

Domestic accountability and non-compliance with international law: Evidence from the Inter-American Court of Human Rights

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Abstract

Domestic public preferences often shape leaders' decisions to comply with international legal rulings. Human rights scholars usually assume these preferences favor enforcement and justice. However, just because the public supports human rights does not mean they universally support remedies ordered by international courts. What happens when leaders face competing compliance pressures from an international court and domestic public? I examine this question in the context of the Inter-American Court of Human Rights, a regional human rights court that operates primarily in Latin America. I argue that non-compliance may sometimes result from democratic leaders adjusting compliance behavior according to public opinion, especially when the implicated actor is popular. In particular, I argue that compliance is a function of proximity to the next presidential election, therefore necessitating greater responsiveness to the public's opinions, and the public's attitudes toward the actor implicated by the ruling. I test my argument on an original dataset of all Inter-American Court rulings implicating the military. I show that if the public does not support the military, the probability of compliance increases closer to an election; however, if the public does support the military, the probability of compliance decreases. My findings suggest the importance of incorporating the public's attitudes into existing models of compliance with international law.

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Introduction

In 1982, Ernestina and Erlinda Serrano Cruz, ages seven and three, were captured by soldiers and forcibly disappeared (IACtHR, 2005). The sisters were just two of the hundreds of children who disappeared during El Salvador's civil war, which lasted from 1980 to 1992. At the end of the conflict, the Salvadoran National Assembly passed a law granting general amnesty for human rights abuses committed during the war, which precluded investigations into the abductions (French, 1993). To date, the Serrano Cruz family does not know what happened to Ernestina and Erlinda.

Unable to pursue justice domestically, in 1999, the family filed a petition at the Inter-American Commission on Human Rights, which reached the Inter-American Court in 2003. In 2005, the Inter-American Court found El Salvador responsible for several violations of the American Convention on Human Rights and ordered El Salvador to undertake several remedies, including the “eliminat[ion of] all the obstacles and mechanisms *de facto* and *de jure*, which prevent compliance with these obligations [to investigate, prosecute, and punish] in the instant case” (IACtHR, 2005: para. 218). In other words, to comply with the Court's judgment, El Salvador would have to repeal its amnesty law.

The long-standing presumption in international relations literature has been that international human rights courts are pro-majoritarian institutions: their decisions promoting human rights are welcomed by and aligned with the views of the public. But just because the public supports human rights does not mean they support the remedies ordered by international human rights courts. Indeed, in the case of El Salvador, as late as 2011, a majority of Salvadorans did not want to see the amnesty law overturned: according to a survey by *Instituto Universitario de Opinión Pública*, only 43.1% supported nullification of the law (IUDOP, 2012). What happens when leaders face competing pressures for compliance from an international court and non-compliance from the domestic public?

A wealth of previous scholarship has addressed factors that can increase human rights

compliance, including persuasion, naming and shaming, acculturation, and coercion.¹ Non-compliance is thus the result of leaders being insufficiently persuaded, shamed, acculturated, or incentivized to comply. With few exceptions (Búzás, 2017, 2018), the human rights literature has largely neglected cases in which non-compliance is the result of leaders responding purposefully to the public’s preferences against compliance, rather than the result of leaders ignoring the public’s demands for compliance.²

However, as the El Salvador case illustrates, the presumption that the public always wants compliance is not warranted in all cases. In transitioning democracies in particular, compliance might implicate the previous regime, which in many cases is still quite popular. Newly democratic leaders who receive orders to punish a popular previous regime thus face a dilemma of competing pressures from the international court and domestic public.

I address this dilemma in the context of the Inter-American Court of Human Rights, a regional human rights court in Latin America with jurisdiction over 20 members of the Organization of American States, 80% of which were under military rule at the time of the Court’s creation in 1979. The recent history of military dictatorship, in which human rights abuses were widespread, not only informs much of the Court’s present caseload, but also defines the political environment in which the Court must operate, as the military is the implicated actor in nearly 40% of judgments.

Despite the abuses, the military as an institution still retains popularity in many states. As such, voters may not want to see the crimes re-litigated.³ Some voters are even nostalgic for the days when the military was in charge, as evidenced by the 2018 Brazilian presidential election. Even if voters do not wish for the military to govern, they may still recognize

¹See, e.g. Keck & Sikkink (1998) and Risse, Ropp & Sikkink (1999) on persuasion; Keck & Sikkink (1999); Drinan (2002); Hafner-Burton (2008); and Cole (2012) on shaming; and Dai (2005); Hafner-Burton (2005); Smith-Cannoy (2012); Conrad & Ritter (2013) and Conant (2014) on coercion.

²Note that this is a different argument than that of “antipreneurs” (Bloomfield, 2016; Mills & Bloomfield, 2018) and of spoilers (Sanders, 2018). My argument is not that entrepreneurs change norms around compliance or human rights, but rather that domestic incentives for non-compliance might override these norms at particular moments.

³Many of these crimes are in fact covered by popular amnesty laws that shield offenders. Uruguay, for example, voted to maintain its amnesty law again in 2009, affirming the will of the majority against prosecuting crimes that took place during the military dictatorship.

the important security functions played by the armed forces, and oppose punishment of the military for past abuses.

I argue that attitudes toward the military shape the public's preferences for compliance in cases in which the military is implicated. These preferences matter because they determine the direction of the pressure on the leader — at times for more compliance, but at other times for less. Leaders who need the public's support to remain in power will respond to the public's preferences. In democracies, this domestic accountability increases around the time of elections, as the punishment for non-responsiveness to the public's preferences is more proximate. Thus, closer to the election, the leader becomes more responsive to the public's — as opposed to her own — preferences.

I test this argument using an original dataset of all judgments against the military from the Inter-American Court of Human Rights issued between 1989 and 2014. As most members are presidential democracies, election timing is fixed.⁴ I capture the public's attitudes toward the military using the level of distrust of the military, as reported in AmericasBarometer surveys. I find an interaction effect between public distrust in the military and election proximity. Specifically, I show that election proximity strengthens the effect of public preferences on compliance.

This article makes two contributions. The first is to further consider the role of anti-compliance publics and how they might affect leaders' decisions to comply. In doing so, I challenge the assumption that the public is consistently pro-compliance. Scholarship in international trade law has paid more attention to coalitions of voters who may prefer non-compliance (e.g. Downs & Roche, 1995; Dai, 2006; Chaudoin, 2014); however, this need not be unique to trade. My analysis suggests that attitudes toward implicated actors can affect the leader's probability of compliance, including by decreasing that probability when the actor is more popular. Instead of presuming the public's attitudes, I model them using the best available public opinion data. My work thus points to a potential illiberal aspect of human

⁴The exceptions are Barbados and Suriname, which are both parliamentary systems.

rights rulings: a democratic public supporting an illiberal outcome (non-compliance).⁵

Second, this work builds upon the increasing body of literature on the Inter-American Court in general and compliance in particular, including Huneus (2011); Hillebrecht (2012, 2014); Staton & Romero (2019); Haglund (2020) and Naurin & Stiansen (2020). While explanations for (non)-compliance have become more nuanced, my work is the first to address the role of the public's attitude toward the implicated actor on compliance. This is especially important given the vast number of cases that ask present governments to openly confront abuses committed by military regimes, and thus offers a fuller picture of the context in which compliance takes place.

In the next section, I advance my argument to explain compliance in the Inter-American context. In Section 3, I explain the data collection process and present the results from my statistical analyses. The final section concludes.

Domestic political incentives for non-compliance

Anti-compliance constituencies

Most accounts of non-compliance with human rights law presume a particular model of violations in which (1) the state violates international human rights law and (2) the state and citizens within the state have opposite preferences on compliance. In this conceptual model, the state's underlying preference is for non-compliance and international courts are necessary to force leaders to meet the demands of a compliance constituency. It is often assumed, at least in the realm of human rights, that these are pro-compliance constituencies that "will often increase the probability of government compliance and encourage imposition of sanctions on other governments that violate legal commitments" (Kahler, 2000: 675). As such, extant human rights scholarship that considers the role of these constituencies in

⁵This is similar to Huneus (2019) in that it addresses how human rights may lead to illiberal outcomes, although my argument is about public support for illiberal non-compliance rather than non-liberal regimes weaponizing human rights for illiberal ends.

leaders' compliance decisions generally focuses on pro-compliance constituencies, rather than anti-compliance constituencies (e.g. Simmons, 2009; Alter, 2014; Chilton, 2014; Dai, 2014; Putnam & Shapiro, 2017).

However, we need to consider and account for the role played by anti-compliance constituencies. Some scholars have begun to explain (non)-compliance this way; for example, Búzás (2017) and Búzás (2018) argue that states evade international law (comply in bad-faith) when the group that international law seeks to protect is politically unpopular.⁶ I extend this idea to account for the popularity of the perpetrator in driving anti-compliance constituencies, rather than the (un)-popularity of the victim. Thus, I account for anti-compliance constituencies that exist not because people dislike the person or group that international human rights law seeks to protect, but because they like the perpetrator that international human rights courts are asking the state to punish.

Although international human rights courts' judgments go against the state (as a unitary actor), the rulings implicate the particular domestic actor(s) that committed the violation. As shown in Table I, the three most frequently implicated actors in Inter-American Court judgments are the military (36%), police (18%), and courts (15%), with the military implicated in twice as many cases as the police. Most of the military cases involve violations that occurred during the repressive dictatorships of the 1970s and 1980s. Remediating violations in these cases thus involves confronting the abuses of the past. However, as has been shown across numerous post-conflict societies, the public can have divergent preferences over whether and how to confront the abuses of a previous regime (Aguilar, Balcells & Cebolla Boado, 2011; Balcells, 2012; Hall et al., 2018).

Table I in here.

In Latin America specifically, there are competing pressures between confronting the past and forgetting it, as summarized by the idiom "*No hay que tener ojos en la nuca*" –

⁶Requiring states to protect unpopular groups is also a source of backlash against international courts; see Voeten (2020).

you should not have eyes at the back of your head (Lessa, 2011). This sentiment was also expressed by Brazilian ministers after Brazil was ordered by the Inter-American Court to overturn its amnesty law, with one proclaiming: “We need to put in our heads that amnesty is forgetting; turning the page; forgiveness in its largest sense for both sides. ... Let’s fix Brazil for the future, not for the past” (Calderari, 2014). But it is not just elites who support forgetting – some victims do as well (de Brito, 2001; Achugar, 2007; Isaacs, 2010; D’Orsi, 2015). For example, in a 2006 survey conducted in Guatemala, Isaacs (2010) found that 34% of victims believed that forgetting was a key ingredient of reconciliation, a greater percentage than the 21.4% of civil society organizations that supported it.

In addition to the competing pressures of accountability and reconciliation, the public may also be swayed by the actor’s role or image in society today (Shkliarov, Mironova & Whitt, forthcoming). In Latin America, the military plays an important domestic security role. Domestic institutions are often perceived as weak or ineffective, so the public generally places more faith in the armed forces’ ability to protect human rights than the police’s (Pion-Berlin & Carreras, 2017). The military is frequently used for domestic security purposes, including quelling crime and gang violence and providing security for major sports events like the World Cup and Olympics. More recently, the Brazilian military took over security operations in Rio de Janeiro, the first time such intervention took place since the military dictatorship ended (Londoño & Darlington, 2018). Overall, this indicates that the public’s reaction to a judgment against the military may not always be in favor of compliance.

Compliance decisions

Suppose that the Inter-American Court issues a judgment against the state, in which it finds that the state has committed several human rights violations. Along with finding the state responsible, the Court’s judgment also includes a list of remedies the state must undertake to rectify the violation. Most of these remedies are ones that are under the executive’s direct control because they involve the cooperation of only executive or administrative agencies that

answer to the president. Even the few remedies that do involve other branches of government – like orders to change legislation – can be effected by Latin American executives because of their strong legislative agenda-setting powers (Alemán & Tsebelis, 2005). All states are obligated to comply with the Court’s rulings under international law. However, because the international court’s decisions cannot be enforced, compliance depends on leaders deciding to comply.

All leaders enter office with underlying preferences for human rights and compliance. These preferences may reflect life experiences, party alignment, or personal preference. The leader can either implement compliance consistent with her own preferences, or choose a level of compliance that matches the public’s preference.⁷ These two decisions could result in the same outcome if both the leader and the public have the same preference for compliance. However, these preferences do not necessarily match, which means we may sometimes observe leaders who are otherwise against compliance choosing compliance or leaders who support compliance choosing non-compliance.

The public observes the leader’s choice of compliance and subsequently chooses a level of support for the leader.⁸ As shown in experimental work, the public rewards (supports) leaders for choosing policies they like, which can include policies that violate international law (Wallace, 2013; Chilton & Versteeg, 2016; Kreps & Wallace, 2016; Conrad, Hill Jr & Moore, 2018; Lupu & Wallace, 2019). The public supports leaders who choose to match their preferences and opposes leaders who do not. This is also supported by anecdotal evidence. For example, Haglund (2020) describes how Uruguay, Panama, and Ecuador all made human rights concessions prior to an election to garner political support.

However, whether the leader needs the public’s support to remain in office varies over time. In a democracy with elections, the leader’s greatest need for the public’s support

⁷Leaders may also consider preferences of other groups, which I account for as control variables in the empirical analysis.

⁸As Hillebrecht (2014) explains, given the publicity around Inter-American Court judgments and the active engagement of human rights groups, it is not unreasonable to think that the public is at least aware of the ruling, and would subsequently be aware of the leader’s decision on compliance.

occurs when she is running for office. Due in part to their history of dictatorship, most Latin American states have presidential term limits (Corrales & Penfold, 2014). In this case, one should think of the electoral incentive on the part of the incumbent political party, rather than the individual president.⁹ Because the Court is not permanently in session and the handful of meetings it has per year are set well in advance, it is not able to strategically time the release of its judgments to correspond with elections.

The public supports the leader by voting for the incumbent (or incumbent’s party). This is not to say that compliance decisions always become campaign issues. Rather, leaders when running for office would prefer to avoid making unpopular decisions – those that would not align with the public’s preferences – that could be used against them by the opposition. This means that regardless of the leader’s personal (possibly unobserved) preference for compliance, the leader is more likely to adjust compliance behavior in relation to the public opinion of the implicated actor closer to an election.

Complying with an Inter-American Court decision requires fulfilling particular obligations, as ordered by the Court. In nearly all cases, the state is ordered to pay financial reparations; other frequently ordered remedies include investigation, prosecution, and punishment of the offenders, publication of the judgment, and public acceptance of responsibility.¹⁰ Orders to prosecute and overturn amnesty laws pose a direct threat to the implicated actor, but symbolic gestures against a previous repressive regime can also produce backlash (Villamil & Balcells, 2021; Rozenas & Vlasenko, 2022). Seemingly innocuous monetary reparations might actually be seen by some as blood money and are therefore also subject to opposition (Lessa et al., 2014). While particular remedies may be harder to fulfill than others (Beristain, 2009; Huneeus, 2011; Bailliet, 2013), given the visibility required by compliance, nearly all measures require confronting a past that some may rather leave alone, and may thus be subject to mixed reactions among the public.

⁹I control for term-limited executives in the empirical models as well, to account for the chance this is not the case.

¹⁰See Online appendix Table A2 for complete descriptive statistics on ordered remedies.

The main theoretical expectation is that *as an election draws nearer, leaders become more likely to to adjust compliance behavior in relation to public opinion of the implicated actor*. That is, when the public dislikes the implicated actor, the leader is *more likely* to comply closer to an election; and when the public likes the implicated actor, the leader is *less likely* to comply. In this way, I expect election proximity to moderate the effect of public support for the implicated actor on the probability of compliance.

Empirical analysis

Measuring compliance

I begin by identifying all compliance orders issued by the Inter-American Court in judgments that implicate the military through 2014. Although the military is not the only implicated actor, I choose to focus on these cases for two reasons. First, as shown in Table I, the military is by far the most frequently implicated actor, and thus the most relevant. Second, and more importantly, there is sufficient variation on the public's opinion about the military (as seen in Figure 1 below) such that leaders could match the public's preferences for both compliance and non-compliance. When an actor is universally disliked, observing compliance is ambiguous. Specifically, it is unclear whether the leader is responding to public opinion about the actor, or some underlying pro-compliance inclination of the public that is unrelated to the actor, as implied by previous work on compliance.

Once cases implicating the military are identified, I distill the compliance orders from the operative paragraphs of the judgments (64) to generate a dataset containing about 540 unique compliance orders.¹¹ Next, I code all Court-issued monitoring reports, in which the Court reviews each order given to the state and decides whether the state has fully complied, partially complied, or not complied based on information obtained from the victim and the state party. Through 31 December 2015, the Court has issued 131 compliance reports on

¹¹This represents roughly 36% of all judgments through 2014 and 40% of all compliance orders. This process is detailed further in the Online appendix.

judgments implicating the military. The average number of compliance reports per case is 2.04, although this number is biased downward, since about 17% of cases have had no monitoring report at all. Excluding cases that have never been monitored, the average number of compliance reports per case is 2.47. The unit of analysis is a compliance-order-year; the outcome (compliance) is coded as 1 if the state fully complied with the order in that year and 0 otherwise. Potential sources of measurement error are discussed in the Online appendix.

Measuring support for compliance and election proximity

Given the lack of time series, cross-national data on support for various compliance remedies, I must rely on a proxy measure of support for the broader statistical analyses. Thus, I measure support for compliance based on respondents' level of distrust of the military. Political trust encompasses diffuse (toward the institution) support for the actor (Easton, 1975; Hetherington, 1998) and empirical work has shown that (dis)trust is highly correlated with attitudes toward the actor. Previous scholarship in the US context has shown that reported levels of political trust in the president are correlated with presidential approval (Citrin & Green, 1986) and that political trust predicts vote choice (Hetherington, 1999).¹² In the Latin American context specifically, scholars examining AmericasBarometer surveys found that “a more favorable assessment of the president is...strongly associated with more political trust” in the president (Bargsted, Somma & Castillo, 2017: 409). Existing scholarship thus establishes a link between political trust and attitudes toward the actor.

Recent experimental scholarship has also identified a connection between attitudes toward an actor and compliance preferences. Cohen & Powers (2022) find that US respondents are less likely to support compliance with a World Trade Organization decision against the US when the complainant is China as opposed to Canada, corresponding to public opinion surveys showing that Americans have a much more favorable view of Canada than they do

¹²Specifically, voters choose the non-incumbent party when their trust in the incumbent is low.

of China. Madsen et al. (2022) provide further evidence of a link between victim identity and attitudes toward compliance in a human rights context, finding that respondents are very unlikely to support implementation of a European Court of Human Rights judgment if they are predisposed against the applicant and the applicant wins.

Distrust is measured from AmericasBarometer surveys on a seven-point scale where (7) indicates the respondent strongly distrusts the government body and (1) indicates the respondent strongly trusts the government body.¹³ Figure 1 shows the distribution of attitudes toward military, police, and courts (indicated by Table I to be the three most commonly implicated actors) using survey data on the mean level of trust in the actor, here rescaled as distrust. The mean level of distrust in the military is 3.56 on a seven-point scale; conversely, the mean levels of distrust for the police and courts are 4.37 and 4.39, respectively. Additionally, the distribution of distrust is concentrated between 3 and 4 for the military, rather than 4 and 5 for the other two institutions. In terms of the public’s attitudes, Figure 1 shows both that the military is on average more trusted and also that opinions about the military are much more diverse, with some citizens holding a very high opinion of the military (distrust of 1) but none reporting such levels for the police or courts.

Figure 1 in here

To measure election proximity, I measure the years to the next executive election.¹⁴ Presidential elections occur every four, five, or six years, depending on the state. Proximity is coded so that 0 indicates an election year; -1 indicates that the election is next year; and -2 indicates the election is in two years. The distribution is roughly uniform from -3 to 0, with only a few states having a five or six year election cycle. Distributions for both explanatory variables can be found in the Online appendix (Figures A2 and A3), along with a table of all elections covered by the dataset (Table A6).

¹³This is survey question B12. With the exception of Colombia, these surveys are conducted every two years. Missing values for survey-less years were imputed using Amelia (Honaker, King & Blackwell, 2011).

¹⁴Cases from Suriname, the only state with a parliamentary system, are excluded from the analysis.

Models and controls

Because there is one observation per year for each order, I conduct a discrete time event history analysis that models the time until full compliance with an order.¹⁵ I construct a binary response model with dummy variables for each year post-judgment to capture duration dependence. I use the complementary log-log function because of the zero-inflated data, making compliance a relatively rare event (Baetschmann & Winkelmann, 2013; Hardin & Hilbe, 2014). The dependent variable for this duration model is the hazard, or the probability of the event – in this case, the probability of full compliance. Coefficients can be interpreted as the effect on the probability of compliance in the current period, conditional on survival (non-compliance) in all previous periods and covariates. Observations are right-censored because many states are still working on compliance with the orders. To avoid overinflating the data with zeroes by coding unmonitored orders as ones with which the state has not complied, I only include orders in the model that have been monitored at least once. I further subset the data to 2004 and later, to avoid backwards inflating the distrust measure from AmericasBarometer.¹⁶ This leaves me with 431 unique compliance orders.

I include several controls for possible alternative explanations. First, I include controls to capture vulnerability to external pressures for compliance. These include *DAC aid* (the logged amount of aid in constant USD that a country receives from all Development Assistance Countries donors each year) and *Multilateral debt* (the percentage of total external debt owed to multilateral lenders each year), both from World Bank (2021a).

Second, I include a set of controls to account for state capacity to comply: *GDP/capita*, *Unemployment*, and *Majority seats*. The first two capture possible economic constraints on capacity and come from World Bank (2021a), while the last captures a potential political constraint: how much of the legislature is controlled by the executive’s party and comes from Scartascini, Cruz & Keefer (2021).

¹⁵I use full compliance as the event because the Court continues monitoring orders that are in partial compliance. I consider partial compliance as an outcome in the Online appendix; see Table A12.

¹⁶Models with all orders are included in the Online appendix.

Third, I include two measures that might affect the leader’s willingness to comply: *Current administration crime* and *Term limited executive*. The former is a binary that takes a value of 1 if the violation occurred when the leader’s party was in office; the latter is a binary that takes a value of 1 if the leader is unable to stand for reelection due to term limits. In both instances, leaders might be less inclined toward compliance. Both rely on data from Scartascini, Cruz & Keefer (2021).

Fourth, I account for the possibility of norms influencing the state’s compliance decision (Simmons, 2000) by including *Rule of law* from World Bank (2021b) and *Civil society participation* from Coppedge et al. (2017).

Fifth, I include three controls for state characteristics that might affect compliance: *Left government* (coded 1 if the government is classified as Left by ?), which is meant to capture the government’s underlying inclination toward human rights; *Years since transition* (measured as the number of years since transition to democracy, as determined by Geddes, Wright & Frantz, 2014); and *Polity* score (Marshall & Gurr, 2020).

Sixth, I include five additional factors that might affect the public’s preferences on compliance. Because historical and present-day political violence might affect attitudes and political behavior (Lupu & Peisakhin, 2017; Zhukov & Talibova, 2018), I include *Repression (violation)* and *Repression (current)*, which are the latent human rights violation estimates in the year of the violation and present year, respectively, from Fariss, Kenwick & Reuning (2020). Next, to capture civil-military relations that may affect compliance, both directly through the military’s influence on the leader and indirectly through public attitudes (Grindle, 1987; Choi & James, 2005), I include *Military expenditure as a percentage of GDP* from SIPRI (2021). Additionally, because the length of time since the violation might affect attitudes on compliance, I include *Years since violation*, which indicates the number of years since the violation began. Finally, since certain victims might engender more (or less) sympathy among the public, I also include fixed effects for victim identity, which I coded from the text of the judgments.

Additionally, in all models, I include three more sets of control variables. First, I include fixed effects for each state. Fixed effects allow for different underlying probabilities of compliance driven by unobserved characteristics that are not captured by other control variables. Additionally, any preexisting differences between states that may also influence compliance, such as how they transitioned to democracy. By including these fixed effects, I am focusing solely on the variation of distrust of the military within states over time, not between states. Second, I include indicator variables for the eight most commonly ordered remedies.¹⁷ This allows for the potential of different underlying probabilities of compliance with a particular order, reflecting potential variation among the degree of difficulty in complying as well as the potential for orders to generate different public responses. Finally, I include fixed effects for the issue area of a case. Issue area is a description of the crime that led to a human rights violation; for example, “forced disappearance”, “prison conditions”, or “murder of civilians”. This is meant to capture any differences that might exist based on the type of case, and may also indicate crimes took place during the dictatorship. Certain offenses – like forced disappearance – are associated with dictatorial regimes, whereas others, like torture in detention, might not be. Any inherent, unobserved differences between military dictatorship-era crimes committed by the military and democratic-era crimes committed by the military, will be captured by the issue area fixed effects.

Results

The results in Table II illustrate how election proximity moderates the effect of distrust of the military on compliance. For ease of interpretation, distrust of the military is mean-centered. The coefficient on the interaction term is positive and statistically significant in every model, as suggested by the theory. The coefficient on the constituent term for distrust

¹⁷The most commonly ordered remedies in the 64 cases that implicate the military are: monetary reparations (n=64), investigate, prosecute, and punish (n=52), publish the judgment (n=50), provide medical care (n=35), publicly accept responsibility (n=34), pay for the victim’s burial and/or find and locate remains (n=27), reform laws (n=25), and provide training in human rights (n=22). The coefficients on these indicators are available in the Online appendix, but omitted from the main text for space. See Table A7.

in the military is also positive and statistically significant, but it cannot be interpreted as an unconditional effect of distrust of the military on the probability of compliance (Brambor, Clark & Golder, 2006). Rather, it suggests that the effect of distrust of the military is even greater prior to an election.

Table II in here

To see the interaction effect more clearly, I illustrate it using predicted probabilities generated from Model (1) in Figure 2. The first row of Figure 2 shows what happens to the probability of compliance as election proximity varies and distrust of the military is held constant. It shows that as proximity to the election increases, the leader grows more responsive to the public's attitudes toward the military. However, whether increased responsiveness increases the probability of compliance or non-compliance depends on what the public's attitudes are. When trust in the military is low (upper left panel), measured as one standard deviation below the mean level of trust, the probability of compliance increases the closer the leader gets to the election. The rate of increase is also increasing in the year before and year of the election, as suggested by the positive constituent term on distrust of the military. This is what conventional models of compliance predict: if we assume that voters want compliance, then leaders should be more likely to comply when they need the public's support in order to remain in office.

Figure 2 in here

The upper right panel of Figure 2 complicates this picture by illustrating what happens if trust in the military is high, measured as one standard deviation above the mean level of trust. Here, the probability of compliance is *decreasing* as election proximity increases. This suggests that the leader is more responsive to the public's attitudes closer to an election, but again shows that responsiveness does not always mean compliance. While other explanations for compliance may generally be true – like demonstrating commitment to human

rights norms – my findings suggest that in this specific instance, they do not seem to be driving compliance. Rather, the need to be responsive to the public’s attitudes, and most importantly, what those attitudes *are* drives changes in the probability of compliance.

The bottom row of Figure 2 holds election proximity constant and models the predicted probability as distrust of the military is allowed to vary. Distrust of the military is mean-centered, so zero is the mean and 1 (–1) represents one standard deviation above (below) the mean. In the bottom left panel, election proximity is zero, indicating that the election is this year. The probability of compliance increases as distrust of the military increases, and the slope increases at an increasing rate if the distrust level of the military is above average. In the bottom right panel, election proximity is –3, indicating that the election is three years from now. For a state on a four-year election cycle, the election is as far away as possible. The predicted probability of compliance ever so slightly increases as distrust of the military increases, although the line is mostly flat. As predicted, leaders do not need to adjust their compliance behavior based on public opinion when they are not close to facing the voters. It is thus the interaction between election proximity and distrust of the military that drives the result.

Next, to illustrate the interaction between distrust of the military and proximity to election, I generated predicted probabilities of compliance in three different judgments, one each from Brazil, El Salvador, and Guatemala (Table III).¹⁸ Brazilians have a high level of trust, on average, in their military; Salvadorans have a medium level of trust; and Guatemalans have a low level of trust. Holding constant the level of distrust of the military, I used the model to generate predicted probabilities of compliance for each year while increasing the proximity to election. For Brazil, where trust in the military is relatively high, the probability of compliance decreases from 22% three years before the election to 10% in an election year. In Guatemala, where trust in the military is lower, the probability of compliance in-

¹⁸These cases are *Gomes Lund v. Brazil*, *Serrano Cruz Sisters v. El Salvador*, and *Bamaca Velasquez v. Guatemala*.

creases from 36% three years prior to the election to 49% in an election year.¹⁹ Finally, in El Salvador, where citizens have a medium level of distrust in the military, the probability of compliance declines from 41% three years prior to the election to 33% in an election year.

Table III in here

The Online appendix includes numerous alternative specifications and additional robustness checks, including: models with all years (back-imputing prior to 2004); models with a standardized measure of distrust (relative to other institutions in the same survey); models excluding non-competitive elections; and models using partial compliance as the outcome. Across all models, the results are unchanged. Additionally, to assess whether certain orders have a differential effect on compliance, I ran several triple interaction models where the compliance order is interacted with distrust of the military and proximity to the election. I find that leaders are generally not strategically selecting orders to comply with, as all but one triple interaction term is insignificant.²⁰ I also run the models without the interaction term: the effect of distrust of the military is not unconditional, but in fact depends on proximity to election. This should not be surprising, as evidenced by Figure 2, which shows that the effect of either distrust of military or election proximity on compliance is conditional on the level of the other variable.

Finally, I ran the models on the subset of cases implicating the police and courts, respectively (recall from Table I that these two institutions were the next most frequently implicated actors after the military). The results (Table A14) show that the interaction effect is unique to the military. Given that the police and courts are uniformly distrusted by the public, it should not be surprising that there is no interaction effect: leaders are just always more likely to comply. This suggests that it is easier for leaders to comply when the implicated actor is distrusted by the public. The leader only faces a dilemma of choosing

¹⁹Note that these probabilities and the rate at which they change are affected by the level of distrust of the military that I set. To get a larger shift in predicted probability, one could set the level of distrust at its minimum or maximum for each state.

²⁰However, the main interaction is positive and significant in the seven cases with an insignificant triple interaction coefficient, as I discuss in the Online appendix.

responsiveness to the international court and to the public's attitudes when the implicated actor is trusted by the public, as is the case (sometimes) for the military.

Conclusion

The extant literature on enforcement with international human rights law assumes that inducements or punishments change a state's cost-benefit calculation such that rational actors would choose compliance. I have shown, however, that the same inducements and punishments can lead to non-compliance when voters have a favorable opinion of the actor implicated by an international court's judgment. I show that as the election draws nearer, leaders become more likely to adjust compliance behavior in relation to public opinion of the implicated actor — possibly toward more compliance, but also toward less. In the case of the Inter-American Court, my analyses provide evidence for the argument that the probability of compliance is lower when the judgment implicates the military and public trust in the military is high.

Although I have focused on the military, the theory may apply to other institutions about which citizens have strong and varied attitudes.²¹ In Latin America, there are no other institutions that meet these criteria. In other regions, a different actor might hold this privileged position. In Poland, for example, “the public has expressed a nostalgia for the communist past” through public opinion surveys and in voting for former communist party members in presidential elections (Curry, 2007: 69); one could imagine the Polish government facing domestic opposition to compliance if the European Court of Human Rights asked Poland to confront abuses committed by the Communist regime. The uniqueness of the military as implicated actor in Inter-American Court judgments has less to do with the military as such, and more to do with the role the military plays as the present-day manifestation of a previous regime.

²¹It could also apply to domestic courts, which may also issue counter-majoritarian rulings. This is a potential avenue for future research.

Throughout its jurisprudence, the Inter-American Court has established the importance of accountability for past human rights violations (Contesse, 2019). Given the number of these cases against the military and public attitudes toward that institution, continuing to order accountability may ultimately decrease the chances of the Inter-American Court achieving complete compliance with its rulings. At the extreme, continuing to ask states to face judgments against the military that force them to confront the past may increase the likelihood of backlash and exit. Non-compliance may be one form of resistance to international courts (Madsen, Cebulak & Wiebusch, 2018), but it is not the only one. Resistance to compliance in these cases has not yet reached the level of backlash – no state has exited the Inter-American Court over the rulings against the military (Sandholtz, Bei & Caldwell, 2018; Soley & Steininger, 2018).²² However, if the costs of membership in the institution continue to rise because of the Court’s insistence on remedies that even the public does not support, withdrawal may become a more attractive option.

While international human rights courts can help facilitate leaders’ domestic responsiveness to citizens by consolidating information and legitimizing demands for reform, this only works when the aims of the human rights court and public are the same. Moving forward, we have to allow for the possibility that the public’s preferences can shift. In other words, voters may no longer demand human rights, or may not demand compliance with rulings in every instance. This incongruity of preferences presents international courts with yet another challenge to navigate when it comes to enforcement. This is not to say that courts should give in to the preferences of an illiberally inclined democratic public, but rather to acknowledge another factor that may delay – or even outright deny – the provision of justice to victims of human rights abuses.

²²However, it is well-documented that overlegalization has prompted withdrawal at other international courts (Helfer, 2002; Alter, Gathii & Helfer, 2016).

Replication data

The dataset, codebook, and R scripts for analyses shown here, along with the Online appendix, can be found at <http://www.prio.org/jpr/datasets>. All analyses were run using R Version 3.6.3.

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References

- Achugar, Mariana (2007) Between remembering and forgetting: Uruguayan military discourse about human rights (1976—2004). *Discourse & Society* 18(5): 521–547.
- Aguilar, Paloma; Laia Balcells & Héctor Cebolla Boado (2011) Determinants of attitudes to-

- ward transitional justice: An empirical analysis of the Spanish case. *Comparative Political Studies* 44(10): 1397–1430.
- Alemán, Eduardo & George Tsebelis (2005) The origins of presidential conditional agenda-setting power in Latin America. *Latin American Research Review* 40(2): 3–26.
- Alter, Karen J (2014) *The New Terrain of International Law: Courts, Politics, Rights*. Princeton, NJ: Princeton University Press.
- Alter, Karen J; James T Gathii & Laurence R Helfer (2016) Backlash against international courts in West, East and Southern Africa: Causes and consequences. *European Journal of International Law* 27(2): 293–328.
- Baetschmann, Gregori & Rainer Winkelmann (2013) Modeling zero-inflated count data when exposure varies: With an application to tumor counts. *Biometrical Journal* 55(5): 679–686.
- Bailliet, Cecilia (2013) Measuring compliance with the Inter-American Court of Human Rights: The ongoing challenge of judicial independence in Latin America. *Nordic Journal of Human Rights* 31(4): 477–495.
- Balcells, Laia (2012) The consequences of victimization on political identities: Evidence from Spain. *Politics & Society* 40(3): 311–347.
- Bargsted, Matías; Nicolás M Somma & Juan Carlos Castillo (2017) Political trust in Latin America. In: Sonja Zmerli & Tom W G van der Meer (eds) *Handbook on Political Trust*. Northampton, MA: Edward Elgar, 395–417.
- Beristain, Carlos Martín (2009) *Diálogos sobre la reparación [Conversations about Reparations]*. Quito: Instituto Interamericano de Derechos Humanos.
- Bloomfield, Alan (2016) Norm antipreneurs and theorising resistance to normative change. *Review of International Studies* 42(2): 310–333.

- Brambor, Thomas; William Roberts Clark & Matt Golder (2006) Understanding interaction models: Improving empirical analyses. *Political Analysis* 14(1): 63–82.
- Búzás, Zoltán I (2017) Evading international law: How agents comply with the letter of the law but violate its purpose. *European Journal of International Relations* 23(4): 857–883.
- Búzás, Zoltán I (2018) Is the good news about law compliance good news about norm compliance? The case of racial equality. *International Organization* 72(2): 351–385.
- Calderari, Juliana (2014) Supreme Court ministers disagree arguing the validity of amnesty law again. *Folha de S.Paulo* 11 December (<https://www1.folha.uol.com.br/internacional/en/brazil/2014/12/1560796-supreme-court-ministers-disagree-arguing-the-validity-of-amnesty-law-again.shtml>).
- Chaudoin, Stephen (2014) Promises or policies? An experimental analysis of international agreements and audience reactions. *International Organization* 68(1): 235–256.
- Chilton, Adam (2014) The influence of international human rights agreements on public opinion: An experimental approach. *Chicago Journal of International Law* 15(1): 110–137.
- Chilton, Adam S & Mila Versteeg (2016) International law, constitutional law, and public support for torture. *Research & Politics* 3(1): 1–9.
- Choi, Seung-Whan & Patrick James (2005) *Civil-Military Dynamics, Democracy, and International Conflict: A New Quest for International Peace*. New York: Palgrave Macmillan.
- Citrin, Jack & Donald Philip Green (1986) Presidential leadership and the resurgence of trust in government. *British Journal of Political Science* 16(4): 431–453.
- Cohen, Harlan Grant & Ryan Powers (2022) Judicialization and public support for compliance with international commitments. *University of Georgia School of Law Legal Studies Research Paper* (2022-03).

- Cole, Wade M (2012) Institutionalizing shame: The effect of human rights committee rulings on abuse, 1981–2007. *Social Science Research* 41(3): 539–554.
- Conant, Lisa (2014) Compelling criteria? Human rights in the European Union. *Journal of European Public Policy* 21(5): 713–729.
- Conrad, Courtenay R; Daniel W Hill Jr & Will H Moore (2018) Torture and the limits of democratic institutions. *Journal of Peace Research* 55(1): 3–17.
- Conrad, Courtenay R & Emily Hencken Ritter (2013) Treaties, tenure, and torture: The conflicting domestic effects of international law. *Journal of Politics* 75(2): 397–409.
- Contesse, Jorge (2019) Resisting the Inter-American human rights system. *Yale Journal of International Law* 44(2): 179–237.
- Coppedge, Michael; John Gerring, Staffan I Lindberg, Svend-Erik Skaaning, Jan Teorell, David Altman Altman, Frida Andersson, Michael Bernhard, Steven M Fish, Adam Glynn, Allen Hicken, Carl Henrik Knutsen, Kyle L Marquardt, Kelly McMann McMann, Valeriya Mechkova, Pamela Paxton, Daniel Pemstein Pemstein, Laura Saxer, Brigitte Seim, Rachel Sigman & Jeffrey Staton (2017) V-Dem Codebook v7.1. Varieties of Democracy (V-Dem) Project.
- Corrales, Javier & Michael Penfold (2014) Manipulating term limits in Latin America. *Journal of Democracy* 25(4): 157–168.
- Curry, Jane L (2007) When an authoritarian state victimizes the nation: Transitional justice, collective memory, and political divides. *International Journal of Sociology* 37(1): 58–73.
- Dai, Xinyuan (2005) Why comply? The domestic constituency mechanism. *International Organization* 59(2): 363–398.
- Dai, Xinyuan (2006) The conditional nature of democratic compliance. *Journal of Conflict Resolution* 50(5): 690–713.

- Dai, Xinyuan (2014) The conditional effects of international human rights institutions. *Human Rights Quarterly* 36(3): 569–589.
- de Brito, Alexandra Barahona (2001) Truth, justice, memory, and democratization in the Southern Cone. In: Alexandra Barahona de Brito; Carmen González Enríquez & Paloma Aguilar (eds) *The Politics of Memory and Democratization*. Oxford: Oxford University Press, 119–160.
- D’Orsi, Lorenzo (2015) Trauma and the politics of memory of the Uruguayan dictatorship. *Latin American Perspectives* 42(3): 162–179.
- Downs, George W & David M Roake (1995) *Optimal Imperfection?: Domestic Uncertainty and Institutions in International Relations*. Princeton, NJ: Princeton University Press.
- Drinan, Robert (2002) *The Mobilization of Shame: A World View of Human Rights*. New Haven, CT: Yale University Press.
- Easton, David (1975) A re-assessment of the concept of political support. *British Journal of Political Science* 5(4): 435–457.
- Fariss, Christopher J; Michael R Kenwick & Kevin Reuning (2020) Estimating one-sided-killings from a robust measurement model of human rights. *Journal of Peace Research* 57(6): 801–814.
- French, Howard W (1993) Rebuffing the UN, El Salvador grants amnesty. *New York Times* 21 March (<https://www.nytimes.com/1993/03/21/world/rebuffing-the-un-el-salvador-grants-amnesty.html>).
- Geddes, Barbara; Joseph Wright & Erica Frantz (2014) Autocratic breakdown and regime transitions: A new data set. *Perspectives on Politics* 12(2): 313–331.
- Grindle, Merilee S (1987) Civil-military relations and budgetary politics in Latin America. *Armed Forces & Society* 13(2): 255–275.

- Hafner-Burton, Emilie (2005) Trading human rights: How preferential trade agreements influence government repression. *International Organization* 59(3): 593–629.
- Hafner-Burton, Emilie (2008) Sticks and stones: Naming and shaming the human rights enforcement problem. *International Organization* 62(4): 689–716.
- Haglund, Jillienne (2020) *Regional Courts, Domestic Politics, and the Struggle for Human Rights*. Cambridge: Cambridge University Press.
- Hall, Jonathan; Iosif Kovras, Djordje Stefanovic & Neophytos Loizides (2018) Exposure to violence and attitudes towards transitional justice. *Political Psychology* 39(2): 345–363.
- Hardin, James W & Joseph M Hilbe (2014) Estimation and testing of binomial and beta-binomial regression models with and without zero inflation. *Stata Journal* 14(2): 292–303.
- Helfer, Laurence R (2002) Overlegalizing human rights: International relations theory and the Commonwealth Caribbean backlash against human rights regimes. *Columbia Law Review* 102(7): 1832–1911.
- Hetherington, Marc J (1998) The political relevance of political trust. *American Political Science Review* 92(4): 791–808.
- Hetherington, Marc J (1999) The effect of political trust on the presidential vote, 1968–96. *American Political Science Review* 93(2): 311–326.
- Hillebrecht, Courtney (2012) The domestic mechanisms of compliance with international human rights law: Case studies from the Inter-American human rights system. *Human Rights Quarterly* 34(4): 959–985.
- Hillebrecht, Courtney (2014) *Domestic Politics and International Human Rights Tribunals: The Problem of Compliance*. New York: Cambridge University Press.
- Honaker, James; Gary King & Matthew Blackwell (2011) Amelia II: A program for missing data. *Journal of Statistical Software* 45(7): 1–47.

- Huneus, Alexandra (2011) Courts resisting courts: Lessons from the Inter-American Court's struggle to enforce human rights. *Cornell International Law Journal* 44(3): 493–534.
- Huneus, Alexandra (2019) When illiberals embrace human rights. *AJIL Unbound* 113: 380–384.
- Instituto Universitario de Opinión Pública [University Institute of Public Opinion] (2012) Consulta de opinión pública de Noviembre de 2011 [Public opinion survey of November 2011]. (<http://www.uca.edu.sv/publica/iudop/archivos/informe128.pdf>).
- Inter-American Court of Human Rights (2005) Case of Serrano Cruz sisters v. El Salvador. Judgment of March 1, 2005 (Merits, reparations, and costs). Serie C no. 120.
- Isaacs, Anita (2010) At war with the past? The politics of truth seeking in Guatemala. *International Journal of Transitional Justice* 4(2): 251–274.
- Kahler, Miles (2000) Conclusion: The causes and consequences of legalization. *International Organization* 54(3): 661–683.
- Keck, Margaret & Kathryn Sikkink (1998) *Activists Beyond Borders: Advocacy Networks in International Politics*. Ithaca, NY: Cornell University Press.
- Keck, Margaret & Kathryn Sikkink (1999) Transnational advocacy networks in international and regional politics. *International Social Science Journal* 51(159): 89–101.
- Kreps, Sarah E & Geoffrey PR Wallace (2016) International law, military effectiveness, and public support for drone strikes. *Journal of Peace Research* 53(6): 830–844.
- Lessa, Francesca (2011) 'No hay que tener los ojos en la nuca': The memory of violence in Uruguay, 1973–2010. In: Francesca Lessa & Vincent Druliolle (eds) *The Memory of State Terrorism in the Southern Cone: Argentina, Chile, and Uruguay*. New York: Palgrave Macmillan, 179–208.

- Lessa, Francesca; Tricia D Olsen, Leigh A Payne, Gabriel Pereira & Andrew G Reiter (2014) Overcoming impunity: Pathways to accountability in Latin America. *International Journal of Transitional Justice* 8(1): 75–98.
- Londoño, Ernesto & Shasta Darlington (2018) Brazil’s military is put in charge of security in Rio de Janeiro. *New York Times* 16 February (<https://www.nytimes.com/2018/02/16/world/americas/brazil-rio-military-security.html>).
- Lupu, Noam & Leonid Peisakhin (2017) The legacy of political violence across generations. *American Journal of Political Science* 61(4): 836–851.
- Lupu, Yonatan & Geoffrey PR Wallace (2019) Violence, nonviolence, and the effects of international human rights law. *American Journal of Political Science* 63(2): 411–426.
- Madsen, Mikael Rask; Pola Cebulak & Micha Wiebusch (2018) Backlash against international courts: Explaining the forms and patterns of resistance to international courts. *International Journal of Law in Context* 14(2): 197–220.
- Madsen, Mikael Rask; Juan A Mayoral, Anton Strezhnev & Erik Voeten (2022) Sovereignty, substance, and public support for European Courts’ human rights rulings. *American Political Science Review* 116(2): 419–438.
- Marshall, Monty G & Ted Robert Gurr (2020) Polity5: Political regime characteristics and transitions, 1800-2018. Center for Systemic Peace (<https://www.systemicpeace.org/inscrdata.html>).
- Mills, Kurt & Alan Bloomfield (2018) African resistance to the International Criminal Court: Halting the advance of the anti-impunity norm. *Review of International Studies* 44(1): 101–127.

- Naurin, Daniel & Øyvind Stiansen (2020) The dilemma of dissent: Split judicial decisions and compliance with judgments from the international human rights judiciary. *Comparative Political Studies* 53(6): 959–991.
- Pion-Berlin, David & Miguel Carreras (2017) Armed forces, police and crime-fighting in Latin America. *Journal of Politics in Latin America* 9(3): 3–26.
- Putnam, Tonya L & Jacob N Shapiro (2017) International law and voter preferences: The case of foreign human rights violations. *Human Rights Review* 18(3): 243–262.
- Risse, Thomas; Stephen Ropp & Kathryn Sikkink, eds (1999) *The Power of Human Rights: International Norms and Domestic Change*. New York: Cambridge University Press.
- Rozenas, Arturas & Anastasiia Vlasenko (2022) The real consequences of symbolic politics: breaking the Soviet past in Ukraine. *Journal of Politics* 84(3): 1263–1277.
- Sanders, Rebecca (2018) Norm spoiling: Undermining the international women’s rights agenda. *International Affairs* 94(2): 271–291.
- Sandholtz, Wayne; Yining Bei & Kayla Caldwell (2018) Backlash and international human rights courts. In: Alison Brysk & Michael Stohl (eds) *Contracting Human Rights: Crisis, Accountability, and Opportunity*. Northampton, MA: Edward Elgar, 159–178.
- Scartascini, Carlos; Cesi Cruz & Philip Keefer (2021) Database of Political Institutions 2020. (<http://dx.doi.org/10.18235/0003049>).
- Shkliarov, Vitali; Vera Mironova & Sam Whitt (2022) Legacies of Stalin or Putin? Public opinion and historical memory in Ukraine. *Political Research Quarterly* 75(4): 966–981.
- Simmons, Beth A (2000) International law and state behavior: Commitment and compliance in international monetary affairs. *American Political Science Review* 94(4): 819–835.
- Simmons, Beth A (2009) *Mobilizing for Human Rights: International Law in Domestic Politics*. New York: Cambridge University Press.

- Stockholm International Peace Research Institute (2021) SIPRI Military Expenditure Database. (<https://milex.sipri.org/sipri>).
- Smith-Cannoy, Heather (2012) *Insincere Commitments: Human Rights Treaties, Abusive States, and Citizen Activism*. Washington, DC: Georgetown University Press.
- Soley, Ximena & Silvia Steininger (2018) Parting ways or lashing back? Withdrawals, backlash and the Inter-American Court of Human Rights. *International Journal of Law in Context* 14(2): 237–257.
- Staton, Jeffrey K & Alexia Romero (2019) Rational remedies: The role of opinion clarity in the Inter-American human rights system. *International Studies Quarterly* 63(3): 477–491.
- Villamil, Francisco & Laia Balcells (2021) Do TJ policies cause backlash? Evidence from street name changes in Spain. *Research & Politics* 8(4): 1–7.
- Voeten, Erik (2020) Populism and backlashes against international courts. *Perspectives on Politics* 18(2): 407–422.
- Wallace, Geoffrey PR (2013) International law and public attitudes toward torture: An experimental study. *International Organization* 67(1): 105–140.
- World Bank (2021a) World Development Indicators. (<https://databank.worldbank.org/source/world-development-indicators>).
- World Bank (2021b) World Governance Indicators. (<https://info.worldbank.org/governance/wgi/>).
- Zhukov, Yuri M & Roya Talibova (2018) Stalin’s terror and the long-term political effects of mass repression. *Journal of Peace Research* 55(2): 267–283.

Tables

Table I. Distribution of implicated actors in cases before the Inter-American Court of Human Rights

Implicated Actor	Count	Percentage
Military	64	36%
Police	33	18.5%
Courts	27	15.2%
Ministry	12	6.7%
Private citizens	10	5.6%
Paramilitary	6	3.4%
Commission	6	3.4%
Cabinet members	5	2.8%
Other	15	8.4%

“Other” includes actors implicated in fewer than five cases, including hospital doctors (3 cases), Congress (3 cases), and prison guards (2 cases). Percentage is of the 178 judgments issued against the state between 1989 and 2014.

Table II. Proximity to election moderates the effect of distrust of military on the probability of compliance

	<i>Event: full compliance with order</i>							
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Distrust of military	1.43***	1.41***	1.32**	1.54***	1.57***	1.24**	0.82	0.99
	(0.41)	(0.42)	(0.44)	(0.42)	(0.43)	(0.41)	(0.54)	(0.63)
Proximity to election	0.03	0.05	0.01	0.03	0.01	0.02	-0.02	0.05
	(0.09)	(0.09)	(0.09)	(0.09)	(0.09)	(0.12)	(0.09)	(0.11)
Distrust of military × Proximity to election	0.49***	0.49***	0.50***	0.52***	0.49***	0.46**	0.39**	0.47**
	(0.14)	(0.14)	(0.14)	(0.15)	(0.14)	(0.15)	(0.15)	(0.18)
Multilateral debt		0.00						-0.04
		(0.02)						(0.04)
DAC aid (log)		0.30						0.27
		(0.30)						(0.32)
GDP/capita (log)			-3.16					-0.44
			(1.99)					(4.46)
Unemployment			0.01					-0.12
			(0.15)					(0.21)
Majority seats			-0.57					-1.39
			(1.17)					(1.65)
Current administration crime				-0.17				0.38
				(0.60)				(0.47)
Term limit executive				-0.09				-0.92*
				(0.37)				(0.50)
Rule of law					2.25			1.63
					(1.33)			(1.97)
Civil society participation					3.03			2.81
					(2.70)			(4.16)
Left government						-0.34		-0.65
						(0.36)		(0.45)
Years since transition						-0.16**		-0.24
						(0.05)		(0.16)
Polity						0.03		-0.34*
						(0.10)		(0.15)
Repression (violation)							0.32	-0.05
							(0.44)	(0.52)
Repression (current)							-2.84***	-2.34*
							(0.68)	(1.07)
Military expenditure (% of GDP)							-0.89	-0.19
							(1.01)	(1.17)
Years since violation							0.06*	0.12**
							(0.03)	(0.04)
Num. obs.	2827	2827	2827	2827	2827	2827	2827	2827
Num. events	184	184	184	184	184	184	184	184
Victim identity	No	No	No	No	No	No	Yes	Yes

*** $p < 0.001$, ** $p < 0.01$, * $p < 0.05$

All models include fixed effects for state and issue area, as well as indicator variables for particular compliance orders. Standard errors are clustered by case in all models. Coefficients on the control variables are discussed in the Online appendix.

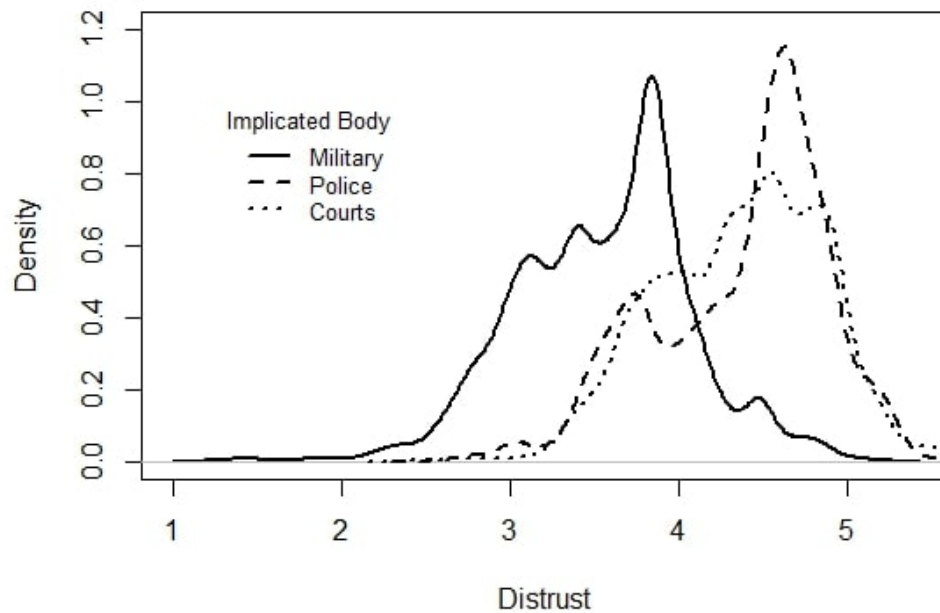
Table III. Predicted probabilities of compliance for three different states, at hypothetical proximity to the next election

Proximity to election	Brazil	El Salvador	Guatemala
	High trust	Med trust	Low trust
3 years	22%	41%	36%
2 years	17%	38%	40%
1 year	13%	36%	44%
Election year	10%	33%	49%

Predictions were generated using Model (1) in Table II setting issue to forced disappearance and order to publicly accept responsibility. Distrust of military is set at the 75th percentile for each state. The probabilities can be interpreted as the probability of compliance in the fourth year after judgment for each of these states, for a given proximity to the election.

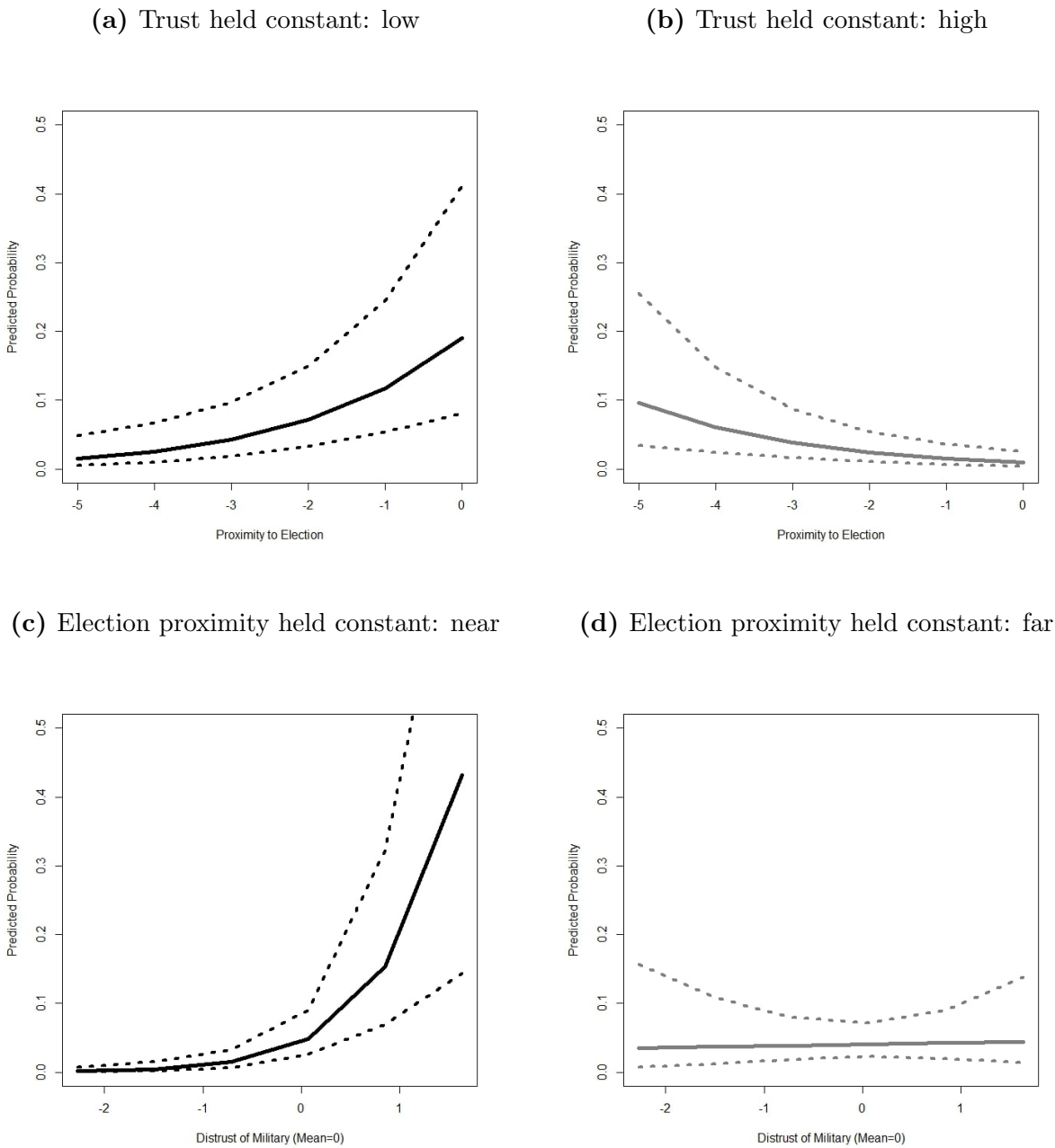
Figures

Figure 1. Citizens are more ambivalent about the military compared to police and courts



Density plot of distrust of military, police, and courts, 2004–2014. The mean level of distrust of the military is about one point lower than the mean level of distrust of the police and courts. Lower levels of distrust imply higher levels of trust.

Figure 2. Illustration of the interaction effect between election proximity and distrust of military



Predicted probability is the probability of compliance in the fourth year post-judgment, for a case involving murder of civilians (issue fixed effect), for the average state and average compliance order.

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