

Purges and Truth Revelation Procedures 1946–2016: Introducing a Transitional Justice Dataset

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Abstract

This article introduces a new dataset of transitional justice events that disaggregates these events in two novel ways. First, it breaks down transitional justice events into a time series that begins at the time a country became democratic through 2016. Second, it disaggregates transitional justice events into mechanisms that deal with open forms of collaboration or human rights violations, such as purges, and events that deal with secret forms of collaboration and human rights violations, such as lustration and truth commissions. It complements existing datasets on events related to transitional justice by focusing not only on post-conflict societies (as the PCJ) and not only on post-authoritarian societies (as the TJDB), but on both. We demonstrate the advantages of our disaggregation strategy by presenting our data with the use of three novel measures: severity, urgency, and polarization. We explain how the granular structure of our data allows researchers to engage in constructing additional measures depending on the theoretical questions of interest to researchers. We compare and contrast our measures of transitional justice with the ones proposed by the authors of PCJ and TJDB and also use our measures in a regression where the dependent variable is “power distributed by of socioeconomic status.”

1 Introduction

Transitional Justice refers to the “formal and informal procedures implemented by a group or institution of accepted legitimacy around the time of transition out of an oppressive or violent social order, for rendering justice to perpetrators, and their collaborators, as well as victims” (Kaminski, Nalepa & O’Neill 2006). Such mechanisms for dealing with righting wrongs committed by former ruling elites and commentary on them date back to the ancient Athenian democracy and its attempts to deal with crimes committed by

the Thirty Tyrants (Todd et al. 2000). This article introduces a new global dataset including the following transitional justice mechanisms: purges—thorough, perfunctory, and leadership—and truth revelation procedures—lustration and truth commissions. For obvious reasons, we cannot collect data for a time span stretching back to the 5th century B.C. Adhering to conventions in the conflict literature in social science (Kreutz 2010, Olsen, Payne & Reiter 2010*b*, Sikkink & Walling 2007, Binningsbø, Loyle, Gates & Elster 2012), we document the occurrence of these mechanisms in all countries that experienced civil war or transitioned to democracy between 1946 and 2016. Globally, there are sixty one such states.

Notably, beyond purges, lustration, and truth commissions, transitional justice encompasses criminal trials of former perpetrators of human rights and various forms of victim compensation. Excellent datasets covering trials and amnesties have been created by Sikkink & Walling (2007), Mallinder (2008), and Olsen, Payne & Reiter (2010*b*). To our knowledge, there are no comprehensive datasets covering victim compensation¹, which is a very broad category, ranging from the return of expropriated wealth in monetary substitutes or in kind to purely symbolic public apologies. Such formal apologies can be successful or fail to accomplish reconciliation between nations.² The reason, we omit such

¹We explain below why the Olsen et. al. category of reparations cannot be extrapolated to victim compensation.

²As an example of the former consider Aleksander Kwasniewski's apology of behalf of the Polish people for wartime crimes committed against Jews issued during the memorial to Jews murdered in Jedwabne, a Polish town under the occupation of Nazi Germany. Arguably, the reason the apology failed at reconciling Jews and Poles was that Kwasniewski stressed that that the truth of what happened in Jedwabne had not yet been established (Keesing's 2001). As a good example of the latter consider Roman Herzog's apology for the suffering Germany caused Poland during World War II, a statement issued while attending the 50th anniversary of the Warsaw Uprising in 1994.

forms of transitional justice here is dealing with the principle of non-retroactivity *Nullum crimen sine lege* (“no crime without law”). This principle poses a problem for trials of former perpetrators of human rights violations because it criminalizes actions that were not only legal under the previous authoritarian regime, but indeed encouraged. Since it is difficult to assess the extent to which different countries’ legal traditions restrict their implementation of criminal forms of transitional justice, we left trials of former perpetrators out. To the extent that recognizing victims implies their perpetrators, acts of victim compensation are left out also from our dataset. This allows us collect detailed enough data on personnel transitional justice and truth revelation procedures to test hypotheses about the mechanisms behind these forms of non-criminal transitional justice.

The next section will motivate our data collection project in more detail while reviewing the extant research on quantitative approaches to transitional justice. Section three will provide a brief description of how we define the five selected transitional justice mechanisms followed by some illustrative examples. Section four defines transitional justice events, the building blocks of our measures. We divide these into positive and negative events, which can be visualized in a time series. Section five presents three new measures of transitional justice: severity, urgency and polarization. Applying these measure to illustrative transitional justice mechanisms shows how much information is obscured if one had to rely on measures created out of previous datasets. Section six concludes by applying our measures of transitional justice to show which aspects of transitional justice are associated with how power and socio-economic status are distributed in the aftermath of transition.

2 The significance of former authoritarian elites

The last three decades, have witnessed an outpour of transitional justice research, particularly in social science and the humanities (Thoms, Ron & Paris 2010). We speculate

this has to do with a resurgence of interest in legacies of authoritarian regimes among political scientists. Scholars do not dispute that the power of former authoritarian elites extends beyond the life span of an authoritarian regime. This can happen for two reasons. First, autocrats may be well positioned to capture state resources at the time of democratic transition, which they can then use in a clientelistic fashion to stay in power (Brun & Diamond 2014, Haggard & Kaufmann 2016, Albertus & Menaldo 2014). The outgoing autocrats' access to resources can be cut off if they or their successors are voted out of office following the transition to democracy, but as various cases around the world demonstrate, this removal is frequently just temporary (Kitschelt 1999). Grzymala-Busse (2002), for instance, attributes the revival of successor authoritarian parties to the organizational advantage they hold over parties that are new to the party system. This organizational advantage allows them to make better use of state resources when they eventually do find themselves in government. Second, autocrats may retain power after the transition, because the transition itself is endogenous to their strength. Some scholars have explained the advantage former authoritarian elites wield following democratic transitions by arguing that they concede their power only in moments when they can expect to thrive under democratic conditions at least as well as they did under autocracy (Slater & Wong 2013).

Given these two sources of former autocrats' power—one exogenous and the other endogenous to the transition itself—effective transitional justice institutions may be the last resort to curb their unfair advantage. Indeed, scholars of transitional justice have argued that its mechanisms can undercut the privileged position of members of the former autocrats, their parties, enforcement apparatus, as well as its collaborators (Stan et al. 2009, David 2011, Vinjamuri & Snyder 2004, Escribà-Folch & Wright 2015).

From the point of view of limiting the influence of former authoritarian elites, personnel transitional justice mechanisms should stand out as critically important, because they deal with authoritarian elites most directly. Yet, scholars examining data on transitional justice have found little evidence that these mechanisms make a difference in preventing

former autocrats from reasserting their political dominance (Olsen, Payne & Reiter 2010a, Binningsbø et al. 2012) or that they matter for the long term quality of democratic representation (Olsen, Payne & Reiter 2010a, Van der Merwe, Baxter & Chapman 2009, Thoms, Ron & Paris 2010).

We believe the source of these ambiguous findings are data collection strategies (1) that are not sensitive to the temporal dimension of transitional justice and that (2) do not account for whether the type of collaboration with the former authoritarian regime was secret or open.

Data on personnel transitional justice mechanisms is notoriously hard to collect, in no small part because policy makers in different parts of the world refer to it using different terms from “vetting” and “purging” to “house-cleaning” as well as specific terms, such as “de-nazification,” “de-communization,” or “de-baathification.”

It is equally hard to pinpoint when exactly a mechanism of a certain type became implemented. Most likely for this reason, previous data collection efforts have relied on aggregating all transitional justice activity of a certain type into a single variable that signifies the presence or absence of that transitional justice mechanism in a given country following its transition from authoritarian rule or civil war. A noteworthy exception is the Transitional Justice Database (TJDB) by Olsen, Paine, and Reiter, which records the year in which a transitional justice mechanism of a given type was implemented. The TJDB includes data on five transitional justice mechanisms, including amnesties, trials, truth commissions, lustrations, and reparations. However, in all fairness, only trials can be indeed treated as “one shot” events. In the case truth commissions, lustrations, and reparations, it is hard to pinpoint a decisive moment when this type of legislation is passed once and for all. Instead, it is first proposed, then amended, then sometimes struck down by a constitutional court or presidential veto, only to be reintroduced on the legislative floor again. Following successful passage, it can be further amended by the upper house, vetoed by the executive or struck down by the constitutional court. Moreover, with the passage of

time, the scope of transitional justice mechanisms can be expanded or curtailed, or the legislation can be completely revoked. Moreover, lustrations in the TJDB appear in most countries at most once or twice. Consequently, a preponderance of analyses, uses it as if it were collected dummy variable. In a nutshell, treating transitional justice as a “one shot event” ignores the multifaceted nature of democratic procedures, the very procedures that make implementing transitional justice possible in the first place. In section 5, we use our measures of urgency, severity and polarization to show the shortcomings of limiting the coding of transitional justice to the mere presence or absence of a given transitional justice mechanism.

Second, an overwhelming majority transitional justice datasets treat lustration and administrative purges (such as de-communization, de-baathification, and de-nazification) as the same type of mechanism for dealing with the past (Elster 2004). Consider as illustrative examples, because of their inclusion of lustration and purges, the contributions by Olsen, Payne & Reiter (2010a) and Binningsbø et al. (2012). Olsen, Payne, and Reiter find that most lustrations have occurred in Eastern Europe, but they use the term lustration to refer to “official state policies to purge individuals from positions they currently hold or to ban them from holding specific positions in the future” (Olsen, Payne & Reiter 2010a, 38). That these authors pool collaboration with known and unknown collaborators becomes apparent when they admit that lustration events are often referred to in terms of the group that is banned from public office, as in “De-Nazification,” “De-Communization,” and “de-Baatification.” This use of the term “lustration” blurs the distinction between clandestine and open collaboration with the ancien régime. Yet despite this, they were only able to record 54 Olsen, Payne & Reiter (2010a, p.39) instances of lustration, mostly in Eastern Europe.³ Meanwhile, our dataset reveals 245 lustration events (using our narrower defi-

³Indeed, most contributions to the lustration literature suggest that this transitional policy is limited to Post Communist Europe (De Greiff & Mayer-Rieckh 2007, Ellis 1996, Closa Montero 2010, Letki 2002, Stan 2013, Stan & Nedelsky 2015)

nition, and even more when using Olsen et.al.'s), many of them beyond Eastern Europe. The higher number of lustrations in our dataset despite disaggregating secret and open forms of collaboration is a result of broadening the search for personnel transitional justice beyond the term "lustration" and its derivatives, but including also terms policy makers use call what in fact are purges and lustration.

Olsen, Payne & Reiter (2010a) are far from unique in pooling personnel transitional justice events into one category. Authors of the widely recognized Post-Conflict Justice DataBase (Binningsbø et al. 2012), refer to all personnel forms of transitional justice with the term "purges," which describes "the acts of removing politicians, members of the armed forces, judiciary (...) for their (alleged) collaboration with or participation in a conflict and limiting their influence accordingly" (Binningsbø et al. 2012, p.736). In part because their data collection effort is limited to societies recovering from conflict and only covers the first five post-conflict years, these authors only managed to locate 15 post-conflict episodes that are followed by purges.

Finally, there are a few scholars who disaggregate personnel transitional justice mechanisms. Among them are Roman David (2011) and Cynthia Horne (2017). David defines lustration as a "special public employment law that stipulates the conditions for the access of persons who worked for or collaborated with the political or repressive apparatus of socialist regimes to certain public positions in new democracies." He limits, however, the scope of lustration to the region of Eastern Europe justifying this decision with the fact that prior to 1990, this term was not used to describe transitional justice procedures (David 2011, p.67). While it is true that the term "lustration" was rarely used to describe the disqualification for public employment of secret and clandestine collaborators of the former regime, such procedures were implemented both before 1990 and beyond Eastern Europe. Cynthia Horne, on the hand, tries to "back out" the concept of lustration from ways in which policy makers have used it. Taking a disaggregating approach, she presents an overlapping categorization of personnel transitional justice events that includes vetting,

lustration, and purges. She restricts the term “purges” to bans extending collectively to any member of a certain organization linked to the ancien régime and contrasts it with the term “lustration” that denotes a procedure that considers each case individually. She then stipulates lustration to be part of a more general category of “vetting,” which she defines as any ban on holding office, not necessarily for members or collaborators of the ancien régime. Both David’s and Horne’s approaches limit the scope of lustration to Eastern Europe. Critically, neither David nor Horne distinguish between procedures that reveal new information about secret collaboration and bans that rely on open membership in an ancien régime organization.

In sum, existing transitional justice datasets, such as the PostConflict Transitional Justice Database either pool complex events leading to the implementation of transitional justice into a simple dummy variable or fail to disaggregate personnel transitional justice into mechanisms that deal with secret and open collaborators.

Although lustration and purges are forms of personnel transitional justice in that they aim at eliminating from the state apparatus members and collaborators of the previous authoritarian regime, lustrations have actually more in common with truth commissions, because they uncover information which was kept secret before the transition. Second, the effect of the severity of lustration on democratic representation is very different from the effect of severity of purges on democratic representation. While the quality of political representation increases monotonically with the severity of lustration, this is not necessarily the case with purges Ang & Nalepa (2017). The reason is that politicians who in the past had been clandestine collaborators of the authoritarian regime or politicians who in the past have committed atrocities in secret can be blackmailed with the threat of revealing such information to the public by those with credible access to such “skeletons in the closet.” Needless to say, if the public still pays attention to what happened in the past, the revelation of such “skeletons” could end a politician’s career. In return for their silence, individuals in possession of credible evidence of “skeletons in the closet” can demand

rents or policy concessions. Regardless of the currency in which the ransom is paid out by the blackmailed politician, the quality of democracy suffers.

The mechanism behind purges is different: Since getting rid of members who ran the agencies of the former authoritarian regime is similar to getting rid of bureaucrats, one can think of administrative purges as the reverse of a delegation problem (Nalepa 2017). If a newly elected politician comes to office and carries out a thorough purge, he is forced to implement policy in inherently uncertain conditions. Without the expertise of people who used to run the agencies under the *ancien régime*, he cannot know how policy implementation will be affected by unknown to him states of the world. Conversely, a decision to forgo a purge or settle on implementing a leadership-only purge, can be thought of as the equivalent of delegation to an agent who is equipped with expertise and thus able to adjust policies to the state of the world. The dilemma facing the new politician is obvious to any student of principal agent models. The agent—in this case, the staff member of the authoritarian agency—may have preferences that are so misaligned with those of the principal (the new politician) that he will use his expertise to implement policy he himself prefers. And on balance, this policy outcome may be worse for the principal than his own implementation, ridden with lack of expertise as it is.

These two intuitions already show that the mechanism behind purges is very different from the mechanism of lustration. Particularly, when what is of interest is the ability of new democratic politicians to represent the interests of their voters. And that is why these two categories of personnel transitional justice ought to be disaggregated. The remainder of this article describes the dataset that accomplishes this task.

3 Defining transitional justice mechanisms

Truth commissions are “bodies set up to investigate a past history of human rights abuses in a particular country which can include violations by the military or other government

forces or armed opposition forces.” (Hayner 1994). According to Hayner, in order to be considered a truth commission, the body should (1) *not* focus on on-going human rights abuses as a human rights ombudsman might; (2) examine a pattern of human rights abuses over time rather than a specific event; (3) be temporary; and (4) have an official sanction to carry out its operations from the state (Hayner 2001, 14).

A classic example is the South African Truth and Reconciliation Commission (Hayner 2011, Gibson 2006). The Commission was formed in 1995 to investigate crimes committed against the South African people during the apartheid regime (1960-1994), covering human rights violations committed by both the state and various liberation movements.⁴ The Commission’s mandate provided it with the ability to offer amnesty to those who fully participated in the process and truthfully confessed the full extent of their crimes. It released a five-volume final report to then-President Nelson Mandela in 1998. The report detailed the abuses committed by the apartheid-era National Party government, the state opposition-turned ruling party African National Congress (ANC), and other “leading political figures on both sides of the anti-apartheid struggle” (*South Africa* 1998).

While the South African Truth and Reconciliation Commission is arguably the most well-known truth commission, such commissions have existed all over the world and in many different forms. A lesser-known example comes from Thailand, where in 2010, the Abhisit Vejjajiva government established the Truth for Reconciliation Commission of Thailand (Rustici & Sander 2012). The Commission had a two-year mandate, working from July 2010 until July 2012 to investigate the 2010 political violence that emerged as a result of protests initiated by the United Front for Democracy against Dictatorship (UDD). It released interim reports every six months, and its final report was released on September 17, 2012. The chairman of the Commission “insisted that the major task of his commission was not to bring the wrongdoers to justice but to find out the truth of the events during

⁴Specifically, it was established via the Promotion of National Union and Reconciliation Act, passed by the South African parliament in July 1995 (Institute of Peace 2011b).

the April-May 2010 protests so the public would be informed in order to ensure that incidents of this kind were not repeated” (Rustici & Sander 2012). The final report—released on September 17, 2012—identified, among other factors, those responsible for the 2006 military coup, a polarized media, and differences in the understanding of democracy as prominent root causes of the violence (Commission of Thailand 2012, 327-30).

Lustration, vets candidates for public office for secret ties to the former authoritarian secret police. It does this through opening archives of the secret police of the former authoritarian regime to uncover who among persons running for public and political office had worked as a secret collaborator or informer. Proven collaborators are then either explicitly banned from holding office or revealed as collaborators to the voters, who subsequently decide whether to cast their votes for the compromised politicians. Although most of the literature (and one of the authors in the past) have used the term “lustration” to denote the uncovering of both secret and open collaborators, for reasons explained in the next section, we reserve the term “lustration” to denote only *secret* forms of collaboration. Truth commissions and lustration jointly comprise truth revelation procedures. In contrast, personnel transitional justice mechanism that deal with open or known collaborators are referred to as purges.

A classical example of lustration is the Polish lustration law, which requires all persons holding or running for public office to declare in advance whether or not they had in the past collaborated with the secret authoritarian police prior to the transition. Information from declarations admitting collaboration is put on the ballot and voters themselves can decide whether or not they want to cast their vote on a former collaborator. Negative declarations are sent to a special division of the Institute for National Remembrance, where they are verified against information assembled in the archives of the former secret political police. Proven collaborators who lied on their declarations are banned from running for office for 10 years. Although this is the most cited example of lustration (Kaminski & Nalepa 2006, Nalepa 2010a, Nalepa 2010b, Nalepa 2013, Nalepa 2012, Nalepa 2009), it is

hardly typical, because it allows two types of collaborators to escape direct sanctions: (1) the collaborator who admits he worked as a secret collaborator ⁵ and (2) the collaborator who failed to own up to his past, but was not uncovered. A more typical illustration law carries with it an explicit sanction for anyone who is proven to have worked for the secret police as an informer (as in Hungary) or who fails to provide evidence of his or her innocence (as in the Czech Republic).

There are three types of purges: thorough, leadership only and perfunctory. A thorough purge denotes the disbanding of an entire segment of an ancien régime institution, without discriminating between leaders (those issuing orders) and rank and file (those following orders). A couple of illustrations of thorough purges come from Post-Communist Europe and involve the disbanding of communist secret police agencies there. The purging of the East German Stasi is now legendary and described by multiple historians and political scientists (Koehler 1999, Childs & Popplewell 2016, Miller 1998). Initially, following Erich Mielke's resignation, the East German Council of Ministers renamed the Stasi to the "Office for National Security." However, less than two months later, the new Prime Minister of GDR, Hans Modrow ordered the dissolution of this new office. The Ministry of Internal Affairs inherited the buildings and facilities of the former Stasi, but none of the employees were rehired by the new agency.⁶ The Ministry took over some of the tasks performed by Stasi (notably, the ones that did not involve spying on the opposition). This

⁵But see (Nalepa 2008) for a discussion of whether a positive declaration is indeed not a sanction.

⁶Childs & Popplewell (2016) report that "most of the Stasi employees had to turn to some other means of earning their living. However a significant number did find reemployment in the policy or private security work. In Saxony, it was reported that more than 500 ex-Stasi operatives had been taken over by the police. This includes 161 former full time Ministry for State Security employees and 262 unofficial collaborators. In addition, 370 ex-members of the DDR criminal police were in employment in 1994" (195).

thorough purge came at a cost, however, documented by numerous journalistic accounts of former Stasi officers receiving gainful employment in the business holdings of Martin Schlaff, an Austrian businessman who in the 1980s made a small fortune by supplying senior Stasi officers with products that were precluded from trade under “CoCom,” the embargo imposed on the Soviet block by the West (Tillack N.d., Borchert 2006).

Of course, thorough purges need not be limited to the secret intelligence and police apparatus. The following illustration comes from Panama. A *Human Rights Watch* report describes the purge of the judiciary that took place there as follows “From top to bottom, judges who held posts under Noriega resigned or were purged and have been replaced by new ones, almost all of whom lack prior judicial experience: all nine of the Supreme Courts judges resigned and were replaced; the newly-constituted Supreme Court then dismissed or had to replace 13 out of the 19 judges of the *Tribunales Superiores*, the intermediate appellate courts; and approximately two-thirds of the 48 trial-level circuit judges, were, in turn, removed or replaced by the newly appointed appellate judges”(Watch 1991).

One final illustration of a thorough purge comes from Argentina, where according to *The New York Times*, only two months after taking office, President de la Rúa purged the intelligence apparatus of over 1500 agents responsible for involvement in the so-called “dirty war” (Krauss 2000). Purged agents were either dismissed or forced into retirement. Instead of releasing the list of names of those purged, entire sections of the agency were let go, suggesting that no discrimination was made between those giving or following orders or the level of involvement. According to the report, this “housecleaning (...) mean[t] nearly a 50 percent reduction in military intelligence personnel, and officials said they would leave nonmilitary intelligence work to civilian agencies” (Krauss 2000).

A leadership purge is limited to the top echelon of the hierarchy of the enforcement apparatus, thus it does discriminate between the leadership of the organization and the rank and file. A good illustration of a leadership purge is the Bulgarian *Panev Law*, passed

on December 9, 1992 by the Bulgarian National Assembly.⁷ Among its many provisions, the law prohibited from holding positions in “ Executive Bodies of Scientific Organizations and the Higher Certifying Commission” people who had taught at the Communist Academy for Social Sciences and Social Management and also those who had taught History of Communist Parties, Leninist or Marxist Philosophy, Political Economy, or Scientific Communism. All persons covered by the law had to provide written statements regarding their prior employment and party activities. The refusal to provide such a statement was regarded as admission of guilt. According to its author, Mr Georgi Panev, the underlying idea behind the purge “was to bar persons of the higher totalitarian scientific structures and former collaborators of the former State Security from academic and faculty councils and from the supreme academic awards commission, awarding scientific degrees and other academic qualifications.” The reason this was a leadership purge is that only having taught in institutions belonging to the communist state’s tight leadership circle was the basis for disqualification. Rather than barring all academic staff who had held a position under the previous regime, most were allowed to retain their jobs, provided, they had not also worked at the key institutes providing communist cadres with higher education.

Finally, a perfunctory purge is a vetting process that only extends to the rank and file or to the lowest echelons of the hierarchy of the enforcement apparatus. Such purges sometimes occur while the authoritarian regime is still in office. Under such circumstances, they should be interpreted as a preemptive move of the outgoing authoritarian regime, which shields itself from more severe transitional justice from the hands of the incoming democratic regime (Kamiński & Nalepa 2014).⁸ A perfunctory purge can also be instituted by an incoming democratic government when it cannot conduct a leadership purge

⁷The full name of the bill was ‘ Law for Temporary introduction of Additional Requirements for Members of Executive Bodies of the Scientific Organizations and the Higher Certifying Commission.’

⁸Preemptive perfunctory purges do not satisfy the definition of transitional justice.

because its hands are tied by a peace agreement with the outgoing military autocrats (Nalepa 2010b). Under such circumstances, forgoing purges altogether is not feasible because of third party or international pressures. An illustration of such a purge comes from Nicaragua. Nicaragua's autocracy was based on the Sandinista National Liberation Front (FSLN or "Sandanista"). The government brought upon the country an eight-year civil war that came to end with competitive elections held in 1990. President Violeta Chamorro who emerged victorious in those elections faced considerable pressure from the United States to reform the security forces.⁹ These pressures notwithstanding, Chomorro decided to forgo the purge of military commanders and only purge troops, reducing their number from 80,000 to only 20,000. In particular, she retained the former president and FSLN leader, General Ortega, most likely for no other reason than to preserve peace, as she had been a longtime Sandinista critic. Three months later when she did fire a long-time Sandanista Chief commander, to make good on her promise of leading a "government of national reconciliation" she replaced him with another Sandanista (Otis 1992).

The second perfunctory purge example comes from El Salvador. Similarly to Nicaragua, El Salvador had gone through a party-based authoritarian government (which was classified according to some of the sources as party-military (Geddes, Wright & Frantz 2014)) followed by a civil war which left 75,000 people dead. The first competitive elections free from political violence were held in 1994, though the peace agreements were signed earlier, in February of 1992 (Archive N.d.). On January 4 1993, despite pressure from the UN to carry out a leadership purge in the military, President Christiani to demonstrate "good faith over the peace accords [...] announced reductions in the armed forces from 63,000 to 31,500 troops" (*Renewed threats to peace process Purge of army officers* 1993).

⁹At one point, the US Congress threatened to withhold the release of 100 million dollars to Nicaragua unless some personnel exchange took place. In part, this was due to charges that US funds had been funneled to Sandinista groups, but upon another reading, the withholding of aid was supposed to bring about a purge

4 Data collection and organization

We developed our country selection criteria by expanding on the existing GWF (Geddes, Wright & Frantz 2014) and PCJ (Binningsbø et al. 2012) datasets. We included countries that, as indicated by GWF, are currently democratic and had transitioned from a military or party-based authoritarian regime in the post-1946 period. Our dataset also included any country with multiple indicators of regime type as long as at least one of the indicators was “party-based” or “military.” Thus, Argentina, which transitioned in 1983 from a military regime, was included, as was Burundi, which transitioned in 1993 from a military-personal regime, or Indonesia, which transitioned from a party-personal-military regime.¹⁰ Given the rarity of purely personalist regimes, particularly among countries that have transitioned to democracy, we chose to exclude the majority of such regimes. The exceptions to the decision to exclude personalist regimes were those countries that also experienced a conflict period as indicated by the PCJ database, particularly if those conflicts were not merely coups or coup attempts. Under these circumstances, we included countries that transitioned to democracy from personalist authoritarian regimes—for example, Spain and the Philippines—as well as countries such as the United Kingdom, which has remained democratic throughout the entire post-1946 period, but has also experienced a conflict period (Northern Ireland).

We excluded all countries that are currently authoritarian and have remained authoritarian for most of the post-1946 era, as by our definition, these countries are unable to implement transitional justice.

If a country dissolved into a collection of smaller countries as a result of successful secession efforts, such as in Czechoslovakia or Yugoslavia, we included any relevant tran-

¹⁰Also included were countries which had recently reverted to some form authoritarianism, such as Egypt and Thailand, which suffered from military coups in 2014 and 2013, respectively.

sitional justice events from the original country as the transitional justice events for the most relevant successor country. All additional countries were coded as having transitioned at the date of independence. For example, we coded the Czech Republic as the successor country following the 1993 dissolution of Czechoslovakia. Czech Republic thus inherited the post-1989 transitional justice events attributed to Czechoslovakia. Slovakia was then coded as having transitioned in 1993. Serbia was coded as the successor country to Yugoslavia, while Slovenia, Bosnia and Herzegovina, Croatia, Macedonia, Kosovo, and ultimately Montenegro were all coded as having transitioned at their respective dates of independence.

Finally, we included information on countries and conflict periods that led to transitional justice but which had been excluded from the previous datasets.

¹¹ We chose explicitly to include small countries because such countries are neither immune to periods of authoritarian rule nor periods of conflict or political violence, and as seen in the cases of East Timor or Kosovo, such small countries can implement all forms of transitional justice.

To create our dataset we relied on two major electronic databases—Keesings Record of World Events, Lexis Nexis Academic Universe—and numerous secondary sources. The raw data include chronologies of events pertaining to purges and truth revelation procedures for all countries satisfying the selection criteria outlined above. We searched these databases and secondary sources for information about events related to purges and truth revelation procedures in a given country, beginning from the date of the transition to democracy, the start of the post-conflict period, or both (in the case of conflicts which occurred in democracies), and ending in either 2016 or the year in which the country re-

¹¹An example of each includes Cyprus, which is excluded from GWF based on size, and Kenya, based on its Post-Election Violence in the 2007-2008. Although Kenya was excluded from PCJ, it produced numerous domestic transitional justice events, including the creation of a truth commission.

verted to authoritarianism.

Each chronology document includes the relevant information about the final authoritarian regime and transition, conflict and post-conflict period, or both for that country. The records of each transitional justice event for a given country are provided in chronological order, noting the appropriate year of the event, what event occurred, the relevant state and non-state actors, a more detailed description of the event, and the source from which the event was recorded. In order for a transitional justice event to be relevant it must include an actor in his or her governing capacity enabling (positive event) or disabling (negative event) the pursuit of transitional justice.

Specifically, we define a positive transitional justice event as the submission of a transitional justice proposal to the floor of the legislature, the passage of such legislation, the upholding of such legislation as constitutional by a supreme court, or the overturning of a presidential veto against such legislation. In the case of truth commissions, the publication of the commission's report(s) and the extension of the commission's mandate were also considered positive transitional justice events. We define a negative transitional justice event, in contrast, as the voting down, vetoing or striking down by the constitutional court of a transitional justice proposal or law. Similarly, expanding the set of persons targeted by transitional justice or broadening the set of "offenses" (where "offense" is defined in light of the transitional justice procedure in question) to include more past or present positions constitutes a positive transitional justice event, whereas attempts to narrow the set of targets or "offenses" were coded as negative transitional justice events.

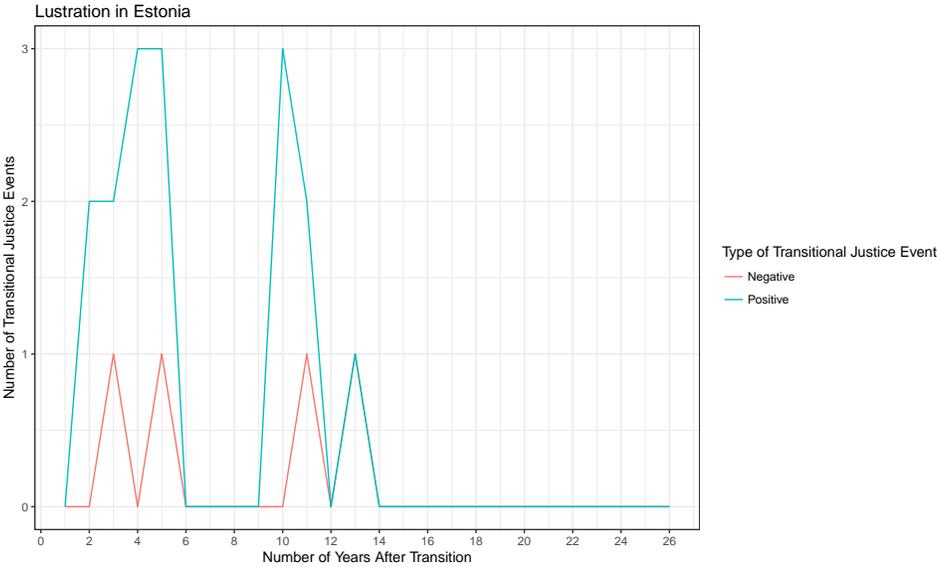
After determining each event's category—thorough purge, leadership purge, perfunctory purge, lustration, or truth commission—it was coded as positive or negative. Events that were not relevant for the dataset were labeled as such, with an explanation of why the event was excluded.

The number of positive and negative transitional justice events was then annually aggregated to create a panel, with countries as the cross section and time since transition as

the temporal dimension. A panel assembled in this way allows for the creation of many different measures of transitional justice and the raw chronologies themselves will allow researchers to experiment with different systems of disaggregation.

A convenient visualization of our data at this high level of disaggregation is to present it as a time series of positive and negative transitional justice events of each type. The figure below presents such a visualization for lustration in Estonia.

Figure 1: Negative (red) and Positive (blue) Lustration Events in Estonia



As each country’s time series, Estonia’s starts at the time of the democratic transition and ends in 2016. Estonia appears to have had most of its lustration events—positive and negative alike—shortly after its transition to democracy. While positive events always outnumbered negative events, there were clearly some lustration reversals, especially in the first 6 years. Although quite severe and moderately polarizing in the first 14 years following the transition, lustration activity in Estonia ended completely 12 years ago. However, because our data collection ends with 2016, Estonia’s time series, as all others that do not end with an authoritarian transition is censored.

Censorship is more of a problem for recent transitions, as countries that recently transitioned to democracy simply did not have as many opportunities to engage in transitional

justice.

Time series such as the one presented in Figure 1 above should be thought of as building blocks out of which scholars can construct measures pertaining to various aspects of transitional justice. In the next section we offer examples of such questions and propose three measures that can be used to address them.

5 Constructing measures of Transitional Justice

Measures are never constructed in complete abstraction from research questions (Goertz 2006). Even in the case of an article introducing a dataset, it is hard to propose measures in void of theory. Personally, as scholars of transitional justice, we are predominantly interested in studying transitional justice mechanisms as independent variables affecting the stability of democracy. But assessing the impact of transitional justice on the quality of democracy is haunted by endogeneity issues that for now, we wish to set aside. Thus, the sample questions we propose here and offer measures for involve using transitional justice mechanisms as the dependent variable. They are:

1. How long does a country wait before engaging in transitional justice (of a certain type)?
2. How intensive in its severity is the transitional justice process?
3. How stable are transitional justice mechanisms once they are implemented? (or, to what extent does the adoption and discontinuation of transitional justice measures follow the turnover in government between transitional justice proponents and its adversaries?)

To address these questions, we propose the following three measures: (1) Urgency and Delay, (2) Severity, and (3) Polarization. We introduce each in turn below.

5.1 Urgency and Delay

The intuition behind measures of urgency is to capture how long must one wait for the adoption of a transitional justice mechanism. The most straightforward measure would thus be the number of years lapsed before the first positive transitional justice event as a proportion of years lapsed since the transition itself. Herein, however, lies the problem with the censored nature of our data. Should a country that transitioned five years ago and implemented lustration in its fourth year of transition be treated as the same by this measure as a country that transitioned twenty years ago and implemented lustration only four years ago? The naive measure proposed above would give both a score of .8. Yet, the latter country should be, it seems, considered as more of a latecomer to the lustration process. For one, it is hard to implement lustration in the immediate aftermath of transition. In contrast to purges, lustration relies on uncovering files of the secret political police, which is an activity that may take years, depending on how well organized the archives of the secret political police were to begin with. Similar delays caused by the very nature of evidence that must be unearthed characterize truth commissions. In order to account for such start up costs, we propose to measure urgency/delay with:

$$U_c = \frac{T_c^N - P_c^1}{(T_c^N - T_c^1)(P_c^1 - T_c^1)} \quad (1)$$

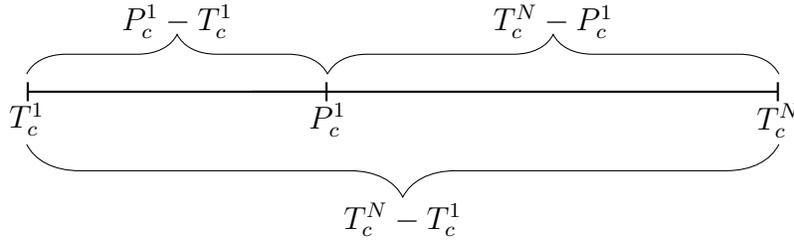
, where T_c^n is 2016 or the last year of the democratic spell before the reversal to authoritarian rule,¹² P_c^1 is the year following the transition with the first positive transitional justice event of a certain type, and T_c^1 is the first year following the transition.

Figure 2 below illustrates how this measure works:

The greater the difference between T_c^N and P_c^1 , the sooner the first positive transitional

¹² T_c^n need not be the same as 2016 as illustrated by Thailand, which experienced a military coup in 2014, T_c^1 will be subtracted from the year of the authoritarian reversal rather than 2016.

Figure 2: Urgency Measure



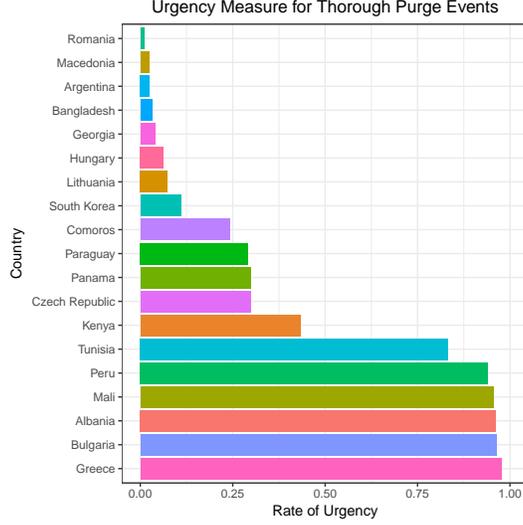
justice event took place, increasing the value of this measure. However, to account for the fact that countries that transitioned long ago have more opportunity for this difference to be large than countries that transitioned recently, the denominator weighs the measure by the total length of the democratic spell multiplied times the number of years one had to wait for the first positive transitional justice event. This operation decreases the value the measure in proportion to how much time a country had to experience a positive transitional justice event.

We see that U_c becomes zero when a country has no positive transitional justice events. Given that the urgency/delay is a function of time, a country that has not yet implemented a particular type of transitional justice cannot possibly have a non-zero value for the measure. We also see that the measure will approach the value of 1 when P_c^1 approaches T_c^1 , that is when the first positive event occurs very soon after the transition. Because T_c^1, T_c^N , and P_c^1 can only take up positive integer values and $T_c^1 < P_c^1$,¹³ the measure will never actually assume 1, although it is well defined (the denominator cannot be zero). To illustrate the work of this measure we apply it to our universe of thorough purge events in Figure 3 below.

This is a useful exercise because it shows the tremendous simplification that occurs when scholars try to capture the implementation of transitional justice with a dummy

¹³We code the data beginning with the first year after the transition which is consistent with the fact that the first positive event has to take place *after* the transition.

Figure 3: Urgency of Thorough Purges



variable. Clearly, the extremely delayed thorough purge in Romania cannot be treated as equivalent to the urgently implemented purge in Greece.

5.2 Severity

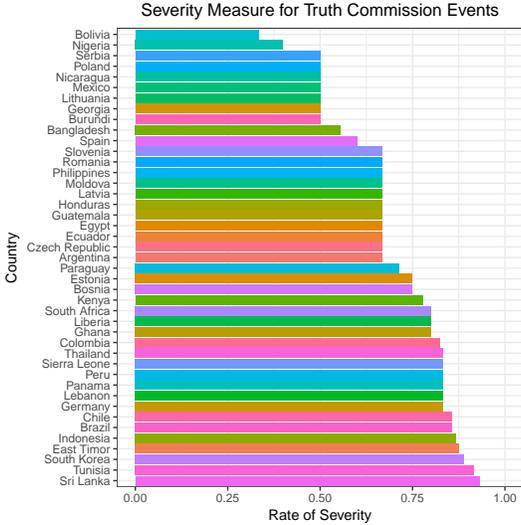
A measure in high demand for evaluating transitional justice is an instrument that would continuously measure its intensity. We expect this measure to place a given procedure in each country somewhere between the two extremes of very minimal engagement to the most severe implementation of transitional justice. We approximate this by measuring the cumulative effect of relative changes in the law since the transition. Specifically, we propose to measure severity as follows:

$$S_c = \frac{\sum_t (P_c^t)}{\sum_t (P_c^t + N_c^t) + 1} \quad (2)$$

where t is the subscript over time and N_c^t is the number of negative events in country c in period t , while P_c^t , similarly to above, is the number of positive events in country c in period t . For a given country, S_c will take on the value of 0 when the country in question did not attempt any transitional justice. The number of negative transitional events is strictly

lower than the number of positive transitional events, ensuring that a state with any transitional justice event at all will have a non-zero score. The measure approaches 1 when the ratio of positive events to total events increases. To ensure the measure is well defined and the denominator does not equal 0, we add 1 to the denominator. The figure below applies this measure to truth commissions, which we consider to be a hard test for this measure, since most scholars don't expect these bodies to vary that much from one to the next. Yet our measure captures quite a bit of this variation. Figure 4 ranks truth

Figure 4: Severity of Truth Commissions



commissions from most severe (Sri Lanka) to the mildest (Bolivia). Despite these countries drastically different experiences with truth commissions, existing transitional justice datasets would draw an equivalence between them. Meanwhile, following its 1994 return to democracy, Sri Lanka's post-transition governments established a series of commissions of inquiry, truth commissions, and investigative bodies to look into forced disappearances, civilian targeting, and other gross human rights violations committed during both the previous authoritarian regime and the throughout the years of civil war under both authoritarian and democratic regimes (Institute of Peace 2011c, Bakiner 2016, of State 2010, Stan et al. 2013, Pinto-Jayawardena 2010, Hayner 2011, of State 2013). These bodies published reports which, among other things, identified thousands of alleged perpetrators of human

rights violations among the former authoritarian government forces (Hayner 2011, Institute of Peace 2011c), ethnic militias (Bakiner 2016, Pinto-Jayawardena 2010, of State 2013), and other state actors. The single truth commission established after the 1982 transition to democracy in Bolivia, however, was relatively narrow in the scope of its original mandate and its work ultimately remained unfinished. As “Latin America’s first truth commission,” the Bolivian National Commission for Investigation for Forced Disappearances, was established in October 1982 to “investigate the disappearance of citizens during the period of 1964 to 1982” (Institute of Peace 2011a). The Commission was disbanded by the Bolivian government two years later, and a year short of fulfilling its mandate. It never issued a report (Institute of Peace 2011a).

5.3 Polarization

In order to capture the stability of transitional justice, we focus on the magnitude of policy swings regarding a given transitional justice mechanism in a given country. We interpret policy swings as dramatic shifts from positive to negative events, or vice versa. Consequently, our polarization measure only applies to countries that have experienced both positive and negative events. Polarization could be simply measured by the number of years separating the year with the maximum number of positive events from the year with the maximum number of negative events. Such a measure, however, would fail to account for the fact that a country can experience both positive and negative events over the course of the same year. Thus, in order to capture this net value of positive and negative events, we propose:

$$P_c = \frac{\max_t\{P^c - N^c\} - \min_t\{(P^c - N^c)\}}{(|\text{median}_T\{T^{\max}\} - \text{median}_T\{T^{\min}\}| + 1) * \text{median}_i\{\max_t\{P^c - N^c\}\}} \quad (3)$$

,where $\max_t\{P^c - N^c\}$ is the maximum difference between the positive and negative events implemented in any given year and $\min_t\{(P^c - N^c)\}$ is the minimum difference

between positive and negative events in any given year.

The value of $\max_t\{P^c - N^c\}$ is highest in the year a country records the maximum number of positive transitional justice mechanisms events net of the negative events and is at its lowest when a country records the maximum number of negative transitional justice events net of positive events. Calculating the difference between positive and negative events in each year allows us to focus on the net transitional justice events, which are then used to calculate the magnitude of the policy swing.

The denominator of this measure accounts for the number of years the country in question took to experience such a policy swing. The higher the polarization, the lower the number of years separating the maximum from the minimum net value. At the same time, because each of these net values could be associated with more than a single year, we select the median year for both net values. Hence the denominator subtracts $\text{median}_T\{T^{\min}\}$ from $\text{median}_T\{T^{\max}\}$. We take the absolute value of this difference, as we are obviously interested in the absolute distance. We also add 1 to ensure the measure is well defined, to avoid having zero in the denominator. Lastly, to normalize it between 0 and 1, we multiply the denominator with the median across all countries of the maximum value of net events, defined as $\text{median}_i\{\max_t\{P^c - N^c\}\}$.

The operation of this measure is best explained with an example. Take the case of Bulgaria, where the maximum value of net transitional justice events, $\max_t\{P^c - N^c\} = 4$ (in 1999). This means that in 1999, there were four more positive than negative transitional justice events. The minimum value of net transitional justice events, $\min_t\{P^c - N^c\} = -2$ (in 2002), implying that in year 2002 there were two more negative transitional justice events than positive events. The numerator of our polarization measure is thus $4 - (-2) = 6$. Next, in order to capture the number of years it took Bulgaria to experience this policy swing, we find the difference in time between the years with the maximum and minimum numbers of events, respectively, which is given by $2002 - 1999 = 3$. Adding one gives 4, which is then weighed by the median $\max_t\{P^c - N^c\}$ across all countries, which is equal

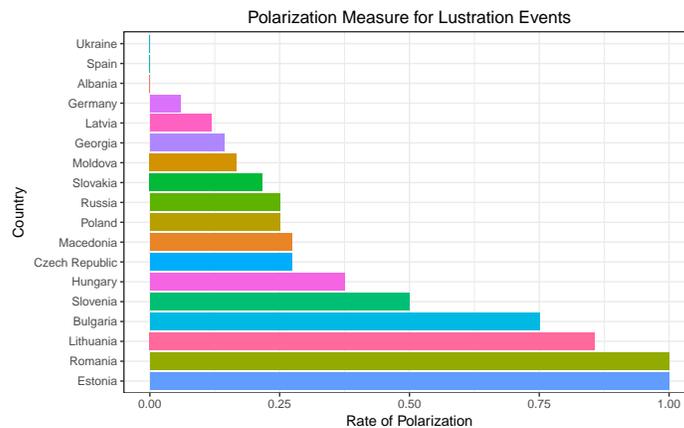
to 2. Hence, the value for Bulgaria's polarization measure is given by:

$$P_c(\text{Bulgaria}) = \frac{4}{3 * 2} = .666 \quad (4)$$

More generally, P_c takes on zero when a country does not experience any policy swing in transitional justice. P_c approaches 1 when a country exhibits a significant policy swing in relatively short amount of time, as the rate of polarization decreases with time between the years with maximum and minimum net events, respectively. Note, that that whether a country has a measure of polarization at all will vary from one transitional justice mechanism to another, as the measure can only be applied to countries that exhibited both positive and negative transitional justice events. Countries that did not implement any transitional justice of a given type as well as countries that had only positive or only negative events do not have a measure of polarization, as they, by definition, cannot experience policy swings.

Figure 5 illustrates the operation of this measure using the example of lustration.

Figure 5: Polarization of Lustration



Although Polarization is by far the most complex of the three measures presented here, it exposes the potentially greatest problem associated with aggregating transitional justice as dummy variables capturing only whether a given country experienced it or not (and possibly providing a date). First, consider the case when polarization is very low

as in Ukraine, Spain and Albania. These values correspond to situations where transitional justice is implemented once and for all, thus the coding is not affected by the time at which data were collected. Contrast this with highly polarized countries, such as Lithuania, Romania and Estonia, where transitional justice is implemented at one point only to get revoked shortly later. In such countries, the coding of the presence or absence of the transitional justice mechanism is highly dependent on the moment in time when the data collection took place.

Especially the lustration and truth commissions' data indicated that focusing on the entire time series of events is more fruitful than trying to capture the presence or absence of a mechanism with just a dummy variable. Hungary's and Bulgaria's lustration trajectories show constant a back and forth from positive to negative events. Latvia in contrast indicated a steady pattern of ratcheting up lustration provision. Spain appears to have a significantly delayed path to lustration, but again, the positive events appear to cancel out with negative events.

5.4 Disaggregating TJ to separate open and secret collaborators

Next, we use our dataset to substantiate the decision to disaggregate transitional justice into purges—that is, dealing with known forms of collaboration with the ancien régime or human rights violations—and lustration and truth commissions—that is, dealing with secret forms of collaboration and human rights violations that have not been revealed. Figure ?? below plots the effect of the total number of positive transitional justice events net of negative events as a function of time lapsed since transition (left/upper panel) and as a function of transition year (right/lower panel). Here, all transitional just event have been pooled and there indeed, there is no relationship between TJ and two variables that ought to be good predictors of TJ: time lapsed since transition and year of transition (CITES)

However, if we disaggregate the transitional justice mechanisms into purges (thorough and leadership), lustration and truth commissions, a clear pattern emerges. Consider first

the upper panel for figure ?? illustrating positive TJ events net of negative events for the four mechanisms as a function of transition year (left/upper panel). Lustration prevails in countries that transitioned around 1990, which tend to be the Eastern European ones (Albania, Bulgaria, East Germany, Estonia, Hungary, Latvia, Poland, Slovakia and Slovenia), as previous scholarship has speculated (CITES). However, there are also instances of lustration in other countries. A deeper look into our data reveals they are Argentina, Spain, and Guatemala. There is also an uptick in truth commissions around the beginning of the third wave of democratization, but in contrast to lustration events, truth commission events trend upwards again in countries with mid 1990s transitions as well as in countries transitioning around 2010. This is consistent with what we know from the scholarship on truth commissions: truth commissions abound in South America (Paraguay, Ecuador, Peru) and Africa (Kenya, South Africa and Liberia), they can also be found in Indonesia and East Germany (CITES). The story with purges is quite different. First, the occurrence of thorough purges are flat across the range of transition years in our dataset. If they do occur, it happens in the immediate aftermath of the transition (the slight uptick on the left end of the lower panel of figure ??). Leadership purges, on the other hand, seemed to be more popular in the beginning of the Third Wave transitions (Latin American countries that transitioned in the seventies) and their popularity seems to be increasing post 2005. As in the case of thorough purges they are concentrated in the early post-transition years.

In sum, patterns that account for purge activity are not necessarily the same ones that lead in lustration and truth commissions. Similar inferences can be drawn from the GIS-coded version of our data in the form of world maps illustrating all three of our measures. Data on severity, polarization and urgency values for lustration, truth commissions, thorough and leadership purges are provided in the Appendix as well as interactively under the following link: <https://tinyurl.com/ybmcj7hf>.

6 Conclusion

This paper has introduced scholars to a new dataset that disaggregates transitional justice mechanisms—lustration, truth commissions and purges—into time series of negative and positive transitional justice events. After explaining why this kind of disaggregation is needed we show how to use the granular data structure to construct measures that can be then used to test the transitional justice hypotheses they are interested in.

Yet, one of the shortcomings of the proposed measures and even our granular data in the form of transitional justice chronologies is that neither provides information about whether the transitional justice process was actually enforced. Focusing on institutional events of passage and striking down of transitional justice provisions gives only a *de jure* picture of the transitional justice process, which may or may not reflect the *de facto* process. We avoided coding the implementation and effectiveness of transitional justice for a variety of reasons, the most important of which is that it is too hard to disentangle from the quality of democracy itself. Instead, we focused our efforts on a parallel data collection process that measures what we call the “raw output or the transitional justice process.” This is the presence of former authoritarian elites in post-authoritarian political institutions and organizations. To describe this dataset of authoritarian elites would require a separate article. We mention it here to highlight that contrasting our institutional events transitional justice data with out authoritarian elites data leads us to believe that measures relying on patterns of transitional justice events can serve as a pretty good approximation or actual transitional justice implementation. That is, when we compared the data on purges with data on authoritarian elite presence, we found that indeed, countries that experience more purge events have fewer former authoritarian elites in their political parties.

7 Appendix

The following appendix presents a GIS coded version of our dataset [HERE](#) with all three measures applied to lustration,. The first map presents GIS coded data on the severity of lustration in countries making up our universe of case. The second map presents the severity of purges for the same group of countries.

Figure 6: World Map of Lustration Severity (Darker represents higher severity)

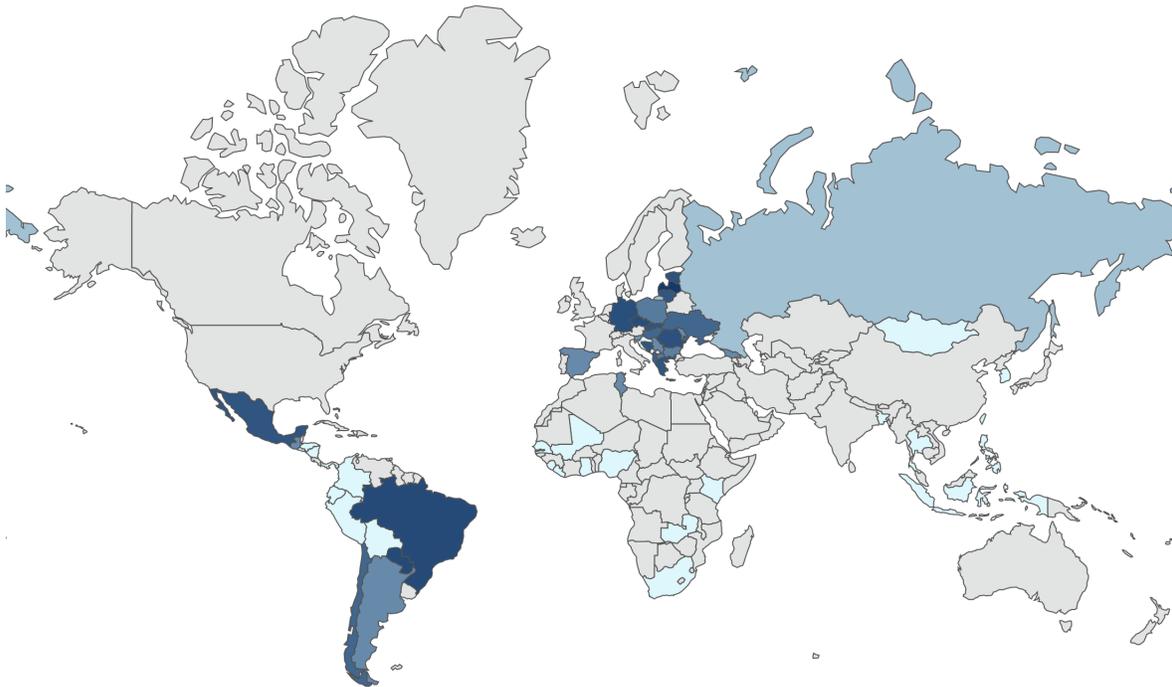
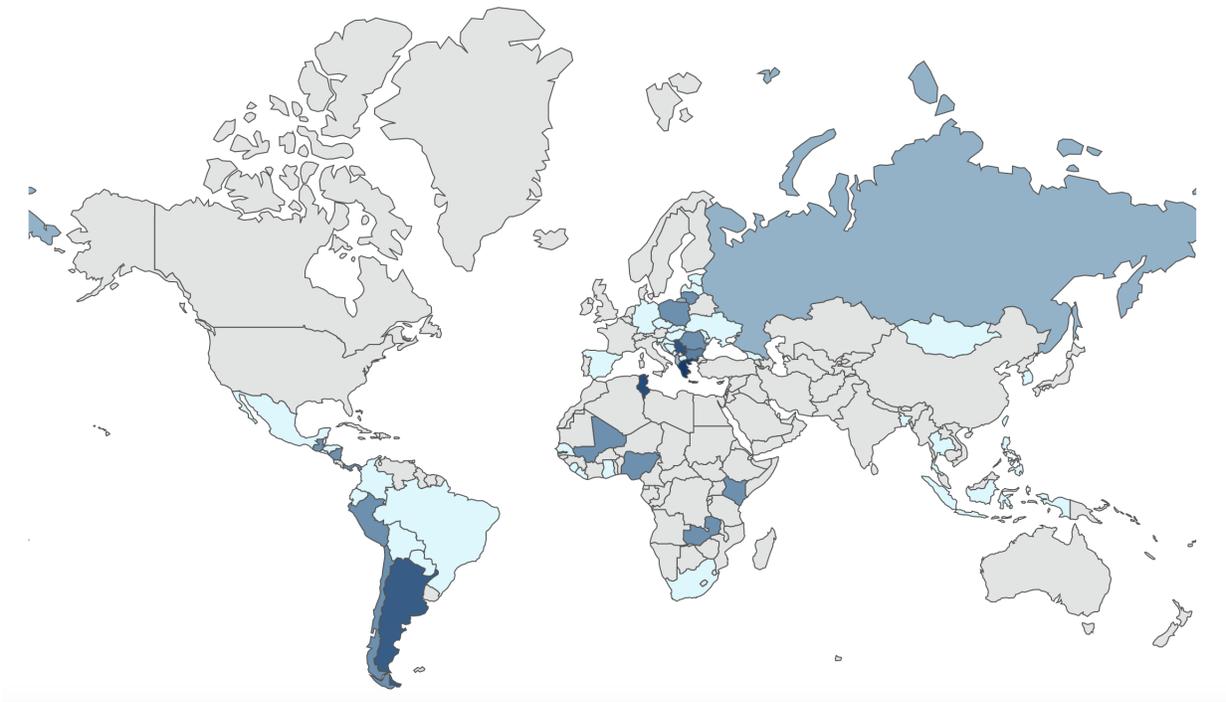


Figure 7: World Map of Leadership Purge Severity (Darker represents higher severity)



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