

**Due Process and Accountability Under Transitional Justice: Evidence from
Mosul, Iraq**

Online Supplementary Material

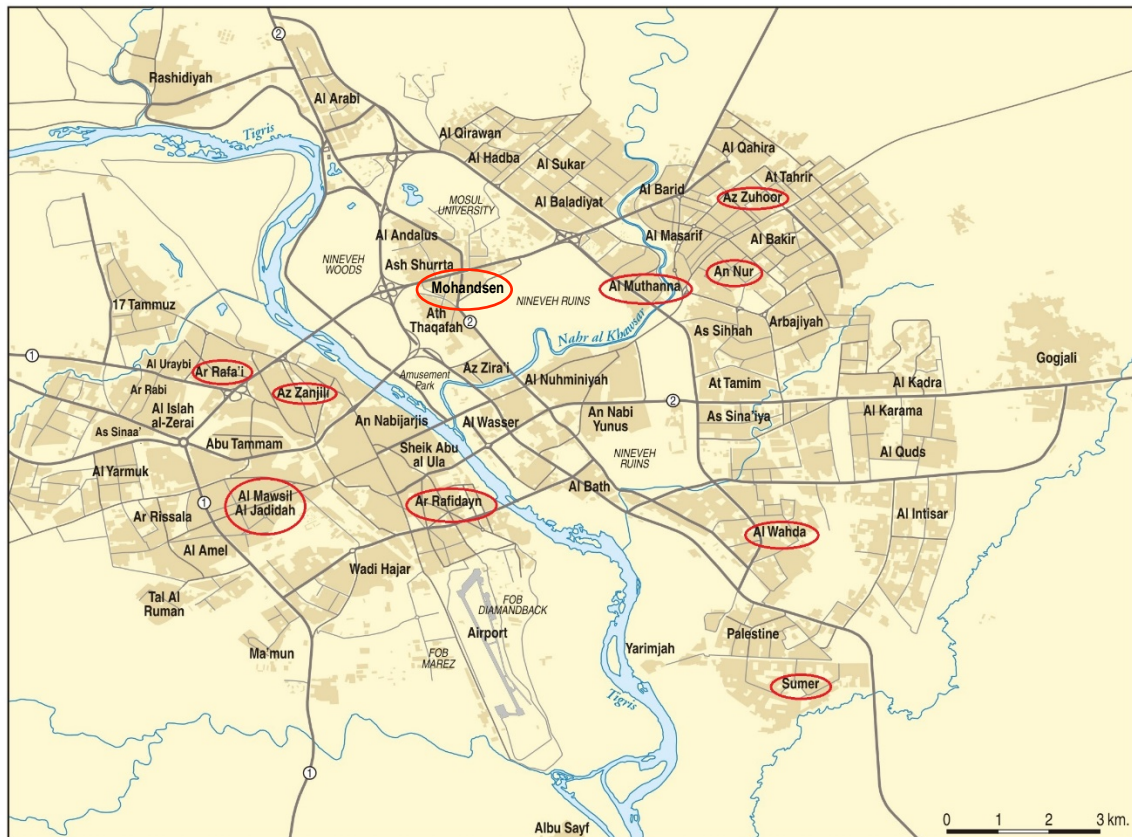
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Mosul Sampling Locations

Location	Coordinates	N	%
Al Noor	(36°21'49.72"N 43°11'17.73"E)	30	7.48
Al Zuhor	(36°22'38.41"N 43°10'54.29"E)	33	8.23
Dawasa (Ar Rafidayn)	(36°20'02.1"N 43°08'16.62"E)	40	9.98
Hay Al Muthanna	(36°22'20.87"N 43°10'27.9"E)	30	7.48
Hay Al Nabi Sheet (Ar Rafidayn)	(36°19'59.52"N 43°08'09.27"E)	25	6.23
Hay Al Raafai	(36°21'24.89"N 43°05'22.06"E)	32	7.98
Hay Al Summar	(36°18'04.33"N 43°11'58.17"E)	41	10.22
Hay Al Wahda	(36°19'45.77"N 43°11'13.89"E)	36	8.98
Hay Al Zanjilil	(36°20'55.39"N 43°06'33.21"E)	48	11.97
Mohandsen	(36°22'02.76"N 43°08'13.71"E)	31	7.73
Mosul Jadida	(36°20'04.01"N 43°06'15.11"E)	55	13.72

Mosul Sampling Locations Map



Camp Sampling Locations

Location 1. Qayyarah Jadah 5+Airstrip/Madraj (Lat.35° 44' 40.881" N Long. 43° 16' 4.054" E)



Location 2. Hamam Alil 1+2 (Lat.36° 9' 43.322" N Long. 43° 14' 49.094" E)





Location 3. As Salamyiah Nimrud (Lat.36° 6' 54.860" N Long. 43° 19' 15.074" E)



Source:

https://reliefweb.int/sites/reliefweb.int/files/resources/irq_factsheet_idp_camp_profile_round_x_august2018.pdf

Survey Instruments

Due Process Survey Vignette

Consider the case of Mustafa

INTERVIEWER RANDOMIZE TREATMENTS – RECORD WHICH TREATMENT IS PRESENTED TO SUBJECT

1. After the liberation of Mosul, witnesses have come forward claiming that Mustafa was working for ISIS as an informant. Mustafa denies this. At his trial, Mustafa had no independent lawyer and was not able to speak in his defense. The judge decided to sentence Mustafa to death.
2. After the liberation of Mosul, witnesses have come forward claiming that Mustafa was working for ISIS as an informant. Mustafa denies this. At his trial, Mustafa had an independent lawyer and was able to speak in his defense. The judge decided to sentence Mustafa to death.

Based on the information above, how likely/unlikely are the following statements?

	Definitely Yes	Probably Yes	Probably Not	Definitely Not
a) He had a fair trial	1	2	3	4
b) He was guilty	1	2	3	4
c) Witnesses were telling the truth	1	2	3	4
d) The judge made the right decision	1	2	3	4
e) The sentence was proportional to the crime	1	2	3	4
f) The sentence was motivated by revenge	1	2	3	4

Table 1. Combined Index of Perception of Judicial Fairness (Factor Analysis)

Factor analysis/correlation		Number of obs =	579
Method: principal factors		Retained factors =	3
Rotation: (unrotated)		Number of params =	15

Factor	Eigenvalue	Difference	Proportion	Cumulative
Factor1	3.60458	3.38560	1.0018	1.0018
Factor2	0.21898	0.13701	0.0609	1.0627
Factor3	0.08197	0.12694	0.0228	1.0855
Factor4	-0.04498	0.07478	-0.0125	1.0730
Factor5	-0.11976	0.02310	-0.0333	1.0397
Factor6	-0.14285	.	-0.0397	1.0000

LR test: independent vs. saturated: $\chi^2(15) = 2317.17$ Prob> $\chi^2 = 0.0000$

Factor loadings (pattern matrix) and unique variances

Variable	Factor1	Factor2	Factor3	Uniqueness
fairdp	0.8925	-0.0409	-0.1109	0.1894
guiltdp	0.6399	0.0562	0.2150	0.5411
truthdp	0.8494	0.1585	0.0860	0.2460
rightdp	0.9196	-0.0698	-0.0619	0.1456
justdp	0.7343	-0.3120	0.0067	0.3635
revrevengedp	0.5405	0.2946	-0.1103	0.6089

ISIS Punishment Preferences Instrument

Since ISIS was driven from power, the Iraqi government must decide what to do with people who supported ISIS and worked for them in various ways in Mosul over the past few years. Below are examples of different types of people who have been identified as having worked in some way for ISIS by the Iraqi Army and confirmed by local witnesses. What do you think should be done with these people?

Response Options

1. Amnesty, should be pardoned
2. Short-term prison detention (6-15 years) with eventual rehabilitation and return to society
3. Long-term prison detention (15-40 years) with eventual rehabilitation and return to society
4. Life-time prison sentence
5. Death penalty

	Amnesty, pardoned	Short- term prison	Long- term prison	Life in prison	Death Penalty
a) ISIS leaders, commanders	1	2	3	4	5
b) ISIS fighters, Iraqis	1	2	3	4	5
c) ISIS fighters, foreigners	1	2	3	4	5
d) ISIS religious police, informants (Hizba, Amni)	1	2	3	4	5
e) Civilians who worked directly supporting ISIS fighters, but did not fight (cooks, medics, mechanics)	1	2	3	4	5
f) Civilians who did administrative work for ISIS, but did not fight (office workers, secretaries)	1	2	3	4	5
g) Civilians who did manual labor for ISIS in Mosul, but did not fight (construction, sanitation, farming)	1	2	3	4	5
h) Civilians who worked for ISIS in routine law enforcement but did not fight (traffic police, security guards)	1	2	3	4	5
i) Anyone who paid taxes to ISIS	1	2	3	4	5

Did any of the following happen to you while ISIS was in control of Mosul from 2014 through 2017?

	Yes
a) Were you punished in any way for violating ISIS rules?	1
b) Were immediate family members punished for violating ISIS law?	1
c) Were you injured by ISIS fighters, police, or supporters?	1
d) Were any of your immediate family members injured?	1
e) Were any of your immediate family members killed?	1
f) Were you detained or imprisoned by ISIS?	1
g) Did you flee your home due to threats from ISIS?	1
h) Was your home or property occupied or looted by ISIS?	1
i) Women or other family members abused or assaulted by ISIS?	1

Table 2. Factor Analysis of Victimization Index

Factor analysis/correlation		Number of obs =	596			
Method: principal factors		Retained factors =	5			
Rotation: (unrotated)		Number of params =	35			

Factor	Eigenvalue	Difference	Proportion	Cumulative		

Factor1	1.29834	0.54391	0.7524	0.7524		
Factor2	0.75444	0.35373	0.4372	1.1896		
Factor3	0.40071	0.35703	0.2322	1.4219		
Factor4	0.04368	0.03494	0.0253	1.4472		
Factor5	0.00874	0.10054	0.0051	1.4522		
Factor6	-0.09180	0.07987	-0.0532	1.3990		
Factor7	-0.17166	0.07695	-0.0995	1.2996		
Factor8	-0.24861	0.01967	-0.1441	1.1555		
Factor9	-0.26828	.	-0.1555	1.0000		

LR test: independent vs. saturated: chi2(36) = 633.33 Prob>chi2 = 0.0000						
Factor loadings (pattern matrix) and unique variances						

Variable	Factor1	Factor2	Factor3	Factor4	Factor5	Uniqueness

punishedis	0.3398	0.4775	-0.1422	-0.0247	0.0141	0.6355
familypuni~s	0.2723	0.4101	-0.1536	0.0832	-0.0280	0.7264
injuredis	-0.1843	-0.1268	0.2567	0.1292	0.0025	0.8674
familyinju~s	0.2058	0.0537	0.3332	0.0159	-0.0465	0.8413
familykill~s	0.2273	0.0640	0.3169	-0.0575	0.0500	0.8380
imprisonedis	0.3036	0.1660	0.0723	0.1040	0.0377	0.8628
fleehomeis	0.6125	-0.3829	-0.0616	-0.0037	-0.0267	0.4738
hometakenis	0.6455	-0.3271	-0.0992	0.0177	0.0209	0.4658
womenabuse~s	0.3111	0.2325	0.2463	-0.0689	-0.0227	0.7833

Items Measuring Trust in Government/Courts

How much do you trust the following when it comes to following the rule of law?

	A great deal	A fair amount	Not very much	None at all
a) The Iraqi Government in Baghdad	1	2	3	4
b) Local authorities in Mosul	1	2	3	4
c) Iraqi courts in Mosul	1	2	3	4
d) Iraqi Courts Outside Mosul	1	2	3	4
e) Iraqi Criminal Courts in general	1	2	3	4
f) Iraqi counterterrorism courts	1	2	3	4

Table 3. Factor Analysis of Judicial Trust

```

. factor trustgov trustlocalgov trustcourtsm trustcourtsnotm trustcrimcourts
trustctcourts
(obs=586)

Factor analysis/correlation          Number of obs   =       586
Method: principal factors           Retained factors =         3
Rotation: (unrotated)              Number of params =       15

-----
      Factor |      Eigenvalue   Difference   Proportion   Cumulative
-----+-----
      Factor1 |      3.26906     2.85569     0.9760     0.9760
      Factor2 |      0.41337     0.35374     0.1234     1.0994
      Factor3 |      0.05963     0.11703     0.0178     1.1172
      Factor4 |     -0.05740     0.06434    -0.0171     1.1000
      Factor5 |     -0.12174     0.09159    -0.0363     1.0637
      Factor6 |     -0.21333          .    -0.0637     1.0000
-----

LR test: independent vs. saturated:  chi2(15) = 1846.15 Prob>chi2 = 0.0000

Factor loadings (pattern matrix) and unique variances

-----
      Variable |      Factor1   Factor2   Factor3 |      Uniqueness
-----+-----+-----+-----+-----
      trustgov |      0.7070   0.2166   0.1520 |      0.4301
      trustlocal~v |      0.6691   0.3744   0.0284 |      0.4112
      trustcourtsm |      0.6894   0.1497  -0.1712 |      0.4730
      trustcour~tm |      0.8292  -0.0265  -0.0671 |      0.3072
      trustcrimc~s |      0.7824  -0.3185   0.0331 |      0.2854
      trustctcou~s |      0.7392  -0.3190   0.0287 |      0.3511
-----

```

Items Measuring Perceptions of Judicial Corruption

To what extent do you agree or disagree with the following statements?

	Strongly Agree	Somewhat Agree	Somewhat disagree	Strongly disagree
a) There is a lot of corruption in the Iraqi court system	1	2	3	4
b) Judges mainly want revenge against ISIS	1	2	3	4
c) Court trials are biased against those suspected of supporting ISIS	1	2	3	4
d) Some of the people convicted of supporting ISIS could be innocent	1	2	3	4
e) Trials are biased against Iraqi Sunnis	1	2	3	4

Table 4. Factor Index of Judicial Corruption

```

. factor courtscorrupt judgesrevenge biasedisis someinnocent biasedsunni
(obs=591)

Factor analysis/correlation
Method: principal factors
Rotation: (unrotated)

Number of obs = 591
Retained factors = 2
Number of params = 9

-----+-----+-----+-----+-----+
      Factor | Eigenvalue  Difference  Proportion  Cumulative
-----+-----+-----+-----+-----+
Factor1 | 1.73703    1.59076    1.1769    1.1769
Factor2 | 0.14628    0.22486    0.0991    1.2760
Factor3 | -0.07859   0.06090   -0.0532    1.2228
Factor4 | -0.13949   0.04980   -0.0945    1.1282
Factor5 | -0.18929   .          -0.1282    1.0000
-----+-----+-----+-----+-----+

LR test: independent vs. saturated:  chi2(10) = 648.66 Prob>chi2 = 0.0000

Factor loadings (pattern matrix) and unique variances

-----+-----+-----+-----+
      Variable | Factor1  Factor2 | Uniqueness
-----+-----+-----+-----+
courtscorr~t | 0.2822  0.2505 | 0.8577
judgesreve~e | 0.7491 -0.1510 | 0.4161
  biasedisis | 0.7711 -0.1030 | 0.3948
someinnocent | 0.4376  0.2190 | 0.7606
  biasedsunni | 0.5570  0.0468 | 0.6876
-----+-----+-----+-----+

```

Items Measuring Likelihood of ISIS Surrender (Mosul)

To what extent do you agree or disagree with the following statements?

	Strongly Agree	Somewhat Agree	Somewhat disagree	Strongly disagree
a) If amnesty is given to ISIS fighters, they will stop fighting	1	2	3	4
b) ISIS fighters who surrender and cooperate with the Iraqi authorities should be pardoned	1	2	3	4
c) Offering amnesty to ISIS fighters during the 2017 liberation would have ended the battle sooner and reduced casualties.	1	2	3	4
d) The Iraqi government should have negotiated with ISIS to peacefully resolve the conflict	1	2	3	4

Table 5. Factor Index of Likelihood of ISIS Surrender (Mosul)

```

. factor amnesty pardonpows amnestylib neglib
(obs=400)

Factor analysis/correlation                               Number of obs   =       400
Method: principal factors                               Retained factors =        2
Rotation: (unrotated)                                 Number of params =        6

-----
      Factor |      Eigenvalue   Difference      Proportion   Cumulative
-----+-----
Factor1 |      1.68187      1.63560      1.2336      1.2336
Factor2 |      0.04627      0.22541      0.0339      1.2676
Factor3 |     -0.17914      0.00649     -0.1314      1.1362
Factor4 |     -0.18563          .     -0.1362      1.0000
-----
LR test: independent vs. saturated:  chi2(6) = 396.51 Prob>chi2 = 0.0000

Factor loadings (pattern matrix) and unique variances

-----
      Variable |      Factor1   Factor2 |      Uniqueness
-----+-----+-----
      amnesty |      0.6985    0.0746 |      0.5065
      pardonpows |      0.5338    0.1466 |      0.6936
      amnestylib |      0.6945   -0.0838 |      0.5107
      neglib |      0.6533   -0.1104 |      0.5611
-----

```

Items Measuring Likelihood of ISIS Surrender (IDP Camps)

What do you think it would take to get ISIS fighters to stop fighting and surrender? Please tell me if you think the following would convince ISIS fighters to stop fighting?

	Definitely Yes	Probably Yes	Probably Not	Definitely Not
a) Promise of a fair trial	1	2	3	4
b) Protections against torture for those who surrender	1	2	3	4
c) Promise that the Iraqi government will not seek the death penalty those who voluntarily surrender	1	2	3	4
d) Reduced prison sentences for those who surrender voluntarily	1	2	3	4
e) Protection for fighters and their families from ISIS punishment for surrendering	1	2	3	4
f) Protection for fighters and their families from Iraqis who seek revenge against them for fighting for ISIS	1	2	3	4
g) Provide ISIS fighters and their families with temporary financial assistance	1	2	3	4

Table 6. Factor Index of Likelihood of ISIS Surrender (IDP Camps)

```

. factor fairtrial notorture nodeathpenalty lessprison protectisis protectiraqi
financialaid
(obs=180)

Factor analysis/correlation                               Number of obs   =       180
Method: principal factors                               Retained factors =         4
Rotation: (unrotated)                                 Number of params =       21

```

Factor	Eigenvalue	Difference	Proportion	Cumulative
Factor1	2.90073	2.55921	1.0072	1.0072
Factor2	0.34152	0.24750	0.1186	1.1258
Factor3	0.09402	0.04075	0.0326	1.1585
Factor4	0.05327	0.16179	0.0185	1.1770
Factor5	-0.10852	0.06178	-0.0377	1.1393
Factor6	-0.17030	0.06055	-0.0591	1.0802
Factor7	-0.23084	.	-0.0802	1.0000

```

LR test: independent vs. saturated:  chi2(21) = 433.55 Prob>chi2 = 0.0000

```

Factor loadings (pattern matrix) and unique variances

Variable	Factor1	Factor2	Factor3	Factor4	Uniqueness
fairtrial	-0.3077	0.1225	0.2227	0.0287	0.8399
notorture	0.6580	0.2515	-0.0423	0.1337	0.4841
nodeathpen~y	0.7932	0.0929	-0.1126	-0.0217	0.3490
lessprison	0.5971	0.3130	0.0711	-0.0522	0.5377
protectisis	0.7357	-0.0358	0.1115	-0.1226	0.4300
protectiraqi	0.7091	-0.3162	-0.0057	-0.0205	0.3967
financialaid	0.5859	-0.2353	0.1115	0.1262	0.5730

Table 7. Demographic Balance Tests between Survey Vignette Treatment Groups

	Due Process Violations Txt		No Due Process Violations Txt		Ksmirov Combined D
	Mean	SD	Mean	SD	
female	0.24	0.43	0.20	0.40	0.03
age	34.9	13.7	34.6	12.1	0.08
education	2.79	0.93	2.48	0.88	0.16***
working-professional	0.32	0.47	0.21	0.41	0.12**
working-laborer	0.26	0.44	0.38	0.49	0.12**
student	0.26	0.44	0.22	0.42	0.04
unemployed	0.15	0.36	0.18	0.39	0.03
income	2.37	0.90	1.96	0.92	0.20***
moved	0.14	0.35	0.21	0.40	0.06

Note: some imbalance on demographic covariates for working-professional, working-laborer, and income. However, our treatment effect remains robust to estimations adjusting for treatment imbalances in Table 8 below.

Table 8. Treatment Effect Estimation Adjusted for Demographic Imbalances

A. Regression Adjustment

ATE	Coef.	Std. Err.	z	P> z	[95% CI]
Due Process = 1 vs. 0	0.58	0.07	8.69	0.000	0.45 0.71

B. Inverse Probability Weighted Regression Adjustment

ATE	Coef.	Std. Err.	z	P> z	[95% CI]
Due Process = 1 vs. 0	0.58	0.07	8.79	0.000	0.45 0.71

C. Propensity Score Matching

ATE	Coef.	Std. Err.	z	P> z	[95% CI]
Due Process = 1 vs. 0	0.57	0.07	8.06	0.000	0.43 0.71

Note: all models control/match/adjust for covariates: gender, age, education, professional-laborer, professional-worker, student, unemployed, income, displacement to address demographic imbalances across treatment and control groups. Treatment effects of Due Process in the Survey Vignette are robust to these adjustments.

Ethical Conduct of Field Research

A proliferation of studies in conflict zones has led to scholars to examine the ethical implications of conducting field research in hostile environments (Wood 2006; Ford et al. 2007; Fujii 2012; Campbell 2017; Cronin-Furman and Lake 2018). The American Political Science Association is currently drafting a document of best practices based on a report from the Ad Hoc Committee on the Protection of Human Subjects¹. Our research adheres to the draft recommendations in this report. We focus on sampling civilians as opposed to combatants to reduce risks to respondents and our enumerator. First, we did not disclose any information about the identity, whereabouts, or past affiliation of our respondents with ISIS to any government authorities or non-governmental actors in Iraq or beyond. We collected no personally identifying information on participants in the study. All participants received a consent form, which included IRB contact information, but we requested a signature waiver to protect privacy and anonymity in the data collection process. A second concern for us was whether recollection of conflict experiences or victimization by ISIS might have triggering effects of participants in our study. First, we inform respondents in our consent form that they may refuse to answer questions and may stop participating at any time in the study. Second, we did not offer any financial incentives to participate in the study that might have exerted pressure on respondents. Third, our enumerator was experienced in conducting interviews with Mosul civilians and ISIS affiliates in IDP camps, and was able to provide information to respondents about health and medical treatment options in Mosul and IDP camps to those who suffered from physical or psychological injuries resulting from their conflict experiences. Our enumerator was there as a resource for ex-combatants should they need assistance. In summary, we took our ethical responsibilities seriously in the conduct of this research project. Our design received IRB approval.

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¹ <https://www.apsanet.org/Portals/54/governance/Report%20of%20The%20APSA%20Ad-Hoc%20Human%20Subjects%20Committee.pdf?ver=2019-08-19-160205-157>

Due Process for Enemy Combatants and International Law

A great deal of attention has been paid by legal scholars to the rights of combatant detainees under international human rights and humanitarian law, where legal foundations remain muddled and contentious (Wilde 2004). Much of this literature has focused on the legality of the US “war on terror” under the Bush administration and the due process rights of enemy combatants detained under US counter-terrorism law (Roth 2004; Wedwood and Roth 2004; Sassòli 2004). Key tension revolves around jurisdiction over detainees and who decides which legal framework to apply based on competing legal paradigms: domestic, foreign, and international (Paust 2003a-b; Radack 2004; Guiora 2006). Ultimately, the US Supreme Court has ruled that combatant detainees are entitled to due process protections in the war on terror (Anderson 2004; Neuman 2008), but the legal rights of detainees are far more uncertain in many other conflict and post-conflict environments (Sadat 2006; May 2007).

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