to an increase in violence.

The time period covers 12 months before the warrant and 28 months after the warrant. In the figure, the x-axis marks the time passage. The y-axis represents the civilian deaths (logged)[87] produced by M23. The non-logged real values are reported on the right side of the y-axis. Battle-related deaths are plotted with small grey triangles to overlay the severity of fighting. The dashed line represents the counterfactual scenario estimated from the ITS analysis, modeling the expected trajectory of violence in the absence of the ICC's arrest warrant for Bosco Ntaganda. The black scattered dots denote the observed levels of M23 violence. The gap between the

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[86] More information about these events can be found in the timeline, which is on file with the authors. Briefly, the UN Force Intervention Brigade as part of MONUSCO (UN peacekeeping forces in DRC since 2010) was authorized in March 2013 and engaged M23 in October 2013. The DRC government undertook many military operations, and during the period of 2012-2014, FARDC operated with the UN-FIB on many offensives. The general election in DRC was held in November 2011. The Dodd-Frank sanctions on conflict minerals were in place starting in 2010.

[87] We use inverse hyperbolic sine transformation (IHS), a class of natural logarithm with base e, but produces less bias for smaller values of normal natural logarithm.

observed and counterfactual trends suggests that the ICC's intervention was associated with an increase in civilian fatalities perpetrated by M23. Specifically, between July 2012 (following the warrant issuance) and February 2013 (preceding Ntaganda's arrest), the ITS model estimates an increase of approximately 20 civilian deaths per month.

Recall that our theory also generated predictions about the conditions under which civilian killing might be reduced. Specifically, our theory would predict that M23 violence would decrease in the post-warrant period if given international efforts to degrade the M23's support profile. In order to examine this effect of shifting SP, we did the analysis of Ntaganda's surrender as the intervention point. Ntaganda had surrendered himself to the U.S. Embassy in Rwanda on 22 March 2013, to be transferred to the ICC thereafter. It is important to acknowledge the context in which Ntaganda's surrender occurred, particularly regarding the changing support portfolio of M23. The surrender came at the time of intense international pressure on Rwanda, M23's external state sponsor, not to support the violence in eastern Congo. The Obama administration also supported the ICC effort of capturing Ntaganda,[88] cutting the aid to Rwanda.[89] The support was so despite the fact that the U.S. did not ratify the Rome Statute. The UN Force Intervention Brigade (FIB) was authorized on 28 March 2013 with United Nations Security Council Resolution 2098. The UN peacekeeping mission, MONUSCO (*Mission de l'Organisation des Nations Unies pour la stabilisation en République démocratique du Congo,* United Nations Organization Stabilization Mission in the Democratic Republic of the Congo), had been collaborating with the ICC under the Memorandum of Understanding (MOU) signed in 2005,[90] with respect to the collection of evidence and potential assistance of capture.[91] The FIB was the additional military operation to target the M23.[92] We can interpret the FIB involvement and U.S./EU aid cut as signs of augmented international support that came after the focal role of the ICC warrant, which eventually influenced the M23 support portfolio – most importantly, nipping the Rwandan support for M23.

Figure 7 presents the interrupted time series analysis of the M23 violence between 2012 and 2015. Ntaganda's surrender is the main intervention event, with violence series 14 months before the surrender and 32 months after the surrender. The x-axis marks the time passage. The y-axis represents the civilian deaths (logged)[93] produced by M23. The non-logged real values are reported on the right side of the y-axis. Battle-related deaths are plotted with small triangles to overlay the severity of fighting. The dotted line presents the counterfactual scenario estimated from interrupted time series analysis – what would have happened if the Ntaganda's capture did not occur. The solid line represents the actual M23 violence. The difference between the actual and the counterfactual would be the predicted intervention effects, about 2 lives monthly, or 24

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[88] It was the time when "The administration helped the ICC in order to apprehend and prosecute suspected perpetrators of mass atrocities in Sudan, Kenya, Côte d'Ivoire, Libya and members of the Lord's Resistance Army." (Alleblas et al. 2017, 25) Obama made a call to Kagame, the President of Rwanda, in December 2012 (White House 2012). The call came right after the warrant of July that year.

[89] BBC 2012.

[90] UN-ICC 2005.

[91] The Civil Police (CIVPOL) component of the peacekeeping, such as the Development of Protection Support Cells (PSCs) of the MONUC also assisted the collection of information for the ICC. See Labuda 2020; Zourongi 2018; Clark 2018.

[92] Favor 2023.

[93] We use inverse hyperbolic sine transformation (IHS), a class of natural logarithm with base e, but produces less bias for smaller values of normal natural logarithm.

lives yearly, to be saved by Ntaganda's surrender. Given that most of the one-sided violence figures are undercounted,[94] this is not a small effect. The actual violence increased in May and June of 2013 compared to the counterfactual scenario without the Ntaganda arrest but eventually died down after July 2013.
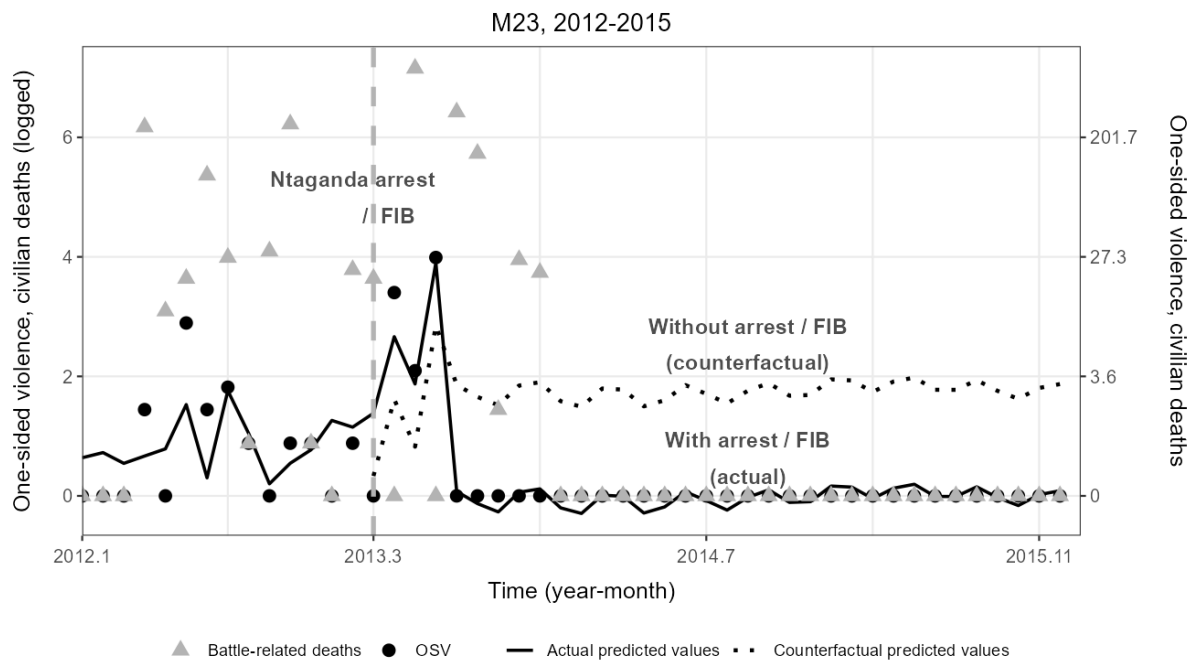
FIGURE 7. Interrupted Time Series Analysis of M23 Violence (Surrender Effect)

> *Note*: In the post-warrant period, the actual violence level (solid black line) is below the counterfactual scenario (dotted gray line). Dwindling support base led M23 to reduce violence after Ntaganda's surrender.

Although the multiple causes of international influence are difficult to entangle despite our efforts, the case presents consistent patterns with our theoretical expectations about international efforts that could assist the Court's role (i.e. FIB intervention; international pressure on Rwanda). As well, the Court's role is estimated to be significant after controlling for other intervention events. Previously, when the first warrant was issued, Ntaganda evaded the Court's radar by colluding with the government, still with the Rwandan support (Figure 6). But with the dwindling support portfolio, the reduced Rwandan support that followed after the international pressure from the U.S. and EU, likely influenced the options for Ntaganda, ultimately leading to the decision to surrender himself to the ICC (Figure 7). This story of an indicted militant leader, with a reduction of militant support portfolio, along with justice-accompanying international efforts, is one plausible explanation as to how international justice pressure ultimately impacted the reduction in civilian killing by M23.

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[94] Otto 2013.

FDLR (Case of Weak SP)

The FDLR is a Hutu-based group. Its leaders, Callixte Mbarushimana (FDLR executive secretary) and Sylvestre Mudacumura (alleged supreme commander of the FDLR, at the time of warrant) were indicted by the ICC. A warrant was issued to Mbarushimana in 2010. To Mudacumura, a warrant was issued in 2012. The FDLR relied mainly on the local Hutu support and the illicit trade of minerals. The group did not enjoy extensive external backing (as CNDP/M23 did at one point). Around 2008, FDLR sold gold and cassiterite, taking supplies from South Kivu.[95] FDLR mainly relied on extortion and taxation on small-scale artisanal tin and tantalum mines around 2010.[96] The scale was smaller, compared to the CNDP's extensive mining control and operation in collaboration with, or complicity by FARDC, particularly around 2010.[97]

The impact model for the FDLR violence series specifies a temporary slope change leading to a level change[98]: $Y_t = \beta_0 + \beta_1 T + \beta_2 X_t$, where T denotes time, and X_t represents intervention (treatment).[99] The intervention of interest is the unsealed warrant for Callixte Mbarushimana in October 2010. In this specification, β_0 represents the baseline level of violence, β_1 reflects the change in outcome associated with a one-unit increase in time (representing the underlying pre-intervention trend), and β_2 measures the level change following the intervention. In this model, the intervention variable (X_t) is coded to increase gradually over six months.

Figure 8 presents the analysis of the FDLR violence. The x-axis marks the time of FDLR activities between 2008 and 2013. The y-axis represents the civilian deaths, one-sided violence count (logged) by FDLR. The vertical dashed line in Figure 6 shows the main intervention event related to the FDLR: warrants issued for Callixte Mbarushimana in October 2010. Mbarushimana was arrested by the French authorities in October 2010.[100] The Callixte decision in December 2011 held that the trial chamber declined to confirm the charges, citing insufficient evidence.[101] This is a warrant that was dropped within months. But we expect and do see strong effects of warrants. It is because, with the leader removed from the conflict zone,[102] the group was (even less) able to operate. With Mudacumura at large after the July 2012 warrant, the violence dipped further. Initially endowed with not many resources or substantial external political support, our theory predicts that the group would be heavily affected by ICC warrants.

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[95] Global Witness 2008.

[96] Africa Confidential 2010.

[97] Global Witness 2010. The map by the US State Department shows the areas under the FDLR control as well as the areas controlled by FARDC along with the CNDP forces (see US State Department 2012).

[98] Figure 2f of Bernal et al. 2017.

[99] As in the M23 impact model, we examine the model fit of various specifications recommended by Bernal et al. 2017 and then present the best fit here. Other models are on file with the author. In this FDLR model, AIC is 254.97, with the ARIMA structure of (2, 0, 2).

[100] Laborde-Barbanègre, Mushiata, and Regue. 2014.

[101] Mbarushimana Case, *The Prosecutor v. Callixte Mbarushimana*. ICC-01/04-01/10.

[102] Mbarushimana did not return to the DRC but rather stayed in France afterwards (see Kuteesa 2024).

FDLR (2008-2013)
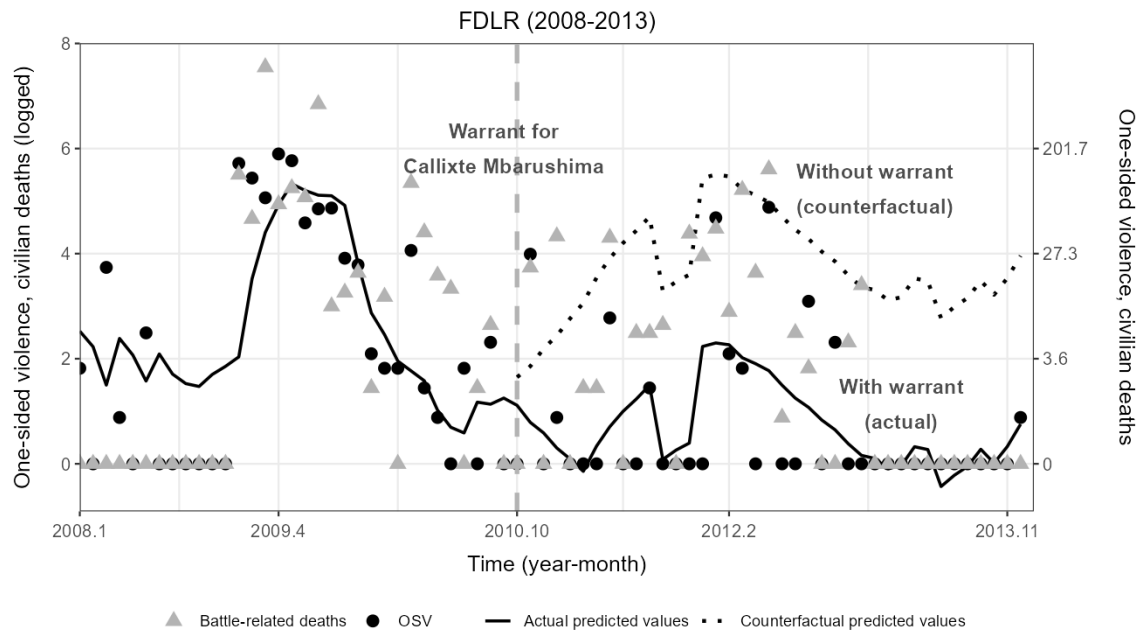
FIGURE 8. Interrupted Time Series Analysis of the FDLR Violence

Note: In the post-warrant period, the actual violence level (solid black line) is well below the counterfactual scenario (dotted gray line). The Mbarushima warrant had a substantial impact on FDLR violence reduction.

In Figure 8, the reduction in violence is substantial. Without the warrant, the violence level would have been a lot higher than the actual realization of violence level. The difference between counterfactual and actual lines (what would have happened vs. what actually happened) is the treatment effect, which indicates that approximately 35 lives were saved, on average, during the post-warrant period. Since the counterfactual line is predicted based on the previous violence trend, the prediction depends on the FDLR's high point violence around April 2009, right after Umoja Wetu (Jan-Feb 2009)[103] – the joint military operation by the DRC and the Rwandan armies. The result, albeit tentative, shows that the group, with an initially restricted/weak support portfolio, was unable to adapt in expanding its support portfolio, after the leader's capture and the military offensives. Consequently, its capacity to inflict violence was nipped after the leader's capture by the ICC.

Overall, our analysis of two militant groups in DRC shows some support for our theory of ICC warrants and militant support portfolios. The evidence shows that the Court's impact on militant violence differs across groups with different support portfolios. A group's portfolio erodes when key support is withdrawn after the issuance of a warrant, and then civilian killing recedes.

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[103] International Crisis Group 2009.

Conclusion

Our theory and empirical analysis suggest the importance of the militant support bases in understanding the ICC's impacts on militant violence. All in all, justice impacts will be felt when the Court's focal authority is assisted by other international efforts in reducing the militant support base. The militant support base often contributes to the militants' capacity to inflict violence and produce international crimes. The ICC warrants can reduce the strength of the militant support portfolio and impact the level of militant violence. Our analysis focused on civilian killing, but the consideration of other types of violence is also possible using the framework laid out in this paper.

Beyond the DRC case, the theoretical framework emphasizing resource vulnerability and susceptibility to pressure can be generally applicable to other settings, especially to multiparty militant settings where international actions are frequently observed, such as Mali, Syria, Libya, and Colombia. This, we leave for future research. But our analysis implies that the international justice impact may be felt weakly vis-à-vis militant groups that have a variety of resources in their funding schemes and support systems, as they can find other ways to evade international justice, for instance, by colluding with government forces or by receiving support from neighboring countries in clandestine and plausibly deniable fashion. Where this is not the case, a warrant from the ICC is meaningful.

The analysis delivers good and bad news for international justice. The good news is that there exist conditions where international justice can influence militant leaders' support portfolio and consequently reduce violence against civilians. Justice-assisting international efforts in the institutional system of international justice can encircle indicted militant leaders, stripped of exile or fighting-assisting support options for continued fighting. Bad news is that such conditions might be restrictive in the current political climate, and that the window of opportunity appears to be closing. The set of favorable conditions that can constrict militant leaders' options, such as concerted diplomatic efforts with justice-assisting peacekeeping operations, appears to be difficult to come by, partly due to major powers' retrenchment and the disagreements within the UN Security Council. The current political climate is such that the appetite and political will for international engagements in conflict zones might be backtracking. The increase or resurgence in external state sponsors, such as the United Arab Emirates (supporting the Rapid Support Forces in Sudan) and Rwanda (still supporting groups in eastern Congo), is also a condition that can undermine the exercise of the Court's focal authority in reducing militant violence.

The resurgence of M23 violence in 2024 provides an example of a very different international normative milieu than that of today. The year 2012 observed aid cut by international donors, particularly the U.S. and the EU, to pressure Rwanda; The year 2025 is not witnessing an analogous effort.[104] The case of Mali is also undergoing a similar situation to the DRC situation in terms of dwindling international efforts that are potentially court-assisting. When Al Hassan and Al Madhi faced arrest warrants and were captured by the Malian authorities in 2018, the peacekeepers were in the country. With the military government in place that asked international

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[104] The UK paused direct financial aid (Muhumuza 2025), but as of late 2024, the US and EU are not scaling back or halting aid to Rwanda. The U.S. sanctioned two individuals and entities related to Rwanda and M23 in February 2025 (US State Department 2025). After more than three years of M23 resurgence in 2021, the US brokered a ceasefire between the DRC and Rwanda in June 2025, but M23 was not part of the deal, continuing violence on the ground (see Moncrieff 2025).

peacekeepers to leave by December 2023[105] and cooperated with the Wagner group, the ICC's focal role in Mali appears to be diminished.

Our analysis has implications for the ongoing and future role of the Court, especially in the age of substantial backlash against international efforts. There is an ongoing debate as to whether ICC should be a more political court[106] with outreach activities[107] to promote domestic rule of law or activities related to victims' interests, or whether the Court has to focus on the judicial role, much like other human rights institutions,[108] focusing more on the non-prosecution activities. ICC is after all a *criminal* court, and it will have to continue its prosecutorial activities. The Court's violence-reducing impact on non-state actors, as this analysis finds, can be augmented by other international efforts. How the concerted efforts can come about in the current climate of backlash against international efforts – for the purpose of reducing militant violence – is a remaining question posed for future research.

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[105] UN News 2023.
[106] Banteka 2016.
[107] Hillebrecht 2021.
[108] Cavallo and O'Connell 2020.

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