

Online appendices for “Why (not) Arrest?”
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Mark S. Berlin
Marquette University

Appendix A: Explanation of decisions for the inclusion of additional cases

Beyond states that arrested ICTR indictees, I classified states as cases if I found evidence they were knowingly in a position to pursue, arrest, or transfer indictees in their territory. Here I explain how I determined that each of the following countries were knowingly in such a position, and thus count as a case.

Italy

The Rwandan Catholic priest Athanase Seromba, who was indicted by the ICTR for genocide and crimes against humanity, took refuge in Italy where the Italian Catholic Church sheltered him. The Italian government knew that he was present in its territory and received a request from the ICTR for his arrest and transfer. Nevertheless, Seromba was not arrested in Italy, but flew to Tanzania where he surrendered himself. This episode was covered by the media as well as recounted in ICTR prosecutor Carla Del Ponte’s own memoir (Carroll 2001; Del Ponte 2009, 189–190).

Zimbabwe

According to official statements by ICTR Prosecutor Hassan Jallow, ICTR indictee Protais Mpiranya has taken refuge in Zimbabwe, where he continues to remain at large (Jallow 2010; Jallow 2011). According to a diplomatic cable from the American embassy in Tanzania released by Wikileaks, the ICTR has repeatedly asked the Zimbabwean government to assist in pursuing him. Nevertheless, the ICTR has been disappointed by Zimbabwe’s “lack of support” for its efforts (US Embassy Dar Es Salaam 2009), suggesting the Zimbabwean government has knowingly been in a position to peruse Mpiranya.

Ethiopia

It is also important to explain my decision to not include Ethiopia as a case. As has been reported by political scientist Victor Peskin (2008, 174–175) and journalist Thierry Cruvellier (Cruvellier 2006, 9–18), high-level Rwandan Hutu extremist Froduald Karamira took refuge in India following the genocide, but Rwandan authorities tracked him down and put him on a plan to be sent to Rwanda to stand trial. Nevertheless, while waiting to be transferred to another plane in Ethiopia, he managed to escape custody. Ethiopian authorities later arrested him. When ICTR prosecutor Richard Goldstone got word that Karamira was in custody in Ethiopia, he requested his transfer to the Court. However, as Goldstone described in an interview to Peskin, Rwanda protested strongly to Goldstone, as the Rwandan government wanted to try Karamira itself in its own domestic courts. Following pressure from Rwanda, Goldstone dropped his request for

transfer, paving the way for Ethiopia to extradite Karamira to Rwanda. Thus because Ethiopia held onto Karamira until its obligations to the ICTR were clarified by prosecutor Goldstone (which were ultimately none), I do not include Ethiopia as a case of a country that was knowingly in a position to comply with legal obligations to the ICTR.

Appendix B: Explanation of decisions for the coding of the outcome condition

Here I explain how I determined whether each case should be coded as “compliant” or “noncompliant.” Unless otherwise indicated, all data regarding the specific locations, dates, and timing of indictments, arrests, and transfers are taken from the ICTR website (<http://www.unict.org/>) and the ICTR Basic Documents and Case Law website (<http://www.ictrcaselaw.org/>).

Belgium

Belgium has been one of the most popular destinations for Rwandan Genocide suspects fleeing to Europe. Between 1996 and 2002, Belgian authorities arrested six ICTR indictees. Belgium even pursued prosecutions of suspected Rwandan war criminals in its own domestic courts, though deferred to the ICTR for suspects it had indicted (Langer 2011, 28). I found no suggestions that the Belgian government attempted to obstruct arrests requested by the ICTR or actively sheltered indictees. In his book, former ICTR spokesman Kingsley Moghalu (2005, 163) describes Belgium as one of the European countries that has “been quick to apprehend genocide suspects and indictees at the tribunal’s request.” Belgium is thus coded as compliant.

Benin

Benin arrested two ICTR indictees in 1998. Both were promptly transferred to the ICTR in Arusha. Benin was one of the countries whose national authorities participated in a coordinated multi-country arrest operation known as “Operation Kiwest” (ICTR 1999). In a statement following the arrests, Benin was one of the countries that ICTR prosecutor Louise Arbour thanked for its “exemplary cooperation” (Arbour 1998). In his book, former ICTR spokesman Kingsley Moghalu (2005, 163) describes President Mathieu Kerekou of Benin as one of the “conspicuous exceptions” to the general “ambivalent” posture of African leaders towards the ICTR. I found no suggestions that the Benin government attempted to obstruct arrests requested by the ICTR or actively sheltered indictees. I thus coded Benin as compliant.

Burkina Faso

Burkina Faso arrested one ICTR indictee in its territory in 1998 and promptly transferred him to Arusha. Because I found no references to suggest that Burkina Faso attempted to obstruct arrests requested by the ICTR or actively sheltered indictees, I coded Burkina Faso as compliant.

Cameroon

Between 1996 and 2002, Cameroon arrested and transferred 10 ICTR indictees. The first set of these were initially arrested following requests by Belgium and Rwanda, each of which wanted to prosecute these individuals in its own domestic courts. Following their arrest, the ICTR prosecutor, Richard Goldstone, filed his own request for these indictees to be transferred to Arusha. Under the legally binding rules set out in the ICTR charter, the ICTR's request takes precedence over those of national authorities, and thus following Goldstone's request, Cameroon was obligated to turn over these suspects to the ICTR (Peskin 2008, 173).

Though Cameroon court rulings subsequently paved the way for it to transfer these suspects to Arusha, it took over six months for Cameroon to eventually transfer them. According to media reports, Cameroonian president Paul Biya personally held up the transfer of these suspects, a delay for which ICTR prosecutor Louise Arbour said that was "no plausible explanation" (Crossette 1997). ICTR registrar Andronico Adede made repeated trips to Cameroon during this period to pressure Cameroonian officials and to indicate that Cameroon faced the potential sanctions by the Security Council for withholding cooperation with the Court. Several times, Cameroonian officials refused to even meet with him (Noubissie 1996). According to former ICTR spokesman Kingsley Moghalu (2005, 110–111), the Cameroonian government only changed course and transferred the suspects to Arusha following diplomatic pressure by US Ambassador at Large for War Crimes Issues David Scheffer. Because Cameroon appears to have intentionally withheld cooperation from the Court and required direct pressure from ICTR and US officials before it changed course, I coded it as noncompliant.

Denmark

Following a request by the ICTR in 2000, Denmark arrested and transferred one ICTR indictee, Innocent Sagahatu (AFP 2000). I found no references to suggest that the Danish government attempted to obstruct the arrest or otherwise sheltered Sagahatu or any other indictees. Therefore I coded Denmark as compliant.

France

Between 1999 and 2007, France arrested four ICTR indictees at the Court's request. Prior to the ICTR's establishment, France resisted pressure to use its troops stationed in Rwanda to arrest suspected Hutu war criminals, claiming it lacked the necessary legal authority. Then during the Security Council negotiations to establish the ICTR, France consistently pushed to weaken the proposed legal obligation for states to arrest indictees in their territories (Scheffer 2012, 109–110). NGOs also criticized France's reluctance for prosecute suspected Rwandan genocidaires in its own domestic courts under the principle of universal jurisdiction – something that it was not legally required to do under the ICTR statute (Langer 2011, 23). Nevertheless, I found no instances in which France withheld cooperation with the Court that it was legally obligated to provide, whether regarding the four requests it received from the Court or in any other instances. Therefore, I coded France as compliant.

Gabon

Gabon arrested one ICTR indictee in 2005 and transferred him to the court. However, prior to this arrest, the International Crisis Group (2001, 15; 2002, iii) singled out Gabon as one of the

countries suspected of harboring ICTR fugitives. Nevertheless, I have found little other explicit support for the accusation that Gabon knowingly neglected its legal obligations to pursue indicted suspects in its territory. According to US Ambassador for War Crimes Pierre-Richard Prosper, Rwandan businessman Félicien Kabuga frequented Gabon (Prosper 2002), but I found no accusations that the Gabonese government was aware of Kabuga's presence or otherwise knowingly neglected to pursue him. Another indictee, Augustin Ngirabatware, spend time in Gabon and even worked at a research institute, the Graduate Institute of Economy and Management. Yet, Ngirabatware had reportedly already left Gabon by 1999 when the ICTR officially indicted him (Hirondelle 2007). Given the International Crisis Group's accusations and the possibility that the government turned a blind eye to Kabuga's presence, I coded Gabon as noncompliant. However, given that the evidence for Gabon's noncompliance is relatively weak, I run the QCA models both with and without the case of Gabon. Running the analysis without Gabon does not change the results.

Germany

In response to a request from the ICTR, Germany arrested a single indictee, Augustin Ngirabatware, in 2007 and transferred him to Arusha in 2008. I found no references to suggest that the Germany government sought to obstruct the arrest of or otherwise sheltered Ngirabatware. Germany is thus coded as compliant.

Italy

Italy did not arrest any ICTR indictees, but it was in a position to arrest Rwandan Catholic priest Athanase Seromba, who was indicted by the ICTR for genocide and crimes against humanity. Seromba took refuge in Italy where the Italian Catholic Church sheltered him. The Italian government knew that he was present in its territory and received a request from the ICTR for his arrest and transfer. Nevertheless, as reported in the media, the Italian government initially defied its legal obligation to fulfill the ICTR's request (Carroll 2001). Only after diplomatic and public pressure by the ICTR in which the Del Ponte threatened to refer Italy to the UN Security Council, did Italy finally take steps towards arresting and transferring Seromba (though in the end he flew to Tanzania to surrender himself.) (AFP 2001; Del Ponte 2009, 189–190). Because the Italian government was knowingly in a position to pursue Seromba but initially resisted and only moved to comply after facing pressure from the Court, I code Italy as noncompliant.

Ivory Coast

Between 1996 and 1998 Ivory Coast arrested and transferred two ICTR indictees at the Court's request. In a statement following the second arrest, Ivory Coast was one of the countries that ICTR prosecutor Louise Arbour thanked for its "exemplary cooperation" (Arbour 1998). I found no references to suggest that the Ivorian government obstructed the arrest of or otherwise sheltered these or any other individuals indicted by the ICTR.

Kenya

Kenya arrested 15 ICTR indictees between 1996 and 2001, but most of these arrests came only after the ICTR and the international community exerted great pressure on the Kenyan government to pursue indictees. Kenya's record of noncompliance has been reported on widely in the media (Swain 2007), as well as in accounts by ICTR insiders (Del Ponte 2009, 185) and diplomats (Shattuck 2005, 75). According to ICTR prosecutor Carla Del Ponte (Del Ponte 2009, 185), Kenya was among the countries sheltering the most ICTR fugitives. According to spokesman Kingsley Moghalu (Moghalu 2005, 166–167), “it was clear to the international prosecutors that the exiled Rwandan genocidaires were living in Kenya with the blessing of [President] Moi's government.” Only after diplomatic pressure by the USA, UK, Canada, and South Africa did Kenya cooperate in a series of arrests. But according documents released by Wikileaks, even after providing some assistance to the Court, the Kenyan government continued to protect some of the most sought after indictees, such as Rwandan businessman and alleged genocide financier, Félicien Kabuga (US Embassy Nairobi 2007). Kenya was also one of three countries singled out by UN Security Council resolution for its lack of cooperation (UN Doc. S/Res/1503). Because of extensive evidence that the government knowingly sheltered ICTR indictees, I coded Kenya as noncompliant.

Mali

Between 1998 and 2002 Mali arrested and transferred two ICTR indictees at the Court's request. Mali was one of the countries whose national authorities participated in a coordinated, multi-country arrest operation in 1998 known as “Operation Kiwest” (ICTR 1999, 13). In a statement following these arrests, Mali was one of the countries that ICTR prosecutor Louise Arbour thanked for its “exemplary cooperation” (Arbour 1998). In his book, former ICTR spokesman Kingsley Moghalu (Moghalu 2005, 163) describes President Alpha Oumar Konaré of Mali as one of the “conspicuous exceptions” to the general “ambivalent” posture of African leaders towards the ICTR. I found no references to suggest that the Malian government obstructed the arrest of or otherwise sheltered these or any other individuals indicted by the ICTR. Therefore, I coded Mali as compliant.

Namibia

In 1998, Namibia arrested and transferred one ICTR indictee, Andre Rwamakuba, on request from the Court. Some local media reports claimed that Namibia was “refusing to hand over” Rwamakuba (e.g. Inambao 1997b), but these reports confused requests for transfer made by the ICTR and requests for extradition made by Rwanda so that it could prosecute Rwamakuba in its own domestic courts, something Namibia was not legally obligated to do. In 1997, Rwanda made repeated requests to Namibia to extradite Rwamakuba, but Namibia refused, citing first a lack of evidence provided by Rwanda, and second a lack of extradition treaty between Namibia and Rwanda (Inambao 1997a; Inambao 1997b). Nevertheless, Namibia was legally obligated to comply with requests from the ICTR, and when the Court eventually indicted Rwamakuba itself and requested his arrest and transfer in 1998, Namibia promptly complied (ICTR 2007). I found no references to suggest that Namibia obstructed the arrest or transfer requested by the ICTR or that it actively sheltered Rwamakuba in defiance of its legal obligations to the Court. Therefore, I coded Namibia as compliant.

Netherlands

Between 2001 and 2004, The Netherlands arrested and transferred two ICTR indictees to the Court. In his book, former ICTR spokesman Kingsley Moghalu (2005, 163) describes The Netherlands as one of the European countries that was “quick to apprehend genocide suspects and indictees at the tribunal’s request.” I found no references to suggest that The Netherlands government obstructed the arrests or transfers requested by the ICTR or actively sheltered these indictees. Therefore, I coded The Netherlands as compliant.

Republic of Congo

Between 2002 and 2003, the Republic of Congo arrested and transferred two ICTR indictees upon request from the Court. Nevertheless, in the years leading up to and following these arrests, the Republic of Congo was accused of sheltering or otherwise neglecting to pursue indictees known to be in its territory. In his book, former ICTR spokesman Kingsley Moghalu (2005, 172) refers to the Republic of Congo as the “one of the three main countries that harbored Rwandan war criminals in the region.” In a 2001 report, the International Crisis Group (2001, ii) claimed that the Republic of Congo was one of the countries where several high-ranking Rwandan Hutus were receiving “ongoing protection.” Finally, in a diplomatic cable released by Wikileaks, American officials indicate that both they and UN officials believe that members of the Republic of Congo government continue to assist sought after ICTR fugitives (US Embassy Kinshasa 2005). Because of these accusations that it has actively sheltered ICTR indictees, I coded the Republic of Congo as noncompliant.

Senegal

In November 2001, Senegal arrested Aloys Simba on request of the ICTR. Senegal then transferred him following his formal indictment by the Court. I found no references to suggest that Senegal obstructed his arrest or transfer, or otherwise sheltered him in violation of its legal obligations. Therefore, I coded Senegal as compliant.

South Africa

Between 1999 and 2004, South Africa arrested and transferred two ICTR indictees on request of the Court. I found no references to suggest that South Africa obstructed the arrest or transfers of these or other indictees, or otherwise sheltered any indictees in violation of its legal obligations. Therefore, I coded South Africa as compliant.

Switzerland

Between 1995 and 2001, Switzerland arrested and transferred two ICTR indictees on request of the Court. In his book, former ICTR spokesman Kingsley Moghalu (2005, 163) describes Switzerland as one of the European countries that was “quick to apprehend genocide suspects and indictees at the tribunal’s request.” I found no references to suggest that Switzerland obstructed the arrest or transfers of these or other indictees, or otherwise sheltered any indictees in violation of its legal obligations. Therefore, I coded Switzerland as compliant.

Tanzania

Between 1998 and 2005, Tanzania arrested and transferred ten ICTR indictees – including three who surrendered themselves – on request of the Court. I found no evidence that Tanzania obstructed the arrest or transfers of these or other indictees, or otherwise sheltered any indictees in violation of its legal obligations. Therefore, I coded Tanzania as compliant.

Togo

In 1998, Togo arrested and transferred two ICTR indictees on request from the Court. Togo was one of the countries whose national authorities participated in a coordinated multi-country arrest operation known as “Operation Kiwest” (ICTR 1999). In a statement following the arrests, Togo was one of the countries that ICTR prosecutor Lousie Arbour thanked for its “exemplary cooperation” (Arbour 1998). I found no references to suggest that the Togo government knowingly obstructed the arrest or transfers of these or other indictees, or otherwise sheltered any indictees in violation of its legal obligations. Therefore, I coded Togo as compliant.

Uganda

Between 2003 and 2010, Uganda arrested and transferred three ICTR indictees on request from the Court. In a statement following the final arrest, ICTR chief prosecutor Hassan Jallow offered his “appreciation to the Government of Uganda for their cooperation in securing the arrest of this and other accused persons in the past” (Jallow 2010). I found no references to suggest that the Ugandan government knowingly obstructed the arrest or transfers of these or other indictees, or otherwise sheltered any indictees in violation of its legal obligations. Therefore, I coded Uganda as compliant.

United Kingdom

In 2000, the UK arrested and transferred one ICTR indictee, Tharcisse Muvunyi, on request of the Court. UK authorities arrested him just three days after the ICTR issued his indictment. I found no references to suggest that the UK government knowingly obstructed the arrest or transfers of these or other indictees, or otherwise sheltered any indictees in violation of its legal obligations. Therefore, I coded the United Kingdom as compliant.

United States

The USA arrested on ICTR indictee in 1996 and transferred him to Arusha in 2000. However, this four-year delay was not a result of a lack of political will on behalf of the US government, but of court proceedings that delayed Ntakirutimana’s transfer against the wishes of the federal government. US federal marshals arrested Ntakirutimana in Texas three weeks after receiving a request for his arrest from the ICTR and sought to transfer him immediately to Arusha. However, the US District Court for the Southern District of Texas declared the legal basis for Ntakirutimana’s planned transfer unconstitutional, thus blocking his surrender to the Court and ordering him released. The US government then filed another request for Ntakirutimana’s arrest

and transfer to the Court. This time, the District Court led by a different judge ruled Ntakirutimana's surrender to the Court constitutional, and upon appeal, the Fifth Circuit Court of Appeals upheld this ruling, thus paving the way for Ntakirutimana's transfer to Arusha (Coombs 2000). Because the US government actively sought to cooperate with the ICTR in Ntakirutimana's arrest and transfer, but was obstructed only by a judicial process that was out of its control (Scheffer 2012, 119–123), I coded the USA as compliant.

Zambia

Between 1995 and 1996, Zambia arrested and transferred three ICTR indictees at the Court's request. I found no references to suggest that the Zambian government knowingly obstructed the arrest or transfers of these or other indictees, or otherwise sheltered any indictees in violation of its legal obligations. Therefore, I coded Zambia as compliant.

Zaire/Democratic Republic of Congo

Between 2002 and 2011, The Democratic Republic of Congo (DRC) has arrested and transferred four ICTR indictees at the Court's request. Nevertheless, the DRC has a long, well-documented record of neglecting its legal obligations to the Court, both prior to these arrests (while it was still called Zaire), as well as following them. Over the years, the governments of Zaire and DRC have been singled out by various ICTR officials for their lack of cooperation in pursuing suspects in accordance with their legal obligations. These officials include chief prosecutor Carla Del Ponte (2009, 185–186), chief prosecutor Hassan Jallow (Hirondelle 2004), and ICTR spokesman Kingsley Moghalu (2005, 172–173). For example, according to Moghalu (2005, 172), DRC was one of the “main countries that harbored Rwandan war criminals in the region.” According to Moghalu, the cooperation Zaire/DRC has offered can largely be attributed to diplomatic pressure from the USA. Because of these reports that suggest Zaire/DRC has knowingly neglected its obligations to pursue suspects in its territory, I coded Zaire/DRC as noncompliant.

Zimbabwe

Zimbabwe has neither arrested nor transferred any ICTR indictees. But according to official statements by ICTR Prosecutor Hassan Jallow, ICTR indictee Protais Mpiranya is believed to have taken refuge in Zimbabwe, where he continues to remain at large (Jallow 2010; Jallow 2011). According to a diplomatic cable from the American embassy in Tanzania released by Wikileaks, the ICTR has repeatedly asked the Zimbabwean government to assist in pursuing him. Nevertheless, the ICTR has been disappointed by Zimbabwe's “lack of support” for its efforts to apprehend Mpiranya and has called on western governments to “shame” Zimbabwe into cooperating with the Court (US Embassy Dar Es Salaam 2009). This suggests that the Zimbabwean government has knowingly been in a position to assist the ICTR to pursue Mpiranya, yet has willingly neglected its obligations to do so. Therefore, I coded Zimbabwe as noncompliant.

Appendix C: Explanation of decisions for the calibration of explanatory conditions

Pro-compliance conditions

Liberal democracy

I operationalize *liberal democracy* using Freedom House's (2013) three-part categorization of countries as either "not free" "partially free," or "free." I code countries categorized as "free" as liberal democracies (1) and countries categorized as either "not free" or "partially free" as non-liberal democracies (0). Freedom House's index combines measures of both political and civil rights, and thus is better equipped to capture both the potential for democratic accountability and the salience of rights-based norms better than measures, like the Polity IV scale (Marshall and Jaggers 2010), that emphasize mostly procedural features of democracy. Nevertheless, substituting the calibration based on Freedom House scores with one based on Polity scores (with a score 6 or higher coded as liberal democracy) produces identical solutions.

Aid dependency

I measure aid dependency as net development assistance as a percent of GNI using data from the World Bank (2011). I calibrate this measure using four fuzzy-set categories. I use 10% of GNI as the 0.5 crossover point, that is, the point at which a country becomes more of a member of the set of aid dependent countries than a nonmember. This choice of cut-off follows the work of Deborah Bräutigam, who identifies 10% of GNI as the point at which "a country cannot perform many of the core functions of government, such as operations and maintenance, or the delivery of basic public services, without foreign aid funding and expertise" (Bräutigam 2000, 2). In order to preserve potentially meaningful variation, I further distinguish set memberships with two intermediate crossover points, 5% and 15% of GNI, which correspond to the 0.33 and 0.66 fuzzy-set memberships, respectively, resulting in a total of four fuzzy-set categories (0, 0.33, 0.66, and 1).

Pro-noncompliance conditions

Shared adversary

The *shared adversary* condition is constructed from a number of different sources. First, states that might have intervened militarily to aid the Hutu-led government during the genocide would be likely to want to undermine the post-genocide Tutsi-led government and resist aiding the Court in pursuing indictees in their territories. To measure whether each state had done so, I use data on third-party intervention on intrastate wars compiled by Patrick Regan (2002). According to this dataset, the only third-party state in my sample to intervene militarily on behalf of the Hutu-led government was France, who led an ostensibly neutral UN-sponsored peacekeeping mission called Operation Turquoise, but who used their position on the ground to support elements associated with the Hutu-led government and weaken the advancing Tutsi-led RPF

(Des Forges 1999, 510–520; Klinghoffer 1998, 82–85). France is thus coded as a “1” for *shared adversary*.

Second, states that might have provided military assistance short of providing troops to the Hutu government prior to and during the genocide could also be considered as allies. Thus, I searched through scholarship to identify states that might have aided the Hutu government by providing it with arms during or leading up to the conflict. Of the states in my sample, I found evidence that three – France, South Africa, and Zaire – either provided or helped channel significant amounts of arms to the Hutu government prior to or during the genocide (Human Rights Watch 1995; Klinghoffer 1998, 21). These three states are thus also coded as a “1” for *shared adversary* (France is already coded as “1” based on the criteria in the previous paragraph.)

Third, I also assumed that because every ICTR indictee was aligned with the former Hutu government in Rwanda, the governments that would stand to gain the greatest national security benefit from harboring indictees would be those that were adversaries of the subsequent post-genocide Tutsi government. Therefore, I aim to include a consideration of whether a state had been involved in a military conflict against the post-genocide Rwandan government. Data come from the Correlates of War Dyadic Militarized Interstate Dispute v3.10 dataset (Ghosn and Bennett 2003). For any case in my sample that is not already coded as “1” for *shared adversary* based on the criteria in the previous two paragraphs, I code the state as a “1” if it participated in a militarized dispute of any form against the post-genocide Rwandan government.¹ (Rerunning the analysis with different thresholds of “hostility level,” from 1 (“no militarized action”) to 5 (“war”) produces identical solutions.) All other states are coded as “0.”

High corruption

I use a measure of corruption from the World Bank’s Worldwide Governance Indicators dataset. The World Bank measure uses expert surveys of institutes, think-tanks, NGOs, and international organizations to construct a 5 point scale that “[r]eflects perceptions of the extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as “capture” of the state by elites and private interests” (Kaufmann, Kraay, and Mastruzzi 2010, 9). Scores range from -2.5 (weak control of corruption) to 2.5 (strong control). These scores are scaled by the authors to ensure a population mean of 0 and a standard deviation of 1. This makes the values of -1, 0, and 1 into natural breaks around which to calibrate fuzzy-set scores. Values between -2.5 and -1 are coded as 1, -1 to 0 as 0.66, 0 to 1 as 0.33, and 1 to 2.5 as 0. From 1996 to 2002, the dataset only contains data for even-numbered years. For cases from odd-numbered years within this range, I interpolate the mean of the adjacent even-numbered years.

Noncompliance constituencies

The operationalization of the *noncompliance constituencies* condition is meant to get at the potential for interest groups with transnational linkages to identity-based groups with whom indictees are connected to influence a third-party state’s compliance behavior. For the case of the ICTR, two transnational group traits are relevant. The first is ethnicity. All 91 Rwandans indicted by the ICTR were Hutus. Therefore, we would expect to find noncompliance constituencies in

¹ I code the presence of such a conflict as positive only if the particular conflict occurred previous to the year of the first indictment for a suspect believed to be in that state’s territory.

states that contain large Hutu populations. Traditionally, significant permanent Hutu populations only exist in Rwanda, Burundi, and the DRC. Of these three states, only the DRC is in my sample. Nevertheless, the Hutu population in the DRC is traditionally small – less than 1% according to the Minorities at Risk dataset (Minorities at Risk Project 2009) – and thus I do not code DRC as a case of a potentially influential noncompliance constituency.

The second relevant trait is religion. Seven ICTR indictees were Christian clergymen of various confessions.² Therefore, I examine the seven states where these indictees took refuge: Cameroon, France, Italy, Kenya, Switzerland, Uganda, and the USA. If an indictee's associated confession exercises significant influence over policymaking in the state where he had taken refuge, then that government should be less likely to comply with the ICTR. Operationalizing this condition requires me to treat democracies and nondemocracies differently. Noncompliance constituencies in democracies exert their influence through democratic institutions. Thus, for the four democracies (France, Italy, Switzerland, and the U.S.) my coding is based on a consideration of two factors: (1) whether groups associated with the indictee's confession were known to carry influence or have strong ties with the party in power at the time, and (2) to what degree do religious identities shape electoral politics generally in that country. To assess the first factor, I consulted research by expert area scholars. To assess the second factor I used Michael Minkenberg's (2002) six-point index of "religious partisan impact." The index is based on dichotomous scoring of five criteria: (a) Are there explicitly religious parties? (b) Are there (other) parties with ties to religious groups or churches? (c) Do the platforms of these parties contain explicitly religious contents? (d) Is the religious cleavage salient (i.e., a value of 0.25 or more, as measured by Dalton (1996))? (e) Have any of these parties been part of the national government for at least 20 years?" (241).

France: Wencelas Munyeshyaka is a Rwandan Catholic priest who fled to France following the genocide and was subsequently indicted by the ICTR. Though France's population is overwhelmingly Catholic, the Catholic Church since World War II has been reluctant to intervene in national politics, and thus has not cultivated much influence with French political parties relative to its counterparts in other European countries (Warner 2000). Also, France scores the lowest score possible on the religious partisan index (Minkenberg 2002), meaning that the Catholic Church exerts little influence in French electoral politics. I thus code France as "0" on the *noncompliance constituencies* condition.

Italy: Athanase Seromba is a Rwandan Catholic priest who fled to Italy following the genocide and was subsequently indicted by the ICTR in 2001. The Catholic Church in Italy has a long history of injecting itself into politics as a pressure group and had traditionally been closely aligned with the Christian Democratic Party (Warner 2000). Nevertheless, the Christian Democrats disintegrated in 1994. Through the rest of the 1990s it remained unclear whether the Church and religious Catholic voters would align as strongly with any single party as they had previously with the Christian Democrats (Donovan 2003). Following the 2001 election, it was clear that the party that was performing best among religious voters was Silvio Berlusconi's *Forza Italia*, which positioned to *Forza Italia* to claim itself to be inheritor of the Christian Democrats' legacy as the party of the Church (109-111). Indeed, Camillo Ruini, head of the powerful Italian Episcopal Council, "appeared to identify the victorious centre-right as the natural home for Catholics" (103). Berlusconi and his *Forza Italia* were in power at the time Seromba was indicted. Also, Italy scores a 5 out of 5 on the religious partisan impact, indicating

² Rwandan church officials and clergy members were widely implicated in atrocities committed during the genocide. See Longman (2010).

that the Catholic Church exerts great influence in Italian electoral politics. Thus, given the political influence of the Catholic Church and its ties to the Italian government at the time, I code Italy as a “1” on the *noncompliance constituencies* condition.

Switzerland: Emmanuel Rukundo is a Rwandan Catholic priest who fled to Switzerland following the genocide and was subsequently indicted by the ICTR in 2001. Catholics make up about half the population in Switzerland (about 42% in the 2000 census (CIA 2008)), and the country scores a 3 on the scale of 0 to 5 of religious partisan impact, meaning that Catholic identities play a moderate role in Swiss electoral politics. While the Catholic-centric Swiss Christian Democratic party has been a major player in Swiss politics in the post-World War II era, the Christian Democrats have been only one party (and the only overtly Christian party) out of four that traditionally shares executive authority in the national government (Kriesi and Trechsel 2008, 76–77). This was the case at the time of Rukundo’s indictment; the Christian Democrats were just one out of four parties sharing executive authority. Thus, even to the extent that the Swiss Catholic Church carries influence with Christian Democrats, that influence would not translate into significant influence over national policymaking. Given these considerations, I code Switzerland as a “0” on the *noncompliance constituencies* condition.

United States: Elizaphan Ntakirutimana was a pastor in the Rwandan Seventh-day Adventist Church. Though the USA scores a 3 on the scale of 0 to 5 of religious partisan impact, the Seventh-day Adventist Church at the time claimed less than 1 million members in the US out of a total of over 130 million Christian adherents (Seventh-day Adventist Church; US Census 2000), making it marginal in the American religious scene which has traditionally been dominated by Protestantism. It is thus unlikely that the US Seventh-day Adventist Church would be in a position to wield influence over US policy. Therefore, I code the USA as a “0” on the *noncompliance constituencies* condition.

In nondemocracies, noncompliance constituencies are only influential to the extent that they constitute or have access to ruling elites (Cardenas 2007, 27–28). In order to assess their potential influence, I rely on the scholarship of area experts to examine the degree to which the relevant Christian denominations are connected to centers of political power in these states.

Uganda: Jean-Bosco Uwinkindi was a Rwandan Pentecostal pastor who fled to Uganda following the genocide and was subsequently indicted by the ICTR. Uganda has a long history of a robust Christian civil society, but to the extent that these groups carry political influence, the Anglican Church has been far more connected to centers of power than either the Catholic or Pentecostal churches (Gifford 1998, chap. 4). Though the Pentecostal church is growing in numbers and visibility, it is still far smaller and carries less influence than either the Catholic or Anglican churches, thus making it a weak case for a potential noncompliance constituency. Because of the weak position of the Pentecostal Church relative to the state, I thus code Uganda as “0” on the *noncompliance constituencies* condition.

Cameroon: Hormisdas Nsengimana is a Rwandan Catholic priest who fled to Cameroon following the genocide and was subsequently indicted by the ICTR. According to Paul Gifford, a scholar of religion in Africa, “[T]he Catholic Church is easily the biggest organization in [Cameroon] apart from the state” (Gifford 1998, 270). About 30% of population define themselves as Catholics in a country where Christians are the largest religious group, constituting just over half the population (Gifford 1998, 251–253). Nevertheless, the autocratic Biya regime has traditionally viewed the church as more of a threat than an ally or source of political power. Thus, the Cameroonian government and ruling elite have traditionally been hostile to the Catholic Church, seeking to keep it weak vis-à-vis the state (Gifford 1998, chap. 6). Because of

the weak position of the Catholic Church relative to the state, I thus code Cameroon as “0” on the *noncompliance constituencies* condition.

Kenya: Samuel Musabyimana was a Rwandan Anglican bishop who fled to Kenya following the genocide and was subsequently indicted by the ICTR. Like Cameroon, the Kenyan government under the one-party rule of Daniel Arap Moi was traditionally hostile to the Church. While the Anglican Church had been an important civil society institution and a central force in Kenya’s slow transition towards democracy, its position vis-à-vis Moi and his KANU party had been distinctly one of opposition, not partnership (Sabar-Friedman 1995). Because of the weak position of the Anglican Church relative to the state, I thus code Kenya as “0” on the *noncompliance constituencies* condition.

Alternative conditions

International integration

I operationalize *international integration* using the “political globalization” variable from the KOF Index of Globalization dataset (Dreher 2006). The KOF Index of Globalization is a cross-national time-series (1970-2010) data set that aims to measure levels of globalization, defined as “the process of creating networks of connections among actors at multi-continental distances, mediated through a variety of flows including people, information and ideas, capital, and goods.” The main index is a combination of three sub-indices: economic globalization, political globalization, and cultural globalization. The political globalization variable is calculated for each country by summing the number of embassies in it, the number of international organizations to which it is a member, the number of UN peace missions in which it has participated, and the number of bilateral or multilateral treaties it has ratified since 1945. The variable is converted to an index from 1 to 100 (higher numbers indicate greater globalization) and standardized based on the distribution. I calibrate the fuzzy set scores from these values using rank order standardization (Koenig-Archibugi 2004, 157).³

High FDI inflows

I measure FDI inflows as FDI as a percent of GDP (World Bank 2011). In the absence of a good rationale for adopting specific cut-off points for calibrating this condition, I use the same calibration scale as the *aid dependency* condition. Thus, values from 0 to 5% are coded as 0, 5% to 10% as 0.33, 10% to 15% as 0.66, and 15% and above as 1.00.

Future risk of atrocities

To measure the likelihood of future atrocities, I examine whether a given state is currently involved in an internal or external armed conflict. States that are currently involved in an internal

³ Rank order standardization is appropriate when there are no clear criteria to distinguish relevant from irrelevant variation, and thus the choice of calibration cut-points cannot avoid arbitrariness (Koenig-Archibugi 2004, 157). The case with the highest raw score is assigned a 1 and the case with the lowest raw score is assigned a 0. All other cases are calibrated using the following equation: $m_i = (v_i - \min(v)) / (\max(v) - \min(v))$ where m_i is the fuzzy-set membership score of the i th country, v_i is the original value of the variable for the i th country, and the $\max(v)$ and $\min(v)$ are the maximum and minimum values respectively (Koenig-Archibugi 2004, 157n67).

or external military conflict would be more likely to commit the types of large-scale atrocities that may provoke the international community to seek criminal prosecution. Thus, from the perspective of this theory, states involved in such conflicts would be the most likely to want to undermine the cause of international criminal justice. Data for this condition comes from two sources. First, to measure the existence of an internal military conflict, I use the UCDP/PRIO Onset of Intrastate Armed Conflict Dataset, which accounts for the presence of an “intrastate war” – which the authors define as “an armed conflict [that] occurs between the government of a state and one or more internal opposition group(s)” – in every country in the world from 1945 to 2011 (Themnér and Wallensteen 2012). I code a country as being involved in an internal military conflict if the dataset indicates the presence of an intrastate war during the year of the first indictment for a indictee eventually arrested in its territory. Second, to measure the existence of an external military conflict, I use the Correlates of War Dyadic Militarized Interstate Dispute v3.10 dataset (Ghosn and Bennett 2003). I code a country as being involved in an external military conflict if the dataset indicates its participation in a militarized interstate dispute that has reached either levels “4” (“use of force”) or “5” (“war”). I score a given country as a “1” for *future risk of atrocities* if it either of these data sources indicate that it was involved in a military conflict in the year of the first indictment for a indictee eventually arrested in its territory.

Appendix D: Additional tables

Table IV: Raw scores for causal conditions and outcome condition

Country	Year of first indictment	Liberal democracy (Freedom House categories)	International integration (KOF political globalization)	Aid dependence (% of GNI)	High FDI inflows (% of GDP)	Shared adversary (various)	Official corruption (WB control of corruption)	Noncompliance constituency (various)	Future risk of atrocities (UCDP/COW)	Compliance
Belgium	1996	Free	98.0	0.0%	0.0%	0	1.31	0	1	Compliant
Benin	1998	Free	60.5	8.8%	1.6%	0	-0.60	0	0	Compliant
Burkina Faso	1997	Partly free	41.1	15.1%	0.4%	0	-0.01	0	0	Compliant
Denmark	2000	Free	92.9	0.0%	22.5%	0	2.52	0	0	Compliant
France	1999	Free	96.9	0.0%	3.2%	1	1.38	0	1	Compliant
Germany	1999	Free	88.3	0.0%	2.6%	0	2.03	0	1	Compliant
Ivory Coast	1996	Not free	36.3	8.6%	2.2%	0	0.20	0	0	Compliant
Mali	2000	Free	69.1	12.0%	3.4%	0	-0.66	0	0	Compliant
Namibia	1998	Free	59.1	5.2%	2.8%	1	0.59	0	0	Compliant
Netherlands	2001	Free	95.4	0.0%	13.0%	0	2.25	0	0	Compliant
Senegal	2002	Free	84.1	8.5%	1.5%	0	0.31	0	0	Compliant
South Africa	1995	Free	44.3	0.3%	0.8%	1	0.76	0	0	Compliant
Switzerland	1996	Free	92.3	0.0%	1.4%	0	2.10	0	0	Compliant
Tanzania	1995	Partly free	51.5	17.0%	2.3%	0	-1.03	0	0	Compliant
Togo	1997	Not free	64.3	8.5%	1.4%	0	-0.70	0	0	Compliant
UK	2000	Free	97.1	0.0%	8.3%	0	2.24	0	1	Compliant
US	1996	Free	93.7	0.0%	1.1%	0	1.57	0	1	Compliant
Uganda	2000	Not free	48.2	14.0%	2.6%	1	-0.85	0	1	Compliant
Zambia	1995	Partly free	70.3	62.8%	2.8%	0	-1.03	0	0	Compliant
Cameroon	1996	Not free	48.9	4.5%	1.0%	0	-1.16	0	1	Noncompliant
DRC	1997	Not free	46.7	2.8%	-0.7%	1	-1.98	0	1	Noncompliant
Gabon	1998	Partly free	71.3	1.1%	3.3%	0	-0.87	0	0	Noncompliant
Italy	2001	Free	95.6	0.0%	1.3%	0	0.63	1	0	Noncompliant
Kenya	1995	Not free	79.1	8.4%	0.5%	0	-1.03	0	0	Noncompliant
ROC	2000	Partly free	40.2	1.4%	5.2%	0	-0.96	0	0	Noncompliant
Zimbabwe	2000	Not free	69.4	2.8%	0.3%	1	-0.95	0	1	Noncompliant

Table V: Fuzzy-set scores for causal conditions and outcome condition

Country	Year of first indictment	Liberal democracy	International integration	Aid dependence	High FDI	Shared adversary	Official corruption	Noncompliance constituency	Future risk of atrocities	Compliance
Belgium	1996	1	1.00	0.00	0.00	0.00	0.00	0	1	1
Benin	1998	1	0.36	0.33	0.33	0.00	0.66	0	0	1
Burkina Faso	1997	0	0.08	1.00	0.00	0.00	0.66	0	0	1
Denmark	2000	1	0.76	0.00	1.00	0.00	0.00	0	0	1
France	1999	1	0.92	0.00	0.33	1.00	0.00	0	1	1
Germany	1999	1	0.68	0.00	0.33	0.00	0.00	0	1	1
Ivory Coast	1996	0	0.00	0.33	0.33	0.00	0.33	0	0	1
Mali	2000	1	0.44	0.66	0.33	0.00	0.66	0	0	1
Namibia	1998	1	0.32	0.33	0.33	1.00	0.33	0	0	1
Netherlands	2001	1	0.84	0.00	0.66	0.00	0.00	0	0	1
Senegal	2002	1	0.64	0.33	0.33	0.00	0.33	0	0	1
South Africa	1995	1	0.12	0.33	0.00	1.00	0.33	0	0	1
Switzerland	1996	1	0.72	0.00	0.33	0.00	0.00	0	0	1
Tanzania	1995	0	0.28	1.00	0.33	0.00	1.00	0	0	1
Togo	1997	0	0.40	0.33	0.33	0.00	0.66	0	0	1
UK	2000	1	0.96	0.00	0.33	0.00	0.00	0	1	1
US	1996	1	0.80	0.00	0.33	0.00	0.00	0	1	1
Uganda	2000	0	0.20	0.66	0.33	1.00	0.66	0	1	1
Zambia	1995	1	0.52	1.00	0.33	0.00	1.00	0	0	1
Cameroon	1996	0	0.24	0.33	0.33	0.00	1.00	0	1	0
DRC	1997	0	0.16	0.33	0.00	1.00	1.00	0	1	0
Gabon	1998	0	0.56	0.33	0.33	0.00	0.66	0	0	0
Italy	2001	1	0.88	0.00	0.33	0.00	0.33	1	0	0
Kenya	1995	0	0.60	0.33	0.00	0.00	1.00	0	0	0
ROC	2000	0	0.04	0.33	0.33	0.00	0.66	0	0	0
Zimbabwe	2000	0	0.48	0.33	0.00	1.00	0.66	0	1	0

Table VI: Intermediate, complex, and parsimonious QCA solutions for Models 1 and 2

	Raw converge	Unique coverage	Consistency
Model 1			
<i>Intermediate solution</i>			
DEPENDENCE	0.33	0.17	0.76
DEMOCRACY	0.74	0.58	0.93
Solution coverage: 0.91 Solution consistency: 0.85			
<i>Complex solution</i>			
DEPENDENCE * integration * fdi	0.28	0.15	0.73
DEMOCRACY * fdi	0.48	0.09	0.93
DEMOCRACY * INTEGRATION dependence *	0.45	0.11	0.91
Solution coverage: 0.74 Solution consistency: 0.83			
<i>Parsimonious solution</i>			
DEPENDENCE	0.33	0.17	0.76
DEMOCRACY	0.74	0.58	0.93
Solution coverage: 0.91 Solution consistency: 0.85			
Model 2			
<i>Intermediate solution</i>			
CORRUPTION * dependence * democracy	0.57	0.57	0.75
CONSTITUENCY * dependence	0.14	0.14	1.00
Solution coverage: 0.71 Solution consistency: 0.79			
<i>Complex solution</i>			
CORRUPTION * adversary * constituency * democracy * dependence	0.38	0.28	0.73
CORRUPTION * FUTURE * constituency * democracy * dependence	0.29	0.19	0.85
CONSTITUENCY * DEMOCRACY * adversary * corruption * future * dependence	0.01	0.01	1.0
Solution coverage: 0.67 Solution consistency: 0.78			
<i>Parsimonious solution</i>			
CORRUPTION * democracy * dependence	0.57	0.57	0.75
CONSTITUENCY	0.14	0.14	1.00
Solution coverage: 0.71 Solution consistency: 0.79			

Note: Analyses performed using fs/QCA 2.0 (Ragin et al. 2006) with a consistency cutoff of 0.51.

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