Rational Remedies Codebook

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1 Introduction

This document explains the codes for variables stored in the dataset analyzed and reported in "Rational Remedies: The Role of Opinion Clarity in the Inter-American Human Rights System."

2 Terms

1. Court: The Court refers to the Inter-American Court of Human Rights.
2. Original Decision: The Original Decision (OD) refers to the written opinion of the Court on a particular case in which the court first lays out for the parties its decision, as well as the remedies on a particular matter.
3. Compliance Report: The Compliance Report (CR) refers to the written follow up to the original decision, assessing the extent to which a particular party has complied with the court-mandated remedies. Depending on the case, there may be multiple compliance reports.
4. The State Report (SR) refers to a report that a particular State must submit to the Court in order to track the steps they have or are taking in order to comply. A state report arises as part of a remedy condition (i.e. the Court orders the State to develop a training program and as part of that remedy, the State must submit a report to the Court informing them on the stage of the training program).
5. Remedies refers to the court-mandated reparation to the victim(s) in a particular case; it is what the Court decides the State should do in order to either compensate the victim(s) or to prevent the particular crime from occurring again.

3 Codebook

3.1 Case level variables

1. Case Name (casename): Lists name of the case.

2. Case Number (casenum): Numerical identifier for the case.
3. State (state): Lists State name of the country being challenged.
4. State Number (statenum): Correlates of War Country Identifier
5. Outcome (outcome): Describes the outcome of the case.
    - 0: State wins at the preliminary objections stage
    - 1: State wins on the merits
    - 2: Complainant prevails on the merits
6. Date of Original Decision (oddate): Identifies the date of the Court's original decision.
7. Cost and Reparations Judgment Date (crjudgmentdate): Variable identifying the date of the cost and reparations judgment, if there is one. The date will be identified by the day, followed by the months and year.
8. Interpretation of the Costs and Reparations: Identifies whether there was an interpretation issued for each case of the costs and reparations.
    - 0: No
    - 1: Yes
9. NGOs (ngonum): Number of the number of NGOs involved in the case representing the victim(s)
10. Compliance Report (comreport): Identifies whether there is one or more compliance report filed by the court.
    - 0: No
    - 1: Yes
11. Number of CR (crnum): The number of compliance reports filed by the Court for a particular case as of 2010.
12. Date of Compliance Report (crXdate): Variable identifying the date of each compliance report filed by the Court on a particular case, where $X \in \{1, 2, 3, 4\}$ identifies the first, second, third or fourth compliance report.

3.2 Remedy level variables

1. Remedy Number (remedynum): Identifies the remedy number in a particular case.
2. Nature of Remedy (remedynature): Identifies the type of remedy mandated by the Court.

- 1: Monetary remuneration (Non-pecuniary)
- 2: Publication of Original Design
- 3: Undertake of Criminal Proceeding
- 4: Change/modify law
- 5: Public act/Acknowledge liability
- 6: Release information/find and return bodies of victims
- 7: Implement programming
- 8: Investigate and try responsible
- 9: Non-monetary restitution to victim(s)
- 10: Monetary remuneration (Pecuniary Damages)
- 11: Strike criminal conviction from record
- 12: Sponsor scholarship
- 13: Other

3. Clarity of the Remedy (remedyclarity): Identifies the clarity of the Court's instruction as it pertains to a particular remedy.
    - 1: Very Clear - What is required of the State is completely unambiguous (e.g. money damages clearly defined as a dollar value)
    - 2: Somewhat Clear – What is required of the state is fairly unambiguous (e.g. re-open school), but some clarification might still be helpful to the parties (e.g. by when must the school be operational, etc.)
    - 3: Vague - What is required of the State is ambiguous (e.g. open investigation) typically with respect to how this might be done or what it should "look like."
4. Remedy Word Count (remedywordcount): Count of words in each remedy.
5. State Report Required (srrequired): Identifies whether the Court mandated the State to submit a report cataloguing the steps taken or to be taken in order to comply with a particular remedy.
    - 1: Yes
    - 0: No
6. Timeframe for state report (srtimeframe): Identifies whether the Court alloted a timeframe to the State for the submission of the state report.
    - 1: Yes
    - 0: No
7. Violation of Timeframe (tfviolation): Identifies whether the State violated the timefram given by the Court to submit a particular state report.

- 2: Unclear
- 1: Yes
- 0: No

8. Dispute over Compliance (compdispute): Identifies whether the compliance report evidences a dispute between the parties (i.e. the victims and the State) over compliance of a particular remedy.
    - 1: Yes
    - 0: No
9. Compliance (compliance): Was this remedy implemented to the satisfaction of the Court?
    - 1: Yes
    - 0: No
10. Evidence of Compliance (comevidence): Assuming compliance, this indicates the compliance report number on which the compliance was evidence.
    - 3: Third Report
    - 2: Second Report
    - 1: First Report
11. Resistance (resistance): Records the level of resistance by the State to the Court's reparations.
    - 5: Unknown Resistance – Some level of resistance is evident since the remedy has not been implemented as of the latest Compliance Report on file, but due to the small number of Compliance Reports (2 or fewer) it is difficult to assess the level of resistance.
    - 4: Massive resistance – State has failed to implement the remedy despite long-term (4 Compliance Reports or more) monitoring from the court. Considerable evidence in the compliance reports of the Court expressing significant concern over delay. Despite at least 4 Compliance Reports, there is no evidence that the remedy has been implemented.
    - 3: Substantial resistance - State delayed or continues to delay the implementation of the remedy considerably. There is some evidence in the compliance reports of the Court expressing concern over State delay. The implementation, if it occurs it does not occur until Compliance Report 3 or later.
    - 2: Minor resistance - State engaged in some delay, but eventually complied with the remedy. No evidence in the compliance reports of the Court expressing significant concern over delays. Compliance is evident by Compliance Report 2.

- 1: No resistance - State complied with the remedy and evidence of that compliance can be seen in Compliance Report 1.

12. Any resistance (prob)?: Was any State resistance to the reparation detected?

    - 1: If at least minor resistance
    - 0: If no resistance

3.3 Compliance report variables

1. Compliance Report Date for report x (crxdate): Variable identifying the date of compliance report x, where $x \in \{1, 2, 3, 4\}$ identifies the first, second, third or fourth compliance report.

2. President Report for Compliance Report x (presidentrx): Variable identifying whether compliance report x was a resolution of the President of the Court , where $x \in \{1, 2, 3, 4\}$ identifies the first, second, third or fourth compliance report.

    - 1: Yes
    - 0: No

3. Clarification of Remedy (crxclarity)? Variable identifying whether the Court clarified a remedy in compliance report x, where $X \in \{1, 2, 3, 4\}$ identifies the first, second, third or fourth compliance report.

    - 1: Yes
    - 0: No

4. Hearing (crxhearing)? Variable identifying whether the Court held a hearing, private or public, to discuss compliance with the parties prior to issuing compliance report x, where $X \in \{1, 2, 3, 4\}$ identifies the first, second, third or fourth compliance report.

    - 2: Yes, a public hearing was held
    - 1: Yes, a private hearing was held
    - 0: No, there was no hearing