Post-Regime Change Trials Data Set
Code Book

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1 Introduction

This manual familiarizes users with the Post-Regime Change Trials data, henceforth the PRCT. This introductory section provides a broad overview of the project. But the devil, as they say, is in the details. Readers should therefore consult the following sections to fully understand how the PRCT was constructed before they attempt to use the data.

The PRCT is a transitional justice dataset focusing specifically (and exclusively) on *prosecutions* in contexts of transitional politics.[3] The PRCT significantly improves on existing datasets by providing – for the first time – information on the quality of transitional prosecutions. Each set of transitional prosecutions is coded as either 'Free and fair' or 'Flawed' depending on the overall quality of their implementation.

The PRCT takes 'regimes' as its unit of analysis, as defined and identified by Geddes, Wright & Frantz (2018), henceforth referred to as GWF. This comprises a second significant improvement on existing datasets, helping the PRCT to precisely define transitional contexts and avoid conceptual stretching. In brief, a regime is the body of actors who set the rules for choosing state leaders and policies. Every country is ruled by a single regime at any one time, but most countries are ruled by multiple regimes over time.[4]

The PRCT data includes all democratic and autocratic GWF regimes that set on between 1974 and 2010, across all countries.[5] Each regime in this subset of GWF data was deemed a candidate for transitional justice.[6] Soon after rising to power, each would have been confronted with the same dilemma – prosecute members of the previous regime or deal with them in some other way. Accordingly, the PRCT indicates which regimes implemented prosecutions and which did not.[7] These data are cross-sectional as each regime appears in the PRCT as a single and unique observation.

In addition to identifying the regimes that implemented prosecutions, the PRCT codes the quality of those prosecutions. To reiterate, all prosecutions are coded as either 'Free and fair' or 'Flawed'. Free and fair prosecutions are built on rigorous evidence-gathering processes and adjudicated by impartial judges and juries. Flawed prosecutions lack at least one of these attributes. The PRCT also provides information on the onset of prosecutions.

The PRCT data are published as – or in association with – several different files. Each of these materials is publicly available for download and free of charge [Link]. We ask users of the PRCT data to cite this codebook and the data presentation paper (see above for suggested citations).

[3] Other transitional mechanisms like truth commissions, amnesties, and lustrations are omitted.
[4] Regimes are therefore 'nested' in countries.
[5] GWF excludes non-sovereign countries and countries with a small population size.
[6] In fact, the PRCT is not quite a perfect subset of GWF cases. For reasons discussed in later sections, the PRCT adds one original case (Timor-Leste) and aggregates several others.
[7] In the main version of the data, prosecutions must begin no later than 5 years after the regime change to be counted. An 'Extended' version of the data is also available, in which the time limit is dropped.

Table 1: Variable List

Name	Label	Type	Description
regime_name	Regime name	Nominal	Unique case identifier taken mainly from GWF.
regime_id	Regime code	Numeric	Unique case identifier (numeric version).
country_name	Country name (V-Dem)	Nominal	Name of location country, taken from V-Dem.
country_id	Country code (V-Dem)	Numeric	Code for location country, taken from V-Dem.
cow_code	Country code (COW)	Numeric	Code for location country, taken from Correlates of War.
trial_any	Any trials conducted	Binary	Indicates whether any transitional prosecutions occurred within a case.
onset_year	Trial onset year	Numeric	Gives calendar-year in which prosecutions began.
trial_quality	Trial quality	Categorical (string)	When prosecutions are conducted, indicates whether prosecutions were 'Free and fair' or 'Flawed'.
trial_ff	Free and fair trials	Binary	Indicates whether prosecutions were generally free and fair ('1') or either flawed or absent ('0').
trial_flaw	Flawed trials	Binary	Indicates whether prosecutions were generally flawed ('1') or either free and fair or absent ('0').
trial_rigor	Rigorous trials	Binary	When prosecutions are conducted, indicates whether they were based on rigorous evidence-gathering ('1') or not ('0').
trial_impartial	Impartial trials	Binary	When prosecutions are conducted, indicates whether they were based on impartial adjudication ('1') or not ('0').
provisional	Preceding provisional regime	Nominal	When prosecutions are inherited from a preceding 'provisional' regime, gives the name of that provisional regime.

1.1 Overview of PRCT variables

Table 1 lists all of the PRCT variables, providing key information about each. However, users should consult Section 2 to understand the conceptual framework which gave rise to these variables, and users should consult Section 3 to understand how these variables were actually coded. All of the variables listed in 1 (and in the following two paragraphs) are included in each of the PRCT data files, which are themselves cataloged in Section 1.2).

Cases are identified using `regime_name` (based on the GWF variable `gwf_casename`) and `regime_id`. Variables `country_name`, `country_id`, and `cow_code` identify the country location of each regime, and are taken from the Varieties of Democracy project (Coppedge et al., 2023) and the Correlates of War project, respectively. In part, they are included to facilitate merging the PRCT with other cross-national datasets.

All the remaining variables provide substantive information about transitional prosecutions (or the lack thereof) which were observed in each regime. The variable `trial_any` indicates whether transitional prosecutions were conducted at all, and `onset_year` indicates the calendar-year in which prosecutions began (when applicable). The variables `trial_quality`, `trial_ff`, `trial_flaw`, `trial_rigor`, and `trial_impartial` all provide additional information about the quality of the transitional prosecutions that were conducted.

1.2 List of PRCT materials

- PRCT Codebook
  - This is the document you are currently reading. It defines concepts, lists all PRCT variables, and describes coding rules. Brief summaries for each case of transitional prosecutions are also included.
- PRCT_Data_V1.dta
  - This is a Stata data file that contains the main PRCT data. It includes all PRCT variables and their labels. Regimes are only treated as having implemented prosecutions if they do so 5 calendar-years or less after onset. The unit of analysis is the GWF regime. The data are designed to be easily integrated into common country-year-level datasets.
- PRCT_Data_V1.csv
  - This is a comma delimited data file with contents nearly identical to the Stata (.dta) version. The only difference is that variable labels are not used.
- PRCT_Data_Extended_V1.csv
  - This is a comma delimited data file. It is similar to the main .csv data file in terms of structure, format, and content. However, the transitional time limit requirement has been dropped from these data. This means that regimes are treated as having implemented transitional prosecutions even if the first trials

begin more than 5 years after the regime's onset. In practice, this means that four additional cases are counted as having implemented transitional prosecutions in this dataset (El Salvador 82-94, Honduras 81-NA, Macedonia 91-NA, and Portugal 76-NA). The quality of these prosecutions are coded accordingly.

- PRCT_Sourcing.xlsx
  - This is an Excel file which provides a citation for each source used to code each case for prosecutorial quality. Each citation is attached to at least one 'tag.' Tags are drawn from a list of specific empirical observations – or indicators – that RAs were trained to search for in the course of their research. RAs tagged each case with all relevant indicators, and provided a citation for each. A single source can give rise to multiple tags, and the same tag can be supported by multiple sources. These data are not intended for statistical use.

2 Conceptual Definitions

- Transitional Justice

  A suite of policy options that leaders (or everyday people) can implement after a political transition. The purpose of these policies is usually to address harms – especially war crimes and human rights violations – perpetrated by former leaders and their followers. These policies are generally intended to provide truth about past harms to the public, punish perpetrators, and compensate victims. They are often intended to advance political goals, such as improving relations across social groups, bolstering the rule of law, deterring future human rights abuse, or (more cynically) consolidating a regime's hold on power.

  The PRCT focuses on one type of transitional justice – prosecutions. More specifically, it focuses on prosecutions that take place shortly after regime change.

- Regimes

  We rely on Geddes, Wright & Frantz (2018) (GWF) to define a regime as being a core group of people who make the rules by which a country is governed and its state organized. This group can be very small (e.g., a single person) or very large (e.g., an entire adult population). Importantly, regimes are not logically equivalent to leader spells. Many regimes are led by multiple leaders[8] over time. This is especially true for democratic regimes, which undergo regular leadership turnover. Some autocratic regimes – such as party-ruled regimes – also undergo regular leadership turnover.

  Regime change occurs when a core group of rule-makers is removed – or removes itself – from power and replaced by a new regime that "Follows different rules for choosing leaders and policies" (Geddes, Wright & Frantz, 2014: 7). The new

[8]I.E., an executive leader such as a president or prime minister.

regime may include members of the previous ousted regime, but regime change logically implies that the "Group from which leaders can be chosen has changed" (Geddes, Wright & Frantz, 2014: 7).

- Transitional Episodes

  These are windows of time starting immediately after a regime change when politics are likely to be unstable and ephemeral. These episodes tend to be marked by intense and iterative bargaining sessions between new leaders and their followers, as well as between these actors within the new regime and other actors left outside of it. This political turmoil can give rise to violence or threats of violence, such as coup attempts and mutinies (for example, see O'Donnell, Schmitter & Whitehead, 1986; Wright & Escribà-Folch, 2012)

  We consider transitional episodes to last for five full calendar years subsequent to the year of transition, consistent with Binningsbø et al. (2012). After five years, the new regime (assuming it has not itself been ousted and replaced) is likely to have consolidated its power, bringing an end to the transitional context.

- Transitional Prosecutions

  Transitional prosecutions (which we usually shorten to 'prosecutions') are a class of transitional justice instrument. They are formally organized judicial bodies empowered by the state or an international organization (IO) to determine the culpability (guilt or innocence) of persons (as individuals or groups) accused of human rights violations, war crimes, or other serious criminal acts. These bodies must be empowered to exact punishment (such as incarceration or financial penalties) on the accused if they are convicted.[9]

  Transitional prosecutions are 'transitional' in the sense that they take place during a transitional episode. Prosecutions which commence long after a regime change will not usually be comparable to prosecutions that take place amidst the instability of transitional politics.[10]

  Strictly speaking, we are interested in *sets* of prosecutions taking place during transitional episodes. A set of prosecutions must include at least one trial or tribunal with at least one defendant. But a set can be much larger, encompassing many separate trials that occur over time, each targeting any number of defendants. We treat all the prosecutions conducted by a regime as part of a single set of prosecutions.

  Finally, we conceptualize prosecutions separately from forgoing selection processes – the ways and reasons that some individuals and groups are selected for prosecution while others are excluded. In practice, these are always political decisions driven by a mix of ideology, constraints on resources, and the risks of retalia-

[9]The stipulation that convictions must lead to punishment excludes truth commissions from the data.
[10]However, we drop this stipulation in the 'Extended' version of the PRCT data.

tion (Elster, 2004; McAuliffe, 2004). It would take a separate research project to adequately conceptualize and measure these processes.

- Prosecutorial Quality

  We conceptualize prosecutorial quality as having two separate components: 'Rigor' and 'Impartiality'. The former refers to the diligence with which prosecutors and defenders investigate allegations of past crimes, accumulating and scrutinizing physical evidence and testimony. Trials are non-rigorous when the evidence is not systematically collected and analyzed – especially when it is clear that evidence could have been collected but was not. Trials are also non-rigorous when evidence is manipulated, tampered with, or destroyed.[11]

  'Impartiality' refers to the observed bias (or lack thereof) which influences judges and jurors. Trials are non-impartial or biased when judges or juries issue convictions, acquittals, or sentences based on factors outside the evidence presented in the course of the trial. When judges and jurors are biased, it is often because they have been subjected to threats or bribes from groups trying to sway the outcome of the trial (either for or against defendants).

  Prosecutorial quality is assessed in the aggregate. This means that all the individual trials implemented by a regime should be considered as a whole. When a set of prosecutions is generally based on both rigorous evidence-gathering and impartial adjudication, we consider them 'free and fair'. Contrariwise, prosecutions are 'flawed' when they are generally based on non-rigorous evidence-gathering or when adjudication is generally biased.

3 Variable Definitions & Coding Rules

- `regime_name`
  - String variable that uniquely identifies each regime (case) in the data. Cases and their names are drawn almost entirely from the GWF_AllPoliticalRegimes dataset (a subset of the GWF data) and its `gwf_casename` variable (Geddes, Wright & Frantz, 2018). GWF construct each regime name from three components: the regime's country location, its start year,[12] and its end year. These components are expressed in a 'Country YY-YY' format. Hence, Pakistan's second democratic regime – which set on in 1989 with the election of Benazir Bhutto as prime minister and ended in 1999 when Pervez Musharraf staged a coup d'etat – appears in the data as 'Pakistan 88-99'. When a country survives past 2010 (the end of the study period) the end year is expressed as 'NA'.

[11] Rigor and impartiality align closely with Elster's (2004) two criteria distinguishing 'legal justice' from 'political justice' (show trials) – that due process be followed and that there be uncertainty about the outcome of the trial (verdicts cannot be pre-determined).

[12] Usually, the year the regime rises to power. But GWF sometimes use the first year in which the regime is already in power by 1 January.

- To reiterate, PRCT cases are drawn from the GWF_AllPoliticalRegimes dataset. The vast majority of cases that set on in the GWF_AllPoliticalRegimes data within the 1974-2010 study period were considered candidates for transitional prosecutions, and therefore included in the PRCT data. However, the PRCT data excludes 15 'provisional' GWF regimes. These are regimes which GWF define as temporary caretaker governments tasked with conducting elections or constitutional assemblies.

  GWF identify 18 provisional regimes in the study period, 15 of which successfully produced democratic regimes. Because these 15 regimes are linked so closely to their subsequent democracies, we drop them from the study for fear of double-counting or conflating cases. The link between the remaining 3 provisional regimes (Bolivia 79-80, Laos 73-75, and Uganda 79-80) and their subsequent autocratic regimes is less clear, and we therefore retain them as distinct (autocratic) cases.

  Two of the 15 provisional regimes that led to democratization initiated transitional prosecutions before being dissolved (Burundi 03-05 and Niger 91-93). We attribute these prosecutions to the subsequent democratic regimes (Burundi 05-NA and Niger 93-96, respectively). We also use the variable `provisional` (see below) to signal that these two regimes inherited prosecutions from previous provisional regimes.

- A single case appears in the PRCT data but not GWF_AllPoliticalRegimes: Timor-Leste 02-NA. Presumably, GWF did not create a regime for Timor-Leste (also known as East Timor) due to the country's small population size. But Timor-Leste is a notable case in the transitional justice literature. To capture it, we created the Timor-Leste 02-NA case and coded it accordingly. Consistent with GWF coding rules, we treat 2002 as the (democratic) regime's start year (and also the first year in which the country became a UN member state).

- `regime_id`
  - A unique numeric identifier for each regime in the data.

- `country_name`
  - String variable giving the English-language name of the country in which the regime is located. These names are taken from the Varieties of Democracy v13 Project (Coppedge et al., 2023)

- `country_id`
  - Numeric variable giving the V-Dem code for the country in which the regime is located (Coppedge et al., 2023).

- `cow_code`
  - Numeric variable giving the Correlates of War code for the country in which the

regime is located (Sarkees & Wayman, 2010).

- `trial_any`
  - Binary variable indicating whether a given regime (or an international organization) implemented transitional prosecutions ('1') or not ('0').
  - Two methods were used to identify which cases underwent transitional prosecutions. First, the PRCT authors identified every instance of irregular leader entry in the Archigos dataset (Goemans, Gleditsch & Chiozza, 2009) within the study period.[13] For each instance of irregular leader entry across each country, a search of digital media archives was conducted using Factiva to find evidence of prosecutions.

    Second, the authors consulted data from several published transitional justice articles and projects (Kim & Sikkink, 2010; Meernik, Nichols & King, 2010; Olsen, Payne & Reiter, 2010; Dancy et al., 2019). Each prosecution identified by one of these sources was assessed by the PRCT authors for inclusion in the PRCT data. Trials were attributed to the appropriate regime whenever possible, but some were excluded for failing to meet the PRCT definition of a transitional prosecution.
  - In the main versions of the data (see `PRCT_Data.dta` and `PRCT_Data.csv`), `trial_any` is only coded positively if prosecutions start during the regime's transitional episode. This means that prosecutions must start no more than 5 full calendar-years after the regime's onset. E.G., a regime that sets on in July of 1990 must begin prosecutions no later than 31 December 1996. If the same regime were to begin prosecutions on 1 January 1997, `trial_any` would take a value of '0'. This issue is addressed in greater detail when `onset_year` is defined below.
  - The requirement that prosecutions begin during a regime's transitional episode is dropped for the 'Extended' version of the PRCT data. The 'Extended' version therefore contains the same number of cases, but four additional cases (El Salvador 82-94, Honduras 81-NA, Macedonia 91-NA, and Portugal 76-NA) are coded as having implemented prosecutions.
  - Transitional prosecutions may be run entirely by a regime, by an international organization (IO), or by a mix of domestic and international institutions. However, the judicial body conducting prosecutions must have formal and practical authority over domestic institutions and individuals, as well the power to conduct investigations within the country. Hence, the International Criminal Tribunal for the Former Yugoslavia (ICTY) can count as a transitional prosecution because its staff and officers – backed by the international community – could detain suspects in the former Yugoslavia and investigate alleged crimes in those countries.

[13] This search method was originally designed with a much broader definition of transitional prosecutions in mind. Though any instance of regime change (per the GWF data) must entail an irregular leader entry, not all irregular leader entries entail a regime change.

In contrast to the ICTY, prosecutions carried out entirely in foreign countries (often under the principle of universal jurisdiction) would not count as transitional prosecutions. Hence, we do not consider Nepal to have undergone an episode of transitional justice despite the fact that Nepal Army Colonel Kumar Lama was indicted and prosecuted in the United Kingdom in 2013 for crimes alleged to have taken place in Nepal prior to its democratization in 2008.

- Transitional prosecutions must target members of the previous regime or their supporters and followers. In general, prosecutions should address crimes committed prior to regime change. However, prosecutions may also address crimes committed post-regime change when at least one of the following criteria are met:

  1. The accused have attempted (or are alleged to have attempted) to overthrow the incumbent regime, especially by plotting a coup or mutiny.

  2. The accused are targeted specifically because of their association with the previous regime.[14] In effect, prosecutions are a continuation of the political struggle between the new regime and some other group – often the remnants of the previous regime.

- At least one trial within a set of prosecutions must be successfully concluded, meaning that at least one formal verdict is issued (either a conviction or acquittal). When a regime or IO attempts to conduct prosecutions, but fails to conclude a single trial, `trial_any` will take a value of '0'. For instance, a regime may begin to prosecute members of the former regime, but abandon these efforts and pass an amnesty law instead. However, an amnesty law does not retroactively nullify a set of prosecutions. So long as at least one trial is concluded before an amnesty is passed, `trial_any` may take a value of '1'.

- `onset_year`

  - Numeric variable giving the calendar-year in which a set of prosecutions are observed to begin. This variable is set to missing if `trial_any` is '0'.

  - The `onset_year` is taken to be the first year in which formal charges or indictments are issued against defendants. As an alternative, we considered searching for the onset of the preliminary investigations which give rise to indictments. We decided against this for two reasons:

    1. Formal charges are usually well-publicized by governments and media, making them easy to observe. This is not usually the case for preliminary investigations, which often proceed semi-clandestinely (even when resulting prosecutions are highly transparent). It is therefore infeasible to code the onset of preliminary investigations with precision.

[14] Regime leaders sometimes use this tactic to get around amnesty laws which formally protect previous regime members from being charged with pre-regime change crimes.

2. New regimes sometimes use preliminary investigations to improve their bargaining position relative to political opponents, signalling that prosecutions can be avoided in exchange for cooperation. But regimes subject themselves to international and domestic audience costs when they file formal charges against defendants. In other words, we view indictments as costly signals of resolve – they indicate that the new regime has initiated a high-stakes legal confrontation intended to result in a verdict.

- Users who wish to merge the PRCT data with the regime-year level GWF datasets should take note: the onset year for a set of prosecutions can (and often will) predate the onset year of the regime that conducts them. This is because regimes first enter the GWF data when they are already in power by 1 January. For example, Latvia's only regime in the GWF data, Latvia 91-NA, is precipitated by a declaration of independence against the Soviet Union in 1991, but the regime's first observation in the GWF_AllPoliticalRegimes dataset is 1992 (with additional observations for each subsequent year through 2010). Yet, the new regime initiated transitional prosecutions in 1991, prior to its first full year in power.

- `trial_quality`

  - A categorical (string) variable indicating whether a set of prosecutions was assessed to be either 'Free and fair' or 'Flawed'. If `trial_any` is set to '0', then `trial_quality` is set to missing.

  - We measure `trial_quality` along two dimensions: rigor and impartiality. For prosecutions to be assessed as free and fair, they must rely on rigorous evidence-gathering processes. They must also be impartial in the sense that both prosecutors and defendants take part freely in this evidence-gathering process, and that judges and jurors issue verdicts and sentences based on the evidence presented. Impartiality also implies that judges and jurors are not visibly biased for or against the defendants, especially by intimidation or bribery. A set of prosecutions will be coded as 'Flawed' if observed to be non-rigorous or non-impartial.

  - Rigor and impartiality are each assessed separately, reflected in the binary variables `trials_rigor` and `trials_impartial` (see below for more formal definitions). Prosecutions are coded as 'Free and fair' if both `trials_rigor` and `trials_ impartial` are coded positively ('1') and 'Flawed' otherwise.

  - Rigor and impartiality are each assessed in the aggregate. This means that all trials included within a set of prosecutions are considered. For a set of prosecutions to be assessed as rigorous, all its trials must be collectively assessed as rigorous. This does not mean that all trials within a set of prosecutions are uniformly rigorous. Rather, it means that a preponderance of all prosecutorial activity was rigorous. This same logic applies to impartiality.

  - Each set of prosecutions was researched by at least one project author, who entered a preliminary assessment ('1' or '0') for rigor and impartiality. In a second

coding round, at least one RA researched each set of prosecutions and entered their own assessments for rigor and impartiality. In the rare instances when the RA and author disagreed, additional research was carried out and a final assessment was reached by consensus (implying agreement between the relevant RA and both project authors).

- RAs were instructed to look for specific empirical indicators of rigorous (or non-rigorous) evidence-gathering and impartial (or non-impartial) adjudication. The list of indicators was compiled by the authors based on their experience completing the first round of coding. In the course of their research, RAs tagged each case with all the indicators they observed, and provided citations. This list is depicted by Table 2, which describes each indicator, its tag (a numeric code), its valence (whether it supports an assessment of rigor/impartial or non-rigor/non-impartial), and its suggested weight when considered alongside other indicators.

- Where possible, we draw on credible experts' evaluations for both `trials_rigor` and `trials_impartial` (see tags $+1$, $+4$, -1, and -7). These evaluations are published by respected human rights monitoring institutions, or institutions specialized in monitoring judicial activity. Amnesty International and Human Rights Watch qualify as credible experts, but journalists generally do not. Some governmental organizations like the US Department of State also count as credible experts, as do some inter-governmental organizations like the Office of the United Nations High Commissioner for Human Rights (OHCHR). Scholars can also be taken as credible experts, especially when their publications are peer-reviewed.

- To tag a set of prosecutions with one of the standard indicators, RAs were permitted to draw from three types of sources:

  1. NGO and governmental reports, especially those published by Amnesty International, Human Rights Watch, the International Commission of Jurists, and similar organizations.

  2. Media reports, especially as published by Agence France Presse, the BBC, Dagens Nyheter, the New York Times, Reuters, and similar organizations.

  3. Academic sources, which must be peer-reviewed articles or books published by an academic press.

  Though RAs prioritized finding credible expert evaluations, any (respected) source could be used to document actions on the part of prosecutors or defenders that indicate rigor, non-rigor, impartiality, or non-impartiality.

- Some prosecutions are undertaken in absentia, meaning that at least one defendant was located outside the relevant country and did not participate in their own trial. This was not taken as evidence of non-rigor or non-impartiality, since several regimes were observed to conduct highly rigorous and impartial trials in absentia. E.G., Alberto Fujimori's first round of prosecutions in Peru were held

Table 2: List of Indicators and Tags

Tag	Indicator	Valence	Weight
+1	Credible expert determines that judges and/or jurors issued verdicts or sentences based on evidence instead of bias.	Impartial	Strong
+2	Prosecutions are transparent and accessible to the public. The press is given extensive access to proceedings and allowed to report on them freely.	Impartial	Weak
+3	Judges and/or jurors press on with their duties despite intimidation and violent attacks.	Impartial	Strong
+4	Credible expert evaluates evidence-gathering and/or examination of evidence to be strong and extensive.	Rigor	Strong
+5	Material evidence (such as human remains or documents) is carefully retreived, assembled, and made available to officers of the court.	Rigor	Strong (usually)
+6	Defendants and/or prosecutors are permitted to call and cross-examine witnesses.	Rigor	Weak
−1	Credible expert determines that judges or jurors issued verdicts or sentences based on bias instead of evidence.	Non-impartial	Strong
−2	Security forces accused of crimes against civilians are prosecuted by military tribunals (not civilian courts).	Non-impartial	Strong (usually)
−3	Civilians are prosecuted in military tribunals.	Non-impartial	Strong
−4	Prosecutions are primarily held in secret. Evidence and/or convictions are withheld from the press.	Non-impartial	Strong
−5	Security forces fail to protect judges, jurors, and witnesses against intimidation and violent attacks.	Non-impartial	Strong (usually)
−6	Proceedings are continually postponed resulting in inordinate delays and detention of defendants.	Non-impartial	Strong (usually)
−7	Credible expert evaluates evidence-gathering and/or examination of evidence to be shoddy or weak.	Non-rigor	Strong
−8	Defendants are denied the possibility of appealing guilty verdicts to higher courts.	Non-rigor	Weak
−9	Defendants and/or prosecutors are denied the opportunity to call and cross-examine witnesses.	Non-rigor	Strong
−10	Defendants are denied the opportunity to testify in their own defense.	Non-rigor	Strong
−11	Defendants and/or prosecutors tamper with collected evidence.	Non-rigor	Strong
−12	Defendants and/or prosecutors fail to collect evidence that is clearly obtainable.	Non-rigor	Strong
−13	Defendants are denied access to qualified legal representation.	Non-rigor	Strong

in absentia, but were lauded by expert observers.

- `trial_ff`
  - Binary variable indicating whether a set of prosecutions is free and fair (and not flawed or absent). When `trial_quality` is coded as 'Free and fair', `trial_ff` is coded as '1' and otherwise '0'. There are no missing values.
- `trial_flaw`
  - Binary variable indicating whether a set of prosecutions is flawed (and not free and fair or absent). When `trial_quality` is coded as 'Flawed', `trial_flaw` is coded as '1' and otherwise '0'. There are no missing values.
- `trial_rigor`
  - Binary variable indicating whether a set of prosecutions is assessed as rigorous. Cases are coded as '1' when a set of prosecutions is found to generally rely on thorough evidence-gathering, and '0' if not. Missing values are used if `trial_any` is set to '0'. RAs searched for empirical indications of rigor and non-rigor using the tags described in Table 2.
- `trial_impartial`
  - Binary variable indicating whether a set of prosecutions is assessed as impartial. Cases are coded as '1' when a set of prosecutions is found to generally rely on impartial adjudication, and '0' if not. Additionally, both prosecutors and defenders must freely participate in the evidence-gathering process, for a case to be assessed as impartial. Missing values are used if `trial_any` is set to '0'. RAs searched for empirical indications of impartiality and non-impartiality using the tags described in Table 2.
- `provisional`
  - Nominal (string) variable giving the name of the previous 'provisional' regime (as it appears in GWF) which gave rise to the current regime. Only applicable when the current regime inherited transitional prosecutions from its preceding provisional regime. See `regime_name` for additional information.

4 Case Summaries

Below, we summarize each case of transitional prosecutions identified in our data, briefly describing the context and prosecutorial quality of each case. Special notes are also included when applicable, especially when we wish to be transparent about difficult coding decisions. (But for a full list of each case's tags and accompanying citations, please consult the PRCT_Sourcing.xlsx file.) Notably, the list of summaries below includes entries for El Salvador 82-94, Honduras 81-NA, Macedonia 91-NA, and Portugal 1976-NA, which

conducted prosecutions after the five year time limit. Because prosecutions began outside the transitional episode, these cases are coded as if they did not conduct prosecutions in the main PRCT_Data files.

Albania 91-NA

Description: Albania's Party-based dictatorship was ousted and replaced by a democracy in 1991. The new government quickly set about prosecuting many former leaders and military officers using trials that were closed to the press and public. Some defendants, such as Prime Minister Fatos Nano and his co-defendants, were prevented from freely consulting their legal representatives. Human rights organizations also reported frequent instances of evidence tampering and other irregularities.

Quality: Flawed

Coding note: N/A

Argentina 83-NA

Description: The National Reorganization Process (*Processo*), a military junta originally formed in 1976, was forced to relinquish power in 1982 by a large civil resistance campaign. General elections took place the following year, marking the return of Argentinian democracy. Newly elected President Raúl Alfonsín initiated the first wave of prosecutions against *Proceso* leaders in 1985, trying them for orchestrating mass disappearances, extrajudicial executions, kidnappings, and other human rights violations. These and subsequent rounds of prosecutions were deemed to be free and fair by monitors, and were based largely on extensive investigations carried out by the National Commission on the Disappearance of Persons (CONADEP), which published its findings as the *Nunca Más* (Never Again) Report.

Quality: Free and fair

Coding note: Argentina's transitional justice process continued for many years, causing occasional clashes between civilian leaders and the military and also leading to amnesties (both formal and de facto) and reversals of those amnesties. In assessing prosecutorial quality, we assigned the most weight to prosecutions carried out prior to 1988.

Azerbaijan 93-NA

Description: Azerbaijan emerged as an independent country in 1991, following the breakup of the Soviet Union. The country democratized shortly thereafter, but underwent another regime change in 1992 when Surat Huseynov seized power in a coup d'etat. Huseynov's government prosecuted political opponents for crimes against humanity and other alleged violations. For instance, former Minister of Defense Rahim Hasan oglu Qaziyev was tried and sentenced in absentia for neglect of his duties. He was

likely tortured in detention prior to his escape, along with many other defendants.

Quality: Flawed

Coding note: N/A

Benin 91-NA

Description: In response to growing domestic and international pressure, President Mathieu Kérékou transitioned Benin from a dictatorship to a democracy in 1991. The democratically elected government which emerged from this process granted Kérékou and all other members of his fallen dictatorship immunity from prosecution. However, a group of former security officials orchestrated a failed coup attempt, resulting in the arrest and trial of 8 alleged conspirators, including Captain Pascal Tawes and Gomina Seydou Fousseini. Proceedings appeared to rely on extensive material evidence.

Quality: Free and fair

Coding note: N/A

Bolivia 82-NA

Description: In 1982, Luis García Meza's military junta was forced to cede power back to the Bolivian legislature, which elected Hernan Siles Zuazo to the presidency and re-established democracy. The new Siles-led government quickly initiated investigations into Meza and his supporters for carrying out a 1980 coup d'etat, and for other human rights violations perpetrated during their tenure. Human rights organizations describe the Bolivian transitional trials as thorough and fair, despite long delays caused in part by politically motivated attacks on judges. Prosecutions against Meza finally concluded with his conviction alongside 47 collaborators by the Bolivian Supreme Court in 1993.

Quality: Free and fair

Coding note: N/A

Bosnia and Herzegovina 95-09

Description: Bosnia and Herzegovina emerged as an independent country following the violent breakup of Yugoslavia. A regime was formally established under the auspices (and overall control) of the international community in 1995, in conjunction with the signing of the Dayton Peace Accords and the end of the Balkan War. In subsequent years, the International Criminal Tribunal for the former Yugoslavia (ICTY) and domestic courts would conduct numerous investigations into war crimes and other human rights violations perpetrated in Bosnia and Herzegovina (and in surrounding countries) during the Balkan War. Some of these proceedings appear to have been free and fair –

especially those conducted by the ICTY, but others were assessed to be flawed.

Quality: Flawed

Coding note: In forming an overall assessment of prosecutorial quality, more weight was given to the domestic trials conducted by the Bosnian judiciary than the ICTY.

Bulgaria 90-NA

Description: Soon after democratization in 1990, the Bulgarian government began investigating acts of corruption and human rights violations perpetrated by the previous Communist regime. Several former leaders, including Prime Ministers Georgi Atanasov and Andrei Lukanov, were prosecuted on corruption-related charges in what were likely politically motivated trials. Other officers were prosecuted for their roles operating labor camps between 1944–1962. These proceedings were postponed multiple times as a result of the death of one defendant and the murder of a key witness.

Quality: Flawed

Coding note: We were unable to confirm that the labor camp prosecutions reached a successful conclusion (ending in a verdict) after the murder of a key witness. However, several defendants prosecuted for corruption charges were convicted and sentenced.

Burundi 96-03

Description: Pierre Buyoya led a coup d'etat in 1996, replacing Burundi's democratically elected government with a military-backed dictatorship. The new government opened investigations into the 1993 assassination of President Melchior Ndadaye and the mass violence which followed. These investigations and the ensuing trials were condemned as biased and flawed by international human rights organizations. Among other problems, monitors noted defendants were detained for extended periods and that the accused were often prevented from building legal cases in their own defense. Prosecutors also obtained evidence through torture.

Quality: Flawed

Coding note: N/A

Burundi 05-NA

Description: In 2003, amidst a civil war, Domitien Ndayizeye became President of Burundi, establishing a provisional regime that would be replaced by a democracy in 2005. During Ndayizeye's presidency, military courts held unfair trials for soldiers who had killed unarmed civilians prior to the regime change. Soldiers accused of war crimes were either given light sentences, acquitted, or not tried at all.

Quality: Flawed

Coding note: Prosecutions were initiated during a provisional regime (Burundi 03-05) that gave rise to a democratic regime. The prosecution were therefore attributed to the following democratic regime.

Cambodia 79-NA

Description: The communist Khmer Rouge government led by Pol Pot was ousted in 1979 after the Vietnamese invasion of Cambodia. Shortly afterward, the new People's Republic of Kampuchea began prosecuting civilian and military officials of the ousted Khmer Rouge. Later that year, the People's Revolutionary Tribunal convicted Pol Pot in absentia for genocide and sentenced him to death in a politically motivated "show trial." In 1997, Cambodia established the Khmer Rouge Tribunal, a court designed to convict senior members of the regime. The tribunal met some but not all of the United Nations' standards for a fair trial.

Quality: Flawed

Coding note: In assessing overall prosecutorial quality, the Khmer Rouge Tribunal was excluded, as those trials commenced long after the transitional episode had ended.

Cameroon 83-NA

Description: Dictator Ahmadou Ahidjo stepped down from Cameroon's presidency in 1982, permitting himself to be replaced by Paul Biya – a senior member of Ahidjo's Cameroon National Union (CNU). Biya quickly established a new personalist dictatorship, and then accused Ahido of orchestrating an attempted coup d'etat in 1984. The new government prosecuted and convicted Ahidjo (in absentia, as Ahidjo had fled into exile) along with over 1000 individuals alleged to have been involved in the plot. Human rights organizations deemed the trials to be badly flawed, reporting (among other problems) that the accused were commonly held for extended periods of time before being arbitrarily released or brought to trial.

Quality: Flawed

Coding note: N/A

Cen African Rep 03-NA

Description: In 2003, President Ange-Felix Patasse's democratically elected government was overthrown by a coup d'etat and replaced with a personalist dictatorship led by Francois Bozize. Shortly thereafter, Patasse – along with a former advisor – was tried and convicted in absentia on charges of fraud. The defendants were not legally represented during the trial. Much later, Jean Pierre Bemba was tried in the International Criminal

Court in 2010 for crimes perpetrated in 2002–2003 by his subordinates in the Movement for the Liberation of the Congo. After an initial conviction, he was acquitted on appeal.

Quality: Flawed

Coding note: In assessing prosecutorial quality, more weight was assigned to the initial (flawed) prosecutions against Ange-Felix Patasse than the subsequent (free and fair) prosecution against Jean Pierre Bemba. This is because the Patasse trial clearly took place during the transitional episode, unlike the Bemba trials.

Chile 89-NA

Description: Augusto Pinochet's military junta relinquished power in 1989, permitting democratic elections to take place. Subsequently, the newly elected *Concertación* government formed the National Commission for Truth and Reconciliation, directing it to investigate and document the thousands of disappearances thought to have been perpetrated by Pinochet's regime. Dozens of security personnel were prosecuted and convicted as a result of these investigations. These prosecutions were lauded by human rights monitoring organizations, who also assessed that senior police commanders had tried and failed to disrupt them.

Quality: Free and fair

Coding note: N/A

Congo/Zaire 97-NA

Description: The first Congo War ended in 1997 with the overthrow of the Mobutu Sese Seko's personalist regime by rebel forces under Laurent-Désiré Kabila, who quickly established his own personalist dictatorship. The Second Congo War started in 1998, generating many human rights violations that triggered the involvement of the International Criminal Court (ICC). The ICC began investigating senior rebel leaders for war crimes in 2004. Thomas Lubanga Dyilo, President of the Union of the Congolese Patriots, was the first of six to be tried in the Hague, and was convicted of recruiting child soldiers. International human rights monitoring organizations found these prosecutions to be free and fair. A set of domestic trials, however, were deemed deeply flawed. These prosecutions were held in military tribunals, which relied on extended and inhumane detention. Additionally, political interference and intimidation against judges, prosecutors, and police officers was common.

Quality: Free and fair

Coding note: In assessing prosecutorial quality, more weight was assigned to the (free and fair) ICC prosecutions than the (flawed) domestic prosecutions. This is because the ICC trials were far more politically salient than the domestic trials.

Croatia 91-NA

Description: Croatia declared its independence from Yugoslavia in 1991, precipitating a bloody war with Serbia. The violence was exacerbated by ethnic and religious tensions. In the aftermath of the fighting, the democratically elected Croatian government filed indictments accusing thousands of people of war crimes and other human rights violations. The ensuing domestic trials were badly marred by ethnic animus – Serbian defendants were systematically targeted and harshly treated compared to Croats.

Quality: Flawed

Coding note: The ICTY concluded only a single trial against Croatian defendants (several others were transferred to national Croatian courts or ended early due to the death of the defendant). In assessing overall prosecutorial quality, therefore, the ICTY was heavily discounted.

Czech Republic 93-NA

Description: The Czech Republic emerged as a result of the breakup of Czechoslovakia, which was itself precipitated by the collapse of Czechoslovakia's Soviet-backed Communist regime. The Czech Republic (also known as Czechia) was founded as a democracy, and its government conducted investigations into crimes committed during the Communist era. Several public security officials who had worked for the former Communist Czechoslovakian regime – especially as prison guards – were prosecuted for acts of torture and other human rights violations. Extensive evidence and witness testimony was presented, particularly in demonstrating prison guard Jaroslav Daniel's brutality towards prisoners.

Quality: Free and fair

Coding note: N/A

El Salvador 82-94

Description: El Salvador democratized in 1992, following a 12-year civil war. Shortly thereafter, the government began prosecutions against several senior military officials for alleged human rights abuses perpetrated during the civil war. These prosecutions were badly disrupted by elements of the military and judiciary, who likely permitted or ordered the destruction of evidence on numerous occasions, or tampered with witness testimony. These led, in turn, to multiple delays in the prosecutorial process. Human rights organizations roundly condemned the entire process, attributing many acquittals to bias on the part of judges.

Quality: Flawed

Coding note: Trials did not begin until 1991, nearly a decade after the precipitating regime change. This case is therefore treated as if no prosecutions occurred in the main PRCT_Data files.

Ethiopia 91-NA

Description: In 1991, the Ethiopian civil war ended in the overthrow of a military-backed regime by the Ethiopian People's Revolutionary Democratic Front (EPRD), which established a party-based dictatorship. Shortly thereafter, the EPRD prosecuted members of the ousted military junta for genocide and war crimes. These proceedings did not meet international standards of fairness, according to human rights monitoring organizations, who noted that defendants were often denied access to legal counsel or to evidence used against them. Further, many of the accused were imprisoned without trial for over 6 years.

Quality: Flawed

Coding note: N/A

Ghana 81-00

Description: The Provisional National Defence Council (PNDC) overthrew Ghana's fledgling democratic government in a 1981 coup d'etat, establishing a personalist dictatorship led by Jerry Rawlings. The PNDC soon began investigating members of the ousted regime for alleged human rights abuses, prosecuting them via the newly created 'Public Tribunals'. Human rights monitoring organizations condemned this process as unfair, and noted that many defendants were detained without charges for extended periods.

Quality: Flawed

Coding note: N/A

Greece 74-NA

Description: Greece transitioned from a military dictatorship to a democracy in 1974, following several years of popular protests, instability, and armed conflict with Turkey. Following the transition, several leaders of the ousted military junta were prosecuted for torturing dissidents and other human rights violations. Many lower ranking soldiers and police officers were also prosecuted. In general, the prosecutions were lauded by human rights monitoring organizations.

Quality: Free and fair

Coding note: Amnesty International's reporting on the transitional prosecutions is broadly laudatory. However, it briefly noted (without providing details) that some cases fell

short of their standards of fairness. We have interpreted this evidence to mean that the preponderance of proceedings were free and fair.

Guatemala 95-NA

Description: Guatemala fully democratized in 1995, following a series of democratic reforms and a round of free and fair national elections. This process took place as the civil war between the Guatemalan National Revolutionary Unity (URNG) and the military was being ended via mediated negotiations – culminating in a 1996 peace agreement. In the wake of democratization and the peace agreement, Guatemala's newly elected government opened investigations into alleged war crimes and other human rights violations. Paramilitary leader Candido Noriega, for instance, was prosecuted and ultimately convicted of crimes including rape, extrajudicial killings, and torture. Most prosecutions were badly marred by racial discrimination, obvious bias on the part of judges, and acts of intimidation.

Quality: Flawed

Coding note: N/A

Haiti 86-88

Description: A protest movement overthrew Jean-Claude Duvalier's personalist dictatorship in 1986, resulting in the establishment of a new military-backed dictatorship. The new government investigated Duvalier (now in exile) and his supporters for human rights violations, resulting in several prosecutions. Trials against former security officials Luc Desyr and Samuel Jeremie resulted in convictions. International human rights organizations criticized the proceedings, describing the cases as show trials.

Quality: Flawed

Coding note: N/A

Haiti 90-91

Description: Haiti's first democratic election took place in 1990, following years of military rule. Investigations into crimes committed during the previous regime began immediately, resulting in a trial held against a group accused of launching a failed coup d'etat. Though the trial relied on extensive witness testimony, it was deeply flawed in other ways. Defendants were denied access to legal counsel and evidence emerged to suggest that the trial was marred by political interference (including attempts to bribe judges).

Quality: Flawed

Coding note: N/A

Haiti 94-99

Description: An armed United States intervention (Operation Uphold Democracy) ousted General Joseph Raoul Cédras's military junta in 1994, and returned Haiti's democratically elected President Jean-Bertrand Aristide to power (Aristide had been elected in 1990, but then ousted by the military shortly thereafter). Aristide's government conducted investigations into the Raboteau Massacre and extrajudicial executions committed by police officers. International human rights monitoring organizations deemed these prosecutions to be free and fair, and lauded the Raboteau Trial for achieving several fair convictions despite Haiti's history of impunity.

Quality: Free and fair

Coding note: N/A

Honduras 81-NA

Description: In 1995 – 14 years after Honduras conducted its first democratic presidential election – government prosecutors opened investigations into human rights abuses committed by military and police officers during the prior regime. Though the presiding judge made strenuous efforts to protect the trials from outside interference, numerous acts of violent intimidation badly disrupted proceedings. These disruptions prevented many trials from progressing past initial stages. In addition to providing inadequate security, police failed to serve defendants with arrest warrants.

Quality: Flawed

Coding note: These trials began well after the transitional episode had ended. Honduras 81-NA is therefore treated as if it conducted prosecutions in the PRCT_Data_Extended.csv file, but not the main PRCT_Data files.

Indonesia 99-NA

Description: Indonesia democratized in 1998, following the collapse of decades-old dictatorship led by Suharto. The democratization process coincided with – and probably hastened – the end of Indonesia's decades-long occupation of the former Dutch colony of Timor-Leste, which would become a fully independent state in 2002. Soon after recognizing Timorese independence, the new Indonesian government began prosecuting Indonesian security forces accused of perpetrating crimes against humanity during the Timorese occupation. These prosecutions were broadly condemned by international human rights monitoring organizations, who reported clear signs of bias on the part of judges as well as numerous instances of intimidation and threats against victims and witnesses.

Quality: Flawed

Coding note: N/A

Iraq 03-10

Description: A United States-led military invasion ousted Saddam Hussein and his personalist dictatorship in 2003. The new regime established with US backing orchestrated a transitional justice process, leading to the prosecution of Hussein and many of his government officials. These prosecutions were roundly condemned by human rights monitoring organizations. In particular, monitors pointed out that defendants were regularly prevented from building a legal case in their own defense. Intimidation and government intervention were also frequent.

Quality: Flawed

Coding note: N/A

Korea, South 87-NA

Description: South Korea democratized in 1987, after a large civil resistance campaign managed to force a military-backed regime from power. Investigations were soon opened against several police officers accused of using sexual violence and other human rights violations to repress pro-democracy activists before the transition. Investigations into the murder of activist Park Jong-chol were especially well-publicized. Several officials were convicted for their roles in the torture and killing of Park or for the subsequent coverup of the killing.

Quality: Free and fair

Coding note: N/A

Latvia 91-NA

Description: After gaining independence from the Soviet Union in 1991, Latvia began investigations into human rights violations perpetrated during the Soviet occupation. During an especially well-known trial, the government prosecuted former KGB officer Alfons Noviks, otherwise known as the Great Slaughterer. Noviks was convicted of organizing mass deportations, political killings, and other human rights violations in a civilian court. In the course of the trial, prosecutors carefully documented tens of thousands of deportations, relying heavily on respected historians.

Quality: Free and fair

Coding note: In assessing prosecutorial quality, we focused on an initial round of prosecutions starting in 1991. A second round of prosecutions, however, began in the mid-2000s,

well after the transitional episode.

Lesotho 93-NA

Description: Lesotho peacefully transitioned from military junta to democracy in 1993. The new National Assembly effectively granted impunity to security personnel, ensuring that the vast majority of human rights violations committed during the previous regime went unpunished. One exception was in 1994 when a police officer was convicted (but later acquitted) of the 1990 murder of Bathobakae Mokhuthu during a flawed trial.

Quality: Flawed

Coding note: N/A

Liberia 80-90

Description: Sergeant Samuel Doe led a violent coup d'etat in 1980, which succeeded in ousting the True Whig Party (which had ruled Liberia for decades). After establishing a personalist dictatorship, Doe ordered the prosecution of 14 members of the former regime. All were charged with treason and human rights violations and denied legal representation and the opportunity to produce evidence. Doe ordered the public execution of 13 defendants. Additional trials were conducted in the following years by the Supreme Military Tribunal, which continued to be grossly flawed.

Quality: Flawed

Coding note: N/A

Lithuania 91-NA

Description: Lithuania reclaimed its independence in 1991, following the collapse of the Soviet Union. Soon afterward, Lithuania's new democratic regime opened investigations into human rights abuses perpetrated during the Nazi occupation of the 1940s. Several Nazi officials and collaborators (such as former police chief Aleksandras Lileikis) were prosecuted for their roles helping the Nazis to implement genocidal policies – especially against Lithuanian Jews. Prosecutions were based on extensive documentary evidence generated by mass deportations and other crimes.

Quality: Free and fair

Coding note: N/A

Macedonia 91-NA

Description: After the dismemberment of Yugoslavia, Macedonia successfully gained inde-

pendence in 1991 and established a democratic government. 16 years later, trials for crimes committed during the prior regime were held at the International Criminal Tribunal for the former Yugoslavia (ICTY). Former security officials of Yugoslavia were convicted of various war crimes with extensive evidence and impartial adjudication. Despite the 2002 Amnesty Law which hindered domestic prosecutions, the ICTY conducted many free and fair trials against Macedonian defendants.

Quality: Free and fair

Coding note: Trials did not begin until well after Macedonia's transitional episode had ended. This case is therefore treated as if no prosecutions occurred in the main PRCT_Data files.

Madagascar 93-09

Description: Giving way to domestic and international pressure, dictator Didier Ratsiraka permitted a transition to democracy in 1992 (following the ratification of a new constitution and popular elections). The new regime made no move to implement transitional prosecutions until members of the ousted Ratsiraka regime launched a failed coup attempt later that same year. The government prosecuted dozens of individuals for their part in the coup, convicting 36 defendants (17 were acquitted).

Quality: Free and fair

Coding note: N/A

Malawi 94-NA

Description: President Hastings Banda agreed to dismantle his personalist dictatorship in 1993, after Malawaians voted in a referendum to establish a multi-party democracy. The new government then prosecuted Banda for his efforts to violently suppress political opponents, ultimately convicting him of murder and other human rights violations. Banda or his supporters made several failed attempts to sway the outcome of the trial by tampering with witnesses. On balance, however, the prosecutions appear free and fair – especially given the extent of material evidence and testimony presented during the trial.

Quality: Free and fair

Coding note: N/A

Mali 92-NA

Description: Dictator Moussa Traoré was ousted in 1992 by a combination of civil resistance and a coup d'etat. His personalist dictatorship was replaced by a democrati-

cally elected government led by President Alpha Oumar Konaré. Konaré's government quickly prosecuted Traoré, which ended in a conviction and death sentence (subsequently commuted to life imprisonment) in 1993. The trial was badly marred as Traoré was prevented from freely mounting a legal defense. Later, in 1999, Traoré was convicted of embezzlement and sentenced to death again in a politically-motivated trial, and was again pardoned by President Konaré. Trials against former military officers and government officials were generally regarded as unfair by international observers, like the trial of former minister Mady Diallo and Major Lamine Diabira.

Quality: Flawed

Coding note: N/A

Nicaragua 90-NA

Description: The Sandinista regime (a party-based dictatorship) ceded power after a general election in 1990, facilitating democratization. Shortly thereafter, the government began investigating the extrajudicial killing of a 17-year-old boy by police officers. The ensuing prosecution took place in a military court, which was badly flawed according to human rights monitors.

Quality: Flawed

Coding note: N/A

Niger 93-96

Description: The National Sovereign Conference of 1991 installed a transitional government to facilitate a democratic transition. During this period, Ali Saibou remained President of Niger. The High Court of Justice convicted two retired colonels of killing Vice President Sani Souna Siddo in 1977 while Siddo was held in detention.

Quality: Flawed

Coding note: Prosecutions were initiated during a provisional regime (Niger 91-93) that gave rise to a democratic regime. The prosecution were therefore attributed to the following democratic regime.

Nigeria 93-99

Description: Following a failed general election in 1993, Nigerian Army Chief Sani Abacha ousted Ibrahim Babangida's government (which had been supported by other elements of the Nigerian military) via coup d'etat. Abacha's government opened several investigations into human rights abuses and other political crimes committed during Babangida's tenure. Most notably, Chief Moshood K.O. Abiola, the unacknowledged

winner of the 1993 presidential election, was prosecuted for treason. Abiola was tried in a military court, proceedings for which were deemed badly flawed by human rights monitors.

Quality: Flawed

Coding note: N/A

Nigeria 99-NA

Description: Nigeria democratized in 1999 after the unraveling of a military dictatorship. Soon after the transition, the new government began investigating human rights violations and other crimes perpetrated by followers of former leader Sani Abachi (who died in 1998). Sani Abacha's son Mohammad Abacha was prosecuted for murder and other corruption-related charges. Reporting on these proceedings is limited, though it appears clear that the judge trying the case was subjected to intimidation by Abacha's supporters.

Quality: Flawed

Coding note: N/A

Panama 89-NA

Description: Manuel Noriega's military-backed regime was ousted by a United States military invasion, which precipitated democratization. Panama's new government began investigating human rights violations perpetrated by Noriega and his subordinates. Noriega himself was tried in absentia, as he had been taken to the United States to face charges there. Noriega and several soldiers were ultimately found guilty of torture, kidnapping, murder, and other charges. These trials were broadly (though not uniformly) assessed as free and fair by human rights monitoring organizations.

Quality: Free and fair

Coding note: Transitional prosecutions were conducted by a deeply flawed Panamanian judicial system, as noted by several human rights monitoring organizations. The political nature of these trials – and the attention paid to them by the international community – seems to have resulted in greater rigor and impartiality than the norm.

Paraguay 93-NA

Description: Paraguay's *Colorado* Party - led by Alfredo Stroessner until 1989 - ruled the country until 1993, when free and fair democratic elections were permitted to take place. Following democratization, the new government began investigating the security forces' role in the suppression of leftist and other opposition parties. Ultimately, the

former head of the Police Investigations Department and one of his subordinates were convicted of the attempted murder of an opposition activist. Judges were subjected to acts of intimidation, which appeared not to influence trial proceedings.

Quality: Free and fair

Coding note: N/A

Peru 92-00

Description: Peru's democratically elected President Alberto Fujimori orchestrated an *autogolpe* (self-coup) in 1992, creating a personalist dictatorship. Shortly thereafter, the new government detained thousands of perceived political opponents, including members of the overthrown democratic government. Few detentions resulted in trials, and the entire process was condemned by international human rights monitoring organizations.

Quality: Flawed

Coding note: The Fujimori regime used the judiciary to repress both pro-democracy activists (including members of the former regime) and suspected members of left wing rebel groups. Prosecutions against insurgents are not considered transitional as the targets are not members of the former regime.

Peru 01-NA

Description: Peruvian President Alberto Fujimori's government collapsed in 2000 after evidence emerged of its systematic human rights abuse and corruption. In the face of domestic and international outrage, Fujimori fled the country for Japan. Soon afterward, Peru's new democratically elected government tried and convicted Fujimori in absentia. Proceedings generated extensive evidence and testimony, were broadcast on national television, and were widely praised by international human rights organizations. Fujimori would eventually stand trial in Peru in 2005.

Quality: Free and fair

Coding note: N/A

Philippines 86-NA

Description: A large civil resistance movement – triggered by a failed coup d'etat attempt – ended Ferdinand Marcos's personalist dictatorship. A new democratic government led by Corazon Aquino initiated several rounds of investigations – one of which focused on the assassination of Benigno Aquino Jr. (Corazon's husband). This process generated fewer indictments than pro-democracy activists had hoped for, and led to trials of

varying quality. Though the prosecution of Benigno Aquino's assassins was deemed free and fair by human rights monitoring organizations (resulting in over a dozen convictions of senior and junior Army officers), other trials were reportedly flawed.

Quality: Flawed

Coding note: Though some prosecutions were assessed to be rigorous and impartial, at least half of the proceedings were deemed to be flawed. Since a preponderance of the prosecutions were not free and fair, the case as a whole was coded as flawed. It should also be noted that prosecutions stemming from the 1987 Mendiola Massacre were deemed unrelated to transitional politics, and were not used in forming an overall assessment of prosecutorial quality.

Poland 89-NA

Description: Shortly after its democratization in 1989, the Polish government began investigating human rights abuses perpetrated during Communist rule – especially those perpetrated after the imposition of martial law in 1981. Former senior officers Wojciech Jaruzelski and Czesław Kiszczak (alongside 11 other officers) were eventually convicted of ordering grave human rights violations, including the killing of 44 protestors in 1970. Proceedings were delayed extensively and repeatedly by the deteriorating health of the defendants (among other reasons), but otherwise appeared free and fair.

Quality: Free and fair

Coding note: The judicial process was unusually slow, lasting for almost 20 years. Though inordinate delays can be grounds for assessing a prosecution as non-impartial (see indicator −6), delays in this case were found to be justifiable.

Portugal 76-NA

Description: Elements of the Portuguese military – backed by a large civil resistance campaign – overthrew a personalist dictatorship in 1974, in what became known as the Carnation Revolution. After several turbulent years, a democratic regime was established in 1976. Eventually, in 1984, a civilian court convicted several dozen military officers – including several officers who had participated in the 1974 coup – on terrorism charges. The defendants had allegedly run a leftist terrorist organization bent on replacing the new democratic regime with a radical socialist government. The so-called FP-25 Trial lasted several years, and appeared to be free and fair despite at least one violent attack on a witness.

Quality: Free and fair

Coding note: Portugal proved to be one of the most difficult cases to code. RAs were able to confirm that transitional prosecutions set on fairly early after the 1974 coup d'etat that ended Portugal's decades-old personalist dictatorship and led to democratization.

However, RAs were unable to confirm that these prosecutions – which targeted members of the *Polícia Internacional e de Defesa do Estado* (PIDE) – ended in verdicts. The same is true of the alleged PIDE assassins of General Humberto Delgado (a conviction was seemingly reached years later, but perhaps as a result of new prosecutions). Eventually, however, the government did successfully prosecute Otelo Saraiva de Carvalho – one of the primary architects of the 1974 coup – and dozens of co-defendants for allegedly running a clandestine terrorist group that carried out several assassinations after democratization. These trials began in 1984, however, well after the transitional episode had ended. Portugal 76-NA is therefore treated as if it conducted prosecutions in the PRCT_Data_Extended.csv file, but not the main PRCT_Data files.

Romania 90-NA

Description: Romania's former ruler Nicolae Ceausescu was overthrown by a popular uprising in 1989. By 1990, the ousted Ceausescu regime was replaced by a democratically elected government. Prior to democratization, however, Ceausescu was prosecuted during a hasty show trial (along with his wife), resulting in his conviction and execution. Subsequent to democratization, the new government prosecuted many members of the ousted Ceausescu regime, including government ministers and members of the military, in domestic courts. These subsequent prosecutions were assessed to be politically motivated and proceedurally flawed by human rights monitors.

Quality: Flawed

Coding note: N/A

Rwanda 94-NA

Description: The Rwandan Patriotic Front (RPF) seized power in Rwanda in 1994, after waging a 4-year war against the military-backed incumbent regime led by Juvénal Habyarimana (until his death shortly before the end of the war). The RPF's victory ended the incumbent government's genocide against Rwanda's ethnic Tutsi community, and also resulted in the establishment of a new party-based dictatorship led by Paul Kagame. Kagame's government opened many judicial investigations into the genocide, but prosecuted relatively few defendants. The ensuing trials were considered deeply flawed by human rights monitoring organizations, who reported that defendants were often denied any opportunity to mount a legal defense. The trials were also marred by numerous instances of intimidation.

Quality: Flawed

Coding note: N/A

Serbia 00-NA

Description: Slobodan Milošević was overthrown in 2000 by a civil resistance movement, ending his party-based dictatorship. Following democratization, both the new government and the ICTY opened investigations into Milošević and his followers for numerous human rights violations – especially those committed during the Balkan Wars by security forces and paramilitary groups. In general, these prosecutions were deemed free and fair by international human rights monitoring organizations.

Quality: Free and fair

Coding note: N/A

Sierra Leone 98-NA

Description: Forces belonging to the Economic Community of West African States Monitoring Group (ECOMOG) restored President Ahmad Tejan Kabbah's democratic government in 1998, which had been ousted by rebel forces in 1997. Though ECOMOG had established control over the capital Freetown, it would continue combating rebel groups – the Armed Forces Revolutionary Council (AFRC) and the Revolutionary Front (RUF) – until the signing of the Lomé Peace Agreement in July 1999. Prior to this (in 1998), the Kabbah government conducted a round of prosecutions against captured rebel leaders and their followers for past atrocities. Non-combatant rebels accused of treason were tried in civilian courts deemed reasonably fair, though soldiers and leaders were tried by court martial and commonly denied legal counsel and/or the right of appeal. Defendants also faced extended detention periods. Another round of United Nations-supported prosecutions was begun in 2002, conducted by the Special Court for Sierra Leone. The Special Court supervised the prosecutions of major rebel leaders (including Charles Taylor and Alex Tamba Brima) and their supporters, resulting in several convictions.

Quality: Free and fair

Coding note: N/A

Spain 77-NA

Description: After the death of dictator Francisco Franco in 1975, Spain began a gradual transition to democracy that culminated in the 1977 general election and 1978 ratification of the constitution. The new Spanish government passed a law granting amnesty to former members of the defunct fascist regime, preventing human rights prosecutions. However, elements of the Spanish military led by Antonio Tejero launched a failed coup d'etat in 1981. Tejero and his followers were soon prosecuted via court martial – commonly referred to as the 23-F Trial – resulting in many convictions. These convictions were later upheld by the Supreme Court, which also lengthened several prison

sentences.

Quality: Free and fair

Coding note: N/A

Timor-Leste 02-NA

Description: Timor-Leste (also known as East Timor) became an internationally-recognized sovereign state in 2002, following the end of a decades-long occupation by Indonesia. During the occupation, Indonesian military forces and pro-Indonesian Timorese militias had collectively murdered many thousands of civilians in the course of suppressing the independence movement. The Timorese government set about investigating these human rights violations soon after independence, leading to several rounds of prosecutions. These prosecutions were condemned by human rights monitoring organizations for falling short of international standards of fairness.

Quality: Flawed

Coding note: Timor-Leste does not appear in the GWF data, presumably due to its small population size. This is the only regime to appear in the PRCT data but not the GWF data. A case was created for Timor-Leste due to its prominence in the transitional justice literature.

Turkey 80-83

Description: Turkey's military staged a coup d'etat in 1980 against the democratically elected government, creating a military junta. The junta then set about arresting and prosecuting hundreds of thousands of political opponents in military tribunals, targeting members of the ousted government, suspected dissidents, and suspected members of militant resistance groups. The press and public were denied access to these tribunals, which often relied on evidence and testimonies obtained through torture.

Quality: Flawed

Coding note: N/A

Uganda 86-NA

Description: Yoweri Museveni established a personalist dictatorship in Uganda in 1986, following the military victory of his National Resistance Movement (NRM) against other armed factions in the country. Shortly thereafter, the NRM began investigating members of the previous regime for human rights violations. For instance, former Minister of State Cris Rwakasisi was convicted of ordering an extrajudicial execution and sentenced to death. The prosecution against Rwakasisi and others appears to have been

politically motivated and badly marred by bias. In many instances, prosecutors filed charges improperly as a means to extend detention periods.

Quality: Flawed

Coding note: N/A

Uzbekistan 91-NA

Description: Uzbekistan gained independence from the Soviet Union in 1991 and held democratic elections. The People's Democratic Party of Uzbekistan, a successor to the Communist Party of Uzbekistan, won the presidency. Pulat Akhunov, a former official during the Soviet government, became a leading figure of the opposition party Birlik. Similarly, former official Inamzhan Tursunov became a leading member of the opposing Erk Democratic Party. Both Akhunov and Tursunov were prosecuted by the new government in trials deemed to be unfair and politically motivated.

Quality: Flawed

Coding note: N/A

4.1 Selected Null Cases

In a handful of cases, transitional justice trials reported in other datasets do not appear in either the main or 'Extended' PRCT datasets. In other words, the relevant GWF regime is coded as failing to implement transitional prosecutions despite the fact that other scholars indicated otherwise. This could occur for either of two reasons. First, PRCT authors and RAs failed in several instances to find any evidence corroborating the existence of prosecutions. Second, judicial activity may have occurred, but did not meet definitional requirements stipulated by PRCT coding rules. For instance, a new regime may have opened a trial, but failed to procure at least one verdict. Below, we briefly summarize some (but not all) of these null cases.

Haiti 91-94

Description: Elements of the Haitian military ousted the democratically elected President Jean-Bertrand Aristide in 1991, and then established a nominally provisional government (classified as a military dictatorship by GWF). This government did not charge former officials. Though many dissenting civilians and former government officials were arbitrarily arrested – and sometimes executed – none were formally tried.

Ivory Coast 00-NA

Description: Laurent Gbagbo established a personalist dictatorship in 1999, after the previous party-based regime was overthrown in a coup d'etat. Gbagbo's government passed

several amnesty laws and did not pursue prosecutions against members of the previous regime.

Lebanon 76-05

Description: Lebanon's democratic regime collapsed after national elections in 1976, precipitating the Lebanese Civil. Lebanon did not attempt to implement transitional justice trials after the conflict ended in 1990. Nor was there evidence to suggest the country mounted successful prosecutions (which concluded in a verdict) against members of the previous regime.

Pakistan 88-99

Description: Following redemocratization in 1988, Benazir Bhutto – leader of the Pakistan People's Party (PPP) – became the prime minister of Pakistan. Bhutto was then legally deposed in 1990 and charged with corruption, though these charges were eventually dropped. Bhutto again became prime minister following elections in 1993 and remained in that position until 1997. In 1996, prior to the end of her second term, Bhutto was again charged with corruption and money laundering and eventually convicted in 1997 (this conviction would eventually be overturned).

This case was found to be non-transitional for two reasons. First – and more straightforward – the indictment which eventually led to Bhutto's conviction (along with her husband) was not filed until 1996, eight full calendar-years after Pakistan's last regime change in 1988. Second, Bhutto's prosecution does not appear transitional in substance. The alleged crimes occurred after the transition to democracy, and Bhutto was not accused of attempting to destabilize or overturn the new regime. Nor was she a member of the previous military-backed dictatorship.

Tajikistan 91-NA

Description: Following the fall of the Soviet Union, Rahmon Nabiyev founded a personalist dictatorship in 1991, though he was soon succeeded by Emomali Rahmon (GWF do not treat this as a regime change). The Tajikistan Civil War began one year later. Though the government signed a peace agreement with rebel groups, no regime change occurred. After the signing of a peace agreement, the government opened investigations into several disappearances and an assassination attempt – all of which had occurred after 1991. Indictments rarely resulted in trials due to lack of evidence, and evidence used in trials was frequently acquired through torture.

The case was found to be non-transitional in substance because members of the previous Soviet regime were not targeted. Nor did charges pertain to crimes perpetrated during the previous regime.

Yemen 78-NA

Description: After the assassination of President Ahmad al-Ghashmi in 1978, Ali Abdallah Saleh founded a new personalist dictatorship. Al-Ghashmi's assassination also precip-

itated the Yemenite War of 1979, and fighting continued throughout the 1980s and the early 1990s between North and South Yemen until reunification in 1994. Prosecutions following the unification pertained exclusively to war crimes committed during the civil wars after 1978.

Prosecutions occurred well after the most recent regime change in 1978. In addition, the case was found to be non-transitional in substance because members of the previous regime were not targeted. Nor did charges pertain to crimes perpetrated during the previous regime.

5 References

Binningsbø, Helga Malmin, Cyanne E Loyle, Scott Gates & John Elster. 2012. "Armed conflict and post-conflict justice, 1946–2006: A dataset." *Journal of Peace Research* 49(5).

Coppedge, Michael, John Gerring, Carl Henrik Knutsen, Staffan I. Lindberg, Jan Teorell, David Altman, Michael Bernhard, Agnes Cornell, M. Steven Fish, Lisa Gastaldi, Haakon Gjerløw, Adam Glynn, Sandra Grahn, Allen Hicken, Katrin Kinzelbach, Kyle L. Marquardt, Kelly McMann, Valeriya Mechkova, Anja Neundorf, Pamela Paxton, Daniel Pemstein, Oskar Rydén, Johannes von Römer, Brigitte Seim, Rachel Sigman, Svend-Erik Skaaning, Jeffrey Staton, Aksel Sundström, Eitan Tzelgov, Luca Uberti, Yi-ting Wang, Tore Wig, & Daniel Ziblatt. 2023. "V-Dem Codebook v13." *Varieties of Democracy (V-Dem) Project* .

Dancy, Geoff, Bridget E. Marchesi, Tricia D. Olsen, Leigh A. Payne, Andrew G. Reiter & Kathryn Sikkink. 2019. "Behind Bars and Bargains: New Findings on Transitional Justice in Emerging Democracies." *International Studies Quarterly* 63(1):99–110.

Elster, John. 2004. *Closing the Books: Transitional Justice in Historical Perspective*. Cambridge University Press.

Geddes, Barbara, Joseph Wright & Erica Frantz. 2014. "Autocratic Regimes Code Book Version 1.2.".

Geddes, Barbara, Joseph Wright & Erica Frantz. 2018. *How Dictatorships Work: Power, Personalization, and Collapse*. Cambridge: Cambridge University Press.

Goemans, Henk E., Kristian Skrede Gleditsch & Giacomo Chiozza. 2009. "Introducing Archigos: A Dataset of Political Leaders." *Journal of Peace Research* 46(2):269–283.

Kim, Hunjoon & Kathryn Sikkink. 2010. "Explaining the Deterrence Effect of Human Rights Prosecutions for Transitional Countries." *International Studies Quarterly* 54(4):939–963.

McAuliffe, Padraig. 2004. *Transitional Justice and Rule of Law Reconstruction: A Contentious Relationship*. Routledge.

Meernik, James D., Angela Nichols & Kimi L. King. 2010. "The Impact of International Tribunals and Domestic Trials on Peace and Human Rights After Civil War." *International Studies Perspectives* 11(4):309–334.

O'Donnell, Guillermo, Philippe C. Schmitter & Laurence Whitehead. 1986. *Transitions from Authoritarian Rule: Comparative Perspectives*. Johns Hopkins University Press.

Olsen, Tricia D., Leigh A. Payne & Andrew G. Reiter. 2010. *Transitional Justice In Balance: Comparing Processes, Weighing Efficacy*. United States Institute of Peace.

Sarkees, Meredith Reid & Frank Wayman. 2010. *Resort to War: 1816 – 2007*. CQ Press.

Wright, Joseph & Abel Escribà-Folch. 2012. "Authoritarian Institutions and Regime Sur-

vival: Transitions to Democracy and Subsequent Autocracy." *British Journal of Political Science* 42(2).