

H i C N Households in **C**onflict

Network

The Institute of Development Studies - at the University of Sussex - Falmer - Brighton - BN1 9RE

www.hicn.org

Determinants of former combatants' attitudes toward transitional justice

Sarah Zukerman Daly*

HiCN Working Paper 235

October 2016

Abstract:

The transitional justice literature has made important advances in understanding the determinants of transitional justice and citizens' views of this form of justice. However, the attitudes of former combatants toward policies aimed at addressing human rights violations have received less attention. This article draws on original survey data of Colombian ex-paramilitaries. Ex-paramilitaries vary significantly in their attitudes toward their victims' status and rights and their participation in the armed conflict. To explain variation in their support for transitional justice, I analyze individual, group and context-level variables relating to the ex-combatants' conflict and reintegration experiences. The data suggest that the post-war relationships between the ex-combatants and the communities in which they reside prove highly influential in accounting for individual attitudes toward transitional justice. The extent of collective culpability and of socialization into armed groups' norms of violence also has leverage in explaining variation in victimizers' attitudes. The study has implications for the current peace process with the FARC and prospects for transitional justice and an end to violence in Colombia.

*Assistant Professor, Department of Political Science, University of Notre Dame, 217 O'Shaughnessy Hall, Notre Dame, IN 46556 (email: sarahdaly@nd.edu). I thank Yin-Hsiu Chen for excellent research assistance. For helpful discussions, I thank Thomas Flores, Juan Vargas, and participants at the Working Group on Political Violence and Civil War at Harvard University and Conference on Dynamics of Conflict and Challenges to Peace at Universidad del Rosario.

Introduction

Transitional justice describes the set of measures that have been implemented in contexts progressing from authoritarianism and civil conflict to democracy and peace in order to readdress the legacies of human rights violations committed during the previous regimes and the past wars (Kritz, 1995; McAdams, 1997). These measures include the revelation of truth, material and symbolic reparations to victims, punishment of perpetrators, and institutional reforms (Elster, 2004).

The scholarly literature has made significant advances in understanding the political, legal, social, and ideational determinants of transitional justice mechanisms and assessing their efficacy at promoting peace, reconciliation, and democratization (Gibson, 2004; Nalepa, 2010; Snyder and Vinjamuri, 2003; Sikkink and Walling, 2007; Tepperman, 2002). Scholarship has also begun to understand the opinions toward transitional justice of the population in general and of victims in particular, relying on surveys and in-depth interviews (Aguilar et al., 2011; International Center for Transitional Justice (ICTJ), 2006; International Center for Transitional Justice (ICTJ), 2004; Samii, 2013; Stover and Weinstein, 2004).

While the literature has furthered knowledge of why certain transitional justice policies are adopted and why victims hold varying views of these policies, we have a limited understanding of perpetrators and former combatants' views.¹ There has not been systemic evidence brought to bear on the question of former combatants' attitudes toward transitional justice.

And yet ex-combatants vary significantly in their views toward victims of the conflict and methods of justice during times of transition from conflict and/or state

¹ Key exceptions to this are: Cutter Patel et al. 2009; Theidon 2007.

repression. In this article, I present a series of hypotheses, rooted in the literatures on conflict, peace, and transitional justice, to account for this variation. I explore data from a representative survey of Colombian ex-combatants, which was conducted by the Agencia Colombiana para la Reintegración (ACR) between 2007 and 2008. These data provide information on ex-paramilitaries' attitudes toward victims' status and rights to different transitional justice measures and sentiments about their own participation in the violent conflict. The data also provide detailed information on a variety of potential explanatory factors to account for variation in ex-combatants' attitudes toward transitional justice.

The article thereby advances our understanding of transitional justice: when ex-combatants are likely to take responsibility for their groups' acts of violence, recognize the rights of victims, seek pardon and forgiveness from their victims, and prove willing to repair those affected by their atrocities. These insights into ex-combatants' acceptance or rejection of transitional justice should prove especially useful right now as the FARC potentially embarks on a collective path to transitional justice. This article also lays the groundwork for two important avenues of investigation: one, evaluating if attitudes are indicative of behaviors; that is, if positive views of transitional justice translate into greater willingness to actively participate in transitional justice. If ex-combatants embrace transitional justice in attitudinal terms, are they then more likely to seek pardon, repair victims, reconcile with their victims, and even accept punishment? Are they more likely to facilitate justice on a micro level? Two, this article provides the foundation for research revealing if ex-combatants' emotional transformation as part of the transitional justice process enhances society's resilience to the recurrence of atrocity. Are former fighters' feelings of remorse and guilt, acceptance of victims' rights and status, and

respect for the transitional justice process a portent for whether they will return to violence and recidivism as the peace literature assumes? In more general terms, does justice enhance security?

This article proceeds as follows: in the next section I introduce the Colombian case of the paramilitaries and describe the system of justice that governed their transition to peace. In the third section I present the theoretical framework and hypotheses. I describe the data and how the variables are operationalized in the fourth section and then empirically test and discuss the results in the fifth section. To conclude, I outline several broader implications of the findings for processes of peace and transitional justice.

Transitional justice in Colombia

Over the past five decades, violence in Colombia has swept over “desert and plain, in burning valley and Andean crags,” leaving over 220,000 dead in its wake (Bailey, 1967). It has uprooted and displaced 4.7 million. Since 1981, Colombians have suffered 23,154 assassinations and 1,983 massacres and have witnessed 27,000 kidnappings, 10,189 casualties due to landmines, 5,000 forced disappearances, and tens of thousands of cases of torture, rape, and forcible recruitment. The paramilitaries have been found responsible for a majority of these atrocities, which often targeted unarmed civilians, indigenous and Afro-Colombian populations, women, children, and other vulnerable members of society (Grupo de Memoria Histórica, 2013). In 2002, negotiations began to end the paramilitaries’ reign of terror; peace bargains, signed between 2003 and 2006, led to the decommissioning of these powerful illegal non-state armies (Daly, 2016).

The transitional justice regime governing the peace process with the paramilitaries assumed the form of the Justice and Peace Law (Law 975) (Díaz, 2007). Approved on

June 21, 2005, the act aimed “to facilitate the processes of peace and individual or collective reincorporation into civilian life of the members of illegal armed groups, guaranteeing the victims’ rights to truth, justice, and reparation” (Kalmanovitz, 2010; Comisión Colombiana de Juristas, 2007).

This transitional justice regime dictated that individuals guilty of crimes against humanity had to make full and honest confessions of their actions. The truth-gathering element of Law 975 relied on confessions (called “versiones libres”), in which ex-combatants clarified the dates and locations of any crimes and illegal acquisition of property and goods. According to the Inter-American Commission on Human Rights, individuals and societies need to know the truth to prevent the recurrence of atrocity (Laplante and Theidon, 2006). Truth-telling seeks to address information asymmetries between perpetrators and victims. Through truth commissions, victims acquire knowledge of offenders’ motivations – “the objective and subjective elements that helped create the conditions and circumstances in which atrocious conduct was perpetrated” (Inter-American Commission on Human Rights, 2004). In so doing, truth aims to enable the victim to forgive: the act of removing the attribution of harmful intent from the offenders (Petersen and Daly, 2010; Goldberg et al., 1999). It thereby seeks to reduce anger and cycles of vengeful killing and to facilitate reconciliation and peace (UN Commission on Human Rights (UNCHR), 2006).

Members of the irregular armed groups in Colombia with no pending charges of crimes against humanity (mostly foot soldiers) fell under Law 782 of 2002, which granted them legal benefits and reinsertion assistance. Law 1424 of 2010 allowed these ex-combatants their liberty in exchange for committing to tell the full truth, non-

repetition of their violent acts, and engaging in reparations and social services as dictated by the ACR (Laplante and Theidon, 2006).

Under Law 975, punishment assumed the following form. Perpetrators received punishments via ‘alternative’ sentences of five to eight years in prison, depending on the gravity of their crimes. This process suspended existing sentences as long as the beneficiaries of the law confessed the full truth, engaged in reparations, and committed to non-repetition of violence. Failure to refrain from all illegal activity resulted in a return to the original suspended sentences associated with the charges while failure to confess to the full truth raised the sentence by 20 percent (Laplante and Theidon, 2006).

Reparations under Law 975 took the form of restitution of assets, payment of compensation, and access to rehabilitation procedures. Reparations serve as another form of punishment as resources are taken away from the perpetrators and given to the victims, re-equilibrating the power imbalance between victims and victimizers created by atrocity and relieving “the moral ambiguity and guilt survivors often feel” (Hamber and Wilson, 2002).²

The survey data from which this article draws was conducted in the aftermath of the passage of Law 975. It demonstrates the marked variation in the extent to which Colombian ex-combatants accepted responsibility for the violence committed, sought forgiveness, and transitioned from combatant to civilian status by distancing themselves from their militant pasts and supporting transitional justice (Tutu, 1999). What explains this variation?

² Combatants have, at times, experienced victimhood and thus may perceive themselves to be victims rather than victimizers. Distinct from this subjective view were the objective, legal categories used by the transitional justice regime, under which ex-combatants were deemed perpetrators of violence – guilty of participation in illegal armed groups – whether or not the individuals themselves committed acts of violence. I use the term ‘perpetrator’ or ‘victimizer’ in the collective, legal sense.

Theoretical framework

In this article, I argue that ex-combatants' attitudes toward transitional justice are influenced by a combination of wartime and postwar experiences. I outline the theoretical logic of factors related to these experiences and the mechanisms through which they are likely to influence ex-combatants' attitudes, sentiments, and beliefs.³

Conflict experiences

The literature on the dynamics of civil war proposes that experiences during the war, living within the structure of a rebel or militia organization, change individuals in fundamental ways. These experiences may influence individuals' attitudes toward transitional justice. There are both individual and collective elements of war experience that may matter.

At the individual level, two factors emerge as potentially affecting attitudes toward victims of the conflict and rights to justice for those victims: 1) ex-combatants' individual involvement in violence and 2) the extent to which the ex-combatant was indoctrinated into the norms of justice within a belligerent group. Former fighters' willingness to assume responsibility for the harm committed may be related to their individual level of culpability and self-assessment of that culpability. The repertoire and extent of violence experienced also has been found to be associated with psychological trauma (Grossman, 1995) and a series of emotions – shame, anger or depression – that may relate to ex-combatants' sentiments toward the war and the victims of the war (Annan et al., 2011).

³ The varied factors may intersect and interact and mediate each other in multiple ways. For example, individual experiences' effect might be mediated by group-level attributes. However, for the purposes of the analysis, I treat the factors as independent.

The second factor – socialization into the norms of war – may render violence a normal part of everyday life and victimhood an inevitable part of life (Darby, 2001; Kalyvas, 2006). Recent research has demonstrated the importance of socialization in accounting for a variety of outcomes, including strong variation in repertoires of violence **Error! Bookmark not defined.** Combatants who are recruited as children or young adults into an illegal armed structure and who spend a large share of their lives within the constraints of that structure may know only the norms propagated by the belligerent group. These individuals who grow up in armed systems of justice may have difficulty transitioning to the norms and systems of justice of civilian society and may possess less favorable views of transitional justice.

The impact of conflict experience on post-war attitudes, however, should be mediated by the nature of one's armed group. Warring factions carry out varying levels of atrocities (Humphreys and Weinstein, 2008; Kalyvas, 2006). Individual ex-combatants may be influenced not only by their individual participation in violence but also by that of their collective structures. Armed groups also vary in their statutes regulating the use of violence and military conduct and vary in the extent of their indoctrination and training (Hoover Green, 2011; Wood, 2009; Oppenheim and Weintraub, Forthcoming). Where these groups support or permit violations of humanitarian law either formally or informally, their ex-combatants are socialized into a moral code that may render them hostile to transitional justice mechanisms.

A prominent literature on armed organizations during war finds that the behavior of armed groups endowed with natural resource wealth or robust criminal opportunities is characterized by a disregard for the interests of the civilian population and is “predicted

to exhibit much higher levels of indiscriminate violence, looting, and destruction” (Weinstein, 2007: 216). Accordingly, individuals who belonged to such groups may be collectively responsible for elevated levels of atrocity and may therefore hold unfavorable views of transitional justice. At the same time, resource-rich groups also tend to engage in less indoctrination and socialization, generating a weaker code of conduct governing individual behavior (Humphreys and Weinstein, 2008; Oppenheim et al., 2015). In this sense, members of more criminal, as opposed to ideological groups, may prove less socialized into armed norms of justice.

Reintegration experiences

The literature on conflict and peace has found that conflict experiences are not the only determinants of post-war attitudes toward policies. Ex-combatants experiences with reintegration and the broader context in which they live post-conflict should structure their views of victims of the armed conflict. While there exist many contextual factors that may matter, the nature of individual ex-combatants’ relationships with and experiences in their local communities should help structure their policy positions.

After demobilizing, ex-combatants experience rejection, resistance, tolerance or endorsement by the civilian communities in which they reside. These varied relations with the civilian population are likely to influence their attitudes toward transitional justice. Where supported by the population, ex-combatants should prove more willing to come forward to claim responsibility for their actions.

Relations with the civilian population are partially influenced by the nature of the former combatants’ postwar migration. After demobilizing, some former fighters choose to remain in the zone in which they operated whereas others choose to move far from

their conflict environment. For individuals who remain in the region in which they or their armed group committed violence, they may be more easily recognized by victims and therefore forced to face their militant pasts. At the same time, they may fear their victims' vengeance and therefore prove less willing to admit to their crimes – transitional justice policies are more personal in such localities and may have negative consequences for their safety. This is a variant on the results of Aguilar et al. (2011), which finds support for transitional justice to be higher in larger municipalities in which anonymity is greater. At the same time, individuals who remain post-war in the localities in which they deployed militarily do not change social milieus and may have a harder time transitioning from victimizer to civilian status, rendering them less likely to support transitional justice (Daly et al., 2014). In contrast, ex-combatants who migrate either to new localities or home to neighborhoods unaware of their participation in an armed group are likely better able to move on from their violent pasts and 'disappear' into civilian life as anonymous individuals, blending into the social fabric of migrants, displaced victims, and impoverished residents. In this way, they may more easily escape their victims' ghosts. Physically removed from their victims and from their pasts, they may prove more likely to acknowledge and more willing to repair those ghosts.

A further contextual factor involves the security situation in the locality in which the ex-combatant resides (Bateson, 2012; Weintraub et al., 2015). Just as transitional justice becomes more likely on a macro, country level as security and peace become consolidated and the trade-off between security and justice becomes mitigated, on a micro level, a similar dynamic may be at play. Fear for one's security may reduce support for transitional justice, especially where the source of insecurity lies with vengeance

killings by victims or punishment for tattle-taling by former collaborators and armed colleagues.

While evidence is mixed, exposure to reintegration programming should also have an impact on ex-combatants and should influence their attitudes toward transitional justice (Gilligan et al., 2013; Humphreys and Weinstein, 2007). Reintegration programs seek to reintegrate fighters into civilian life. Part of this transition involves socializing the ex-fighters back into the norms and moral codes of society. The accounts of several reintegration psychologists speaks to this goal:

Many ex-combatants are proud of their crimes when they demobilize. They do not feel guilty about them at all because they have not been taught normal values. But as they engage in the social-psychological workshops, they begin to feel more guilt ... the reintegration and reconciliation programs teach the former combatants what emotions they are supposed to feel.⁴

Data

In the next sections, I probe the explanatory leverage of each of the factors with data from a representative ex-combatant survey of 10,951 ex-paramilitaries across Colombia. The survey asked, among other things, about the ex-combatants' wartime and reintegration experiences, their political attitudes, and the conditions under which they deemed a return to violence justifiable.

The sample frame was all ex-paramilitaries in Colombia participating in the ACR programming at the time of the survey. The ACR administered monthly stipends, schooling, training, and psychological and social aid to a large majority of the demobilized individuals at 40 Centers of Service.⁵ Each ex-combatant was assigned to a *tutor* (psychologist), with no more than 120 former fighters per tutor. The *tutores*

⁴ Interview by author, Bogotá, January 2008.

⁵ Of the total ex-paramilitary population, 25,318 or 82 percent regularly went to these centers in 2007-08.

conducted house visits to every ex-combatant (and their families) once per month to track their reintegration. Additionally, they carried out weekly workshops with the program's beneficiaries. These tutores conducted the survey. They had established relationships of rapport and trust with the ex-paramilitaries, potentially mitigating social desirability bias.⁶ Additionally, the tutores were trained as social workers and psychologists and were therefore well suited to interview this vulnerable population. They enjoyed access to nearly the entire population of demobilized ex-combatants. The populations of ex-combatants in the sample were proportionate to the number of ex-combatants in each ex-paramilitary bloque.⁷

Measuring transitional justice

I operationalize attitudes toward transitional justice using different survey questions.

Public Apology

For attitudes about accepting responsibility for the crimes committed, ex-combatants were asked: "Do you believe it is important for the demobilized combatants to publically acknowledge the harm they caused civilians?" The response categories were binary: yes or no.

Victims' Status and Rights

⁶ Tutores' relationships with the ex-combatants could have also intensified the social desirability bias because the ex-fighters wished to please those helping facilitate their transition.

⁷ There were several sources of coverage error. At the time of this survey, 1,477 ex-paramilitaries had been killed, 2,476 were imprisoned, and 9,057 had exited the reintegration program. To test for bias, I examine covariate information on the entire population of ex-combatants. I use the Pearson's chi-square test for nominal covariate variables, Mann-Whitney test for ordinal variables, and logistic regression for continuous variables. These tests are sensitive to detect divergent compositions of two pools when n becomes large. Given the large sample size, the tests suggest statistically significant but not substantively large differences between the sample and non-sample and between the sampling frame and population of inference.

For attitudes regarding the violence perpetrated and victims' rights, individuals were asked, "What do you think about the civilians that suffered injuries and/or were killed at the hands of the armed groups?" By focusing on civilians, this question differentiated between attacks on armed, uniformed soldiers and those on unarmed civilians as codified in International Humanitarian Law. I created an ordinal variable from seven response categories that capture whether the ex-combatant believed that victims deserved transitional justice or not. This variable assumes a value of "0" if the respondent deemed the harm to civilians to have been necessary or inevitable or that the victims were not innocent or had had bad luck. The variable assumes a value of "2" if the respondent believed that victims should receive economic reparations, symbolic reparation, and/or an apology; the variable is coded "1" if the ex-combatants expressed a mixture of support and opposition to victims' rights.

Emotions about Participation in Armed Group

For attitudes toward their past involvement in the armed conflict and specifically sentiments of remorse and guilt, respondents were asked: "When you recall your participation in the armed group, what emotions do you experience most frequently?" Based on the ten response categories, I created a scale, coded '0' for positive sentiments toward their participation in the war, "1" for sentiments of indifference, and "2" for negative sentiments about their participation. Positive sentiment response categories included pride, sadness for having left the armed group, and a conviction that the former combatants deserved recognition (i.e. medals of honor) for their participation in the war. Response options of indifference included answers: when they think of their participation, they 'felt nothing' or 'did not think about their participation.' And negative sentiments

about their participation included emotions of sadness for having participated, shame, anguish, and guilt.

Measuring explanatory variables

To test the hypotheses, I include two groups of independent variables in the analyses. I include a first set of independent variables that captures the individuals' conflict experiences.

Conflict experiences

Individual and collective culpability. I expect individuals who committed violence to prove more reluctant to support transitional justice. To protect the physical and judicial safety of the respondents, subjects were not asked any questions which could have potentially incriminated them or risked their safety. Accordingly, they were not asked about their individual involvement in specific violent acts. To capture individual culpability, I include measures of their rank and roles/responsibilities during the war. Certain positions within the armed structures rendered individuals more likely to employ acts of violence as part of their job descriptions. Those of higher rank were also more likely to be accountable for atrocities committed.⁸ I constructed a variable, *Combatant*, which indicates if the demobilized combatant operated in a fighting or support capacity. This variable takes a value of '1' if the ex-fighter reported his/her responsibilities in the organization to have involved combat duties (patrol, foot soldiers, command) and '0' if these roles instead were described as support (informants, nurses, financiers, logisticians, cooks, or other). I include a variable, *Commander*, which captures if the individuals held ranks of top or mid-tier leadership and whether the soldiers had subordinates under their

⁸ Theidon (2007) explains how *victims* use rank to assess a former combatant's degree of guilt.

command. The data for these measures derive from the ex-combatant survey in which ex-combatants were asked to report their rank and their job functions. For collective culpability and membership in an armed group that employed relatively elevated levels of violence, I examine the level of abuse committed by the respondent's armed faction (*bloque*). This is calculated using a geo-coded, municipal-level violent-event database of paramilitary violence compiled by Fabio Sánchez and Centro de Estudios Sobre Desarrollo Económico (CEDE) (Sánchez, 2013).

Armed Norms of Justice. It is expected that individuals who were less indoctrinated into the norms of war and who belonged to groups with codes of conduct that disciplined the use of atrocities would be more likely to support transitional justice. To measure individual's socialization into wartime norms of justice, I include a variable measuring how long the individual belonged to an armed faction and a variable capturing at what age they entered the belligerent group. To proxy for the norms of justice within the respondent's armed unit and its extent of indoctrination methods, I use two measures. The first captures whether the individual belonged to an armed group that was more criminal or more political in nature, recognizing that the line between them is blurry. For this variable, I rely on the coding by experts from the OAS Peace Mission, Colombian High Commission for Peace, and Organization of International Migration who were present at the peace negotiations and who possessed intimate knowledge of the organizations and their leadership. I asked these experts to code each paramilitary group as economically driven (narco) or politically driven (self-defense/counterguerrilla). As a second indicator, I examine whether the individual belonged to an armed group that was

resource-rich. For this variable, I use the number of hectares of drugs cultivated in the group's region of operation in the year prior to demobilization (*coca*). These drug data derive from the reports of the United Nations Office on Drugs and Crime (UNODC) and the Colombian National Police's Integrated Illicit Crops Monitoring System (SIMCI).

Reintegration experiences

As a second set of variables, I include indicators that proxy for the ex-combatants' reintegration experiences and context.

Community Acceptance. It is expected that if ex-combatants feel accepted by their communities, they will prove more likely to support transitional justice. I constructed a variable, *Civilian Support*, from the ex-combatant survey data, which captures ex-combatants' own perceptions of how they were viewed by their communities. This measure assumes a value of '0' if the former fighters believed they were viewed with contempt, fear, distrust, resentment, or rejection by their neighbors. It assumes a value of '2' if they perceived their communities' sentiments toward them to be characterized as appreciation, confidence, gratitude, or acceptance. Finally, the variable is coded '1' if the ex-combatants believed members of their communities viewed them with indifference or with a mixture of these negative and positive sentiments.

Anonymity. I anticipate whether or not individuals reintegrated where they operated militarily to influence their attitudes toward transitional justice. I use two measures of anonymity: 1) whether the individuals' post-war place of residence corresponded to their zone of deployment. To operationalize this variable, I employed survey data on where they resided post-war. From the survey data, I also determined to

which paramilitary organization each individual ex-combatant belonged. Next, I gathered municipality-level information on each armed group's zones of operation at the time of demobilization. Experts often contest these mappings, so I triangulated information from three different classified sources: Colombia's Fiscalía General de la Nación (Attorney General), Justice and Peace Division, which generated these data using the confidential testimonies of 2,700 former top and mid-ranking paramilitary commanders; the Colombian High Commissioner for Peace; and the Organization of American States (OAS) Peace Mission (Misión de Apoyo al Proceso de Paz, MAPP); plus one open source, the "Verdad Abierta" project of the Fundación Ideas para la Paz (FIP) and the Colombian magazine *Revista Semana*. Merging these sources of information with the survey data, I was able to estimate whether each individual resided where they had deployed during the war. As a second indicator of anonymity, I examine the survey question, "Do members from your neighborhood or community know that you are a former combatant?" I coded those who answered in the affirmative, "1" and those who answered negatively, "0."

Security threats. It is predicted that the security context in the locality in which the ex-combatants resided post-war would influence their attitudes toward transitional justice. To capture security threats, I use per-capita homicide rates at the moment of demobilization from the datasets of the Centro de Estudios Sobre Desarrollo Económico (CEDE) (Sánchez, 2013).

DDR Program Exposure. Finally, I expect a positive relationship between the extent of exposure to disarmament, demobilization, and reintegration (DDR) programming and support for transitional justice. To calculate the length of time each

individual engaged in the programming, I use ACR administrative data on program participation 2003–2007, coding the number of years of each ex-combatant’s participation.

The empirical analyses also include several individual-level controls: gender, age, marital status, and level of education at the time of demobilization and type of demobilization process (individual or collective).

Empirical analysis

Figures 1–3 show the distribution of the responses to the different items constituting the three dependent variables: attitudes toward a public apology; attitudes toward victims’ rights; and attitudes toward participation in the armed conflict.

These figures indicate that Colombian ex-paramilitaries were generally supportive of transitional justice. However, there exists important variation. Eighteen percent of ex-combatants did not support public acknowledgement of the atrocities; 27% did not accept their victims’ status and rights⁹ while an additional 20% expressed mixed support for victims’ rights; and ten percent expressed no sentiments of remorse for their participation in violence; 41% expressed indifference about their participation.

Public Apology

⁹ These former combatants deemed the harm to civilians to have been necessary or inevitable. In particular, they believed that the “civilians had had bad luck,” were “not innocent” (deserved to die), that “sometimes it was necessary to do harm to civilians for political or military reasons” or “unfortunately civilians always suffer in the midst of combat” (i.e. it was inevitable and out of their hands). To feel guilt, an individual must first understand that s/he committed a ‘bad’ action for which s/he must seek atonement (Petersen and Daly 2010).

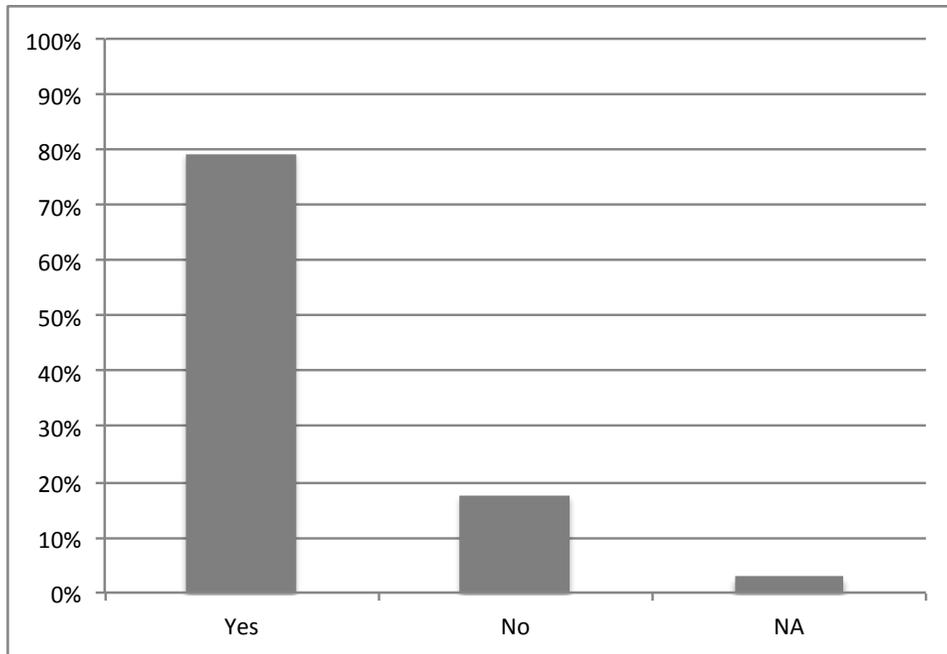


Figure 1. Support for public recognition by ex-combatants of the harm done to civilians.
 Note: NA = Does not answer or does not know

Victims' Status and Rights

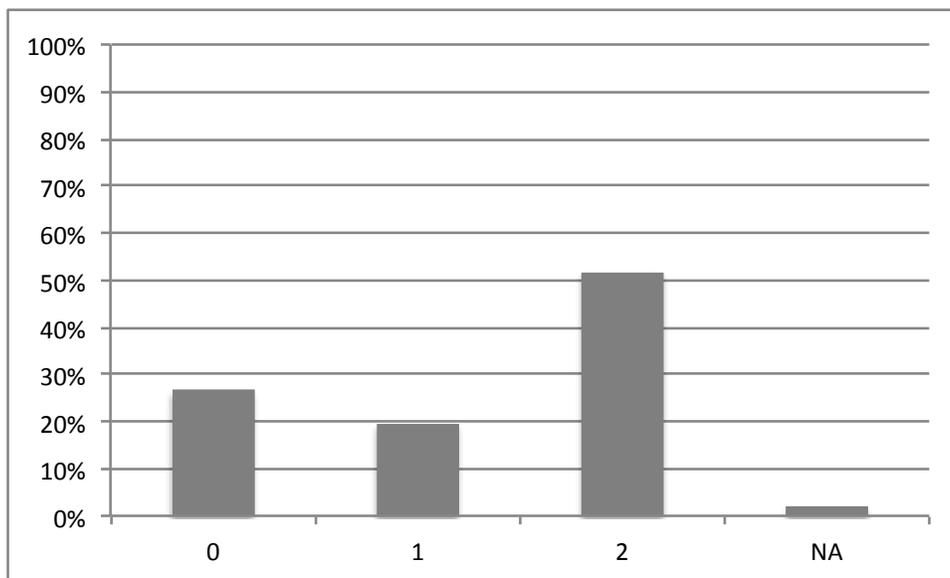


Figure 2. Attitudes about victims' status and rights to transitional justice
 Note: NA = Does not answer or does not know

Participation in Armed Group

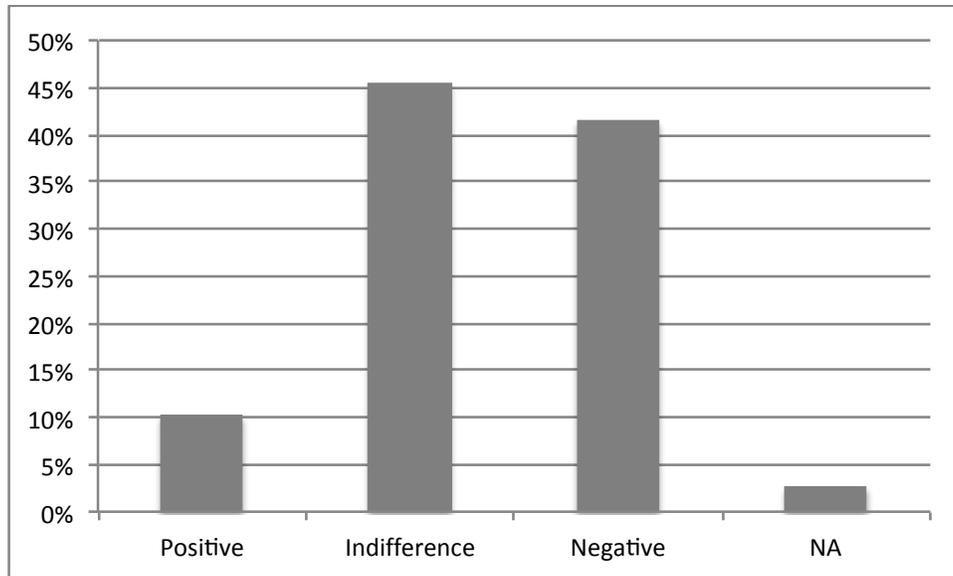


Figure 3. Attitudes about participation in an armed group
 Note: NA = Does not answer or does not know

Table 1 shows the results of the logistic regression analyses for the dependent variable of support for the transitional justice method of public acknowledgement. Models 1-2 include only conflict experience factors (Model 1 explores culpability; Model 2 analyzes armed norms of justice) and Model 3 tests only reintegration experiences. Model 4 includes the full specification of conflict and reintegration variables. Table 2 shows the results of ordered probit analyses of the dependent variable: support for victims' status and rights. Table 3 tests the determinants of ex-combatants' emotions about their participation in the armed conflict and specifically the extent of their remorse. In Tables 2-3, Models 1-2 include conflict experience variables whereas Model 3 examines reintegration experience factors and Model 4 tests the fully specified model.

Table 1. Logit Regressions: Determinants of Support for Ex-Combatants' Public

Recognition of Harm Done to Victims				
<i>Variables</i>	(1)	(2)	(3)	(4)
Commander	-0.28* (0.14)			-0.12 (0.15)
Combatant	0.00 (0.07)			-0.04 (0.07)
Violence committed	-0.00*** (0.00)			-0.00** (0.00)
Age entered armed group		0.06** (0.03)		0.04 (0.03)
Duration in armed group		0.07* (0.04)		0.08* (0.04)
Autodefensa		0.00 (0.05)		0.00 (0.05)
Coca		-0.00** (0.00)		-0.00 (0.00)
Recognized as ex-combatant			0.48*** (0.06)	0.45*** (0.06)
Community support			0.31*** (0.05)	0.29*** (0.05)
Insecurity			0.00 (0.00)	0.00*** (0.00)
DDR program exposure			0.13 (0.29)	0.16 (0.29)
In zone of operation				-0.24*** (0.06)
Constant	1.18*** (0.12)	0.91*** (0.12)	-0.08 (0.62)	-0.04 (0.58)
Observations	10814	10885	10644	10575

Standard errors in parentheses

* p<0.10 ** p<0.05 *** p<0.01

Survey-weighted logistic regression with individual controls.

Table 2. Ordinal Probit Regressions:
Determinants of Support for Victims' Status and Rights

<i>Variables</i>	(1)	(2)	(3)	(4)
Commander	-0.07 (0.05)			0.00 (0.06)
Combatant	-0.07** (0.03)			-0.06** (0.03)
Violence committed	-0.00*** (0.00)			-0.00*** (0.00)
Age entered armed group		0.05*** (0.01)		0.04*** (0.01)
Duration in armed group		-0.01 (0.02)		0.01 (0.02)
Autodefensa		-0.00 (0.02)		-0.01 (0.02)
Coca		-0.00 (0.00)		0.00 (0.00)
Recognized as ex-combatant			0.06** (0.03)	0.05** (0.03)
Community support			0.12*** (0.03)	0.11*** (0.02)
Insecurity			-0.00*** (0.00)	-0.00** (0.00)
DDR program exposure			0.11 (0.13)	0.14 (0.13)
In zone of operation				-0.01 (0.03)
Cut 1	-0.63*** (0.05)	-0.36*** (0.06)	0.22 (0.28)	0.17 (0.28)
Cut 2	-0.09* (0.05)	0.17*** (0.06)	0.76*** (0.27)	0.72*** (0.28)
Observations	10462	10533	10309	10240

Standard errors in parentheses

* p<0.10 ** p<0.05 *** p<0.01

Survey-weighted least squares with individual controls.

Table 3. Ordinary Least Squares Regressions: Determinants of Emotions about Participation in Armed Group				
<i>Variables</i>	(1)	(2)	(3)	(4)
Commander	-0.02 (0.03)			-0.03 (0.03)
Combatant	0.01 (0.02)			0.01 (0.02)
Violence committed	0.00** (0.00)			0.00 (0.00)
Age entered armed group		0.01 (0.01)		0.01** (0.01)
Duration in armed group		-0.01 (0.01)		-0.01 (0.01)
Autodefensa		-0.02* (0.01)		-0.02 (0.01)
Coca		-0.00 (0.00)		-0.00 (0.00)
Recognized as ex-combatant			-0.00 (0.02)	-0.00 (0.02)
Community support			0.02 (0.02)	0.02 (0.01)
Insecurity			0.00*** (0.00)	0.00*** (0.00)
DDR program exposure			0.10 (0.07)	0.10 (0.07)
In zone of operation				0.02 (0.02)
Constant	1.15*** (0.03)	1.19*** (0.03)	0.98*** (0.17)	0.94*** (0.17)
Observations	10519	10587	10355	10289

Standard errors in parentheses

* p<0.10 ** p<0.05 *** p<0.01

Survey-weighted least squares with individual controls.

The analyses suggest the stronger influence of reintegration experiences on attitudes toward transitional justice than experiences during the conflict.

Models 1 across all of the Tables and Models 4 of Tables 1–2 confirm my expectations about collective culpability influencing attitudes toward transitional justice. The effect of violence committed by one’s armed group is negatively and statistically significantly correlated with support for transitional justice, willingness to accept

responsibility, publically acknowledge atrocities committed, and recognize the status and rights of victims. The data offers less support to the individual culpability hypotheses. Serving in combatant roles has a negative and significant effect on attitudes toward victims' rights and status in Table 2, Models 1-4, as anticipated. However, the variables capturing combatant roles and commander rank are not significantly related to the other dependent variables.

While in illegal armed factions, soldiers may be taught that committing atrocities is acceptable as a necessary means to achieve the end goals (Sykes and Matza, 1957). The size of the jump back into the civilian life should correlate negatively with the effectiveness of combatants' transitional justice. Tables 1 and 2 offer some support for the hypotheses relating to the armed norms of justice logic: the age at which the respondents entered the armed groups is positively related to their attitudes toward victims' rights: the older the individuals were when they entered the armed group, the more likely they were to demonstrate support for transitional justice. This could be taken as evidence of a higher level of socialization into the norms of civilian life of which transitional justice may be deemed part. Surprisingly, the duration of one's time in an armed group is positively related to support for ex-combatants engaging in a public apology in Table 1, Models 2 and 4 though only at the 10% significance level. Duration in an armed group has no impact on the other dependent variables.

An interesting result is that belonging to a more political paramilitary faction renders ex-combatants less likely to express remorse for their participation in the armed conflict, as shown in Table 3, Model 2. While the variable becomes insignificant when I control for reintegration experiences, the sign on the estimate remains negative. This may

be understood as support for the idea that more political groups prove less likely to commit indiscriminate or wonton violence, but also more likely to engage in a process of socialization that indoctrinates their soldiers into understanding the violence committed to be justified.

Resource richness, as measured by drug cultivation in the respondents' armed groups' zones of operation, appears negatively related to public apology as anticipated, but this effect disappears when I control for reintegration experiences.

Interestingly, the strongest determinants of attitudes toward transitional justice seem to lie in contextual factors relating to ex-combatants' reintegration experiences: specifically their relations with the civilian communities in which they reside. The three indicators of these relations are all significantly related to the outcomes in Tables 1 and 2. If ex-combatants believe that their communities accept and do not reject them, they are significantly more likely to accept responsibility for the violence committed and to believe that the former armed groups should publicly acknowledge their past actions and repair their victims. In some regions, the paramilitaries operated as quasi states with regional alliances with campesinos, politicians, the military and police. In these areas, tolerance of the paramilitaries may have remained high after these groups' had disarmed. In other regions, the armed groups acted as roving bandits and enjoyed little or no popular support (Duncan, 2006; Gutiérrez Sanín and Barón, 2005; López, 2010; Romero, 2003; Romero, 2007). The legacies of these varying relationships with the civilian population seemingly structured attitudes toward transitional justice after the fighters decommissioned.

If former combatants could disappear anonymously into civilian life without

being recognized as former paramilitaries, they proved less likely to support mechanisms of transitional justice. At the same time, continuing to reside postwar in the zone in which they operated proved negatively and significantly related to support for public apologies. This suggests that, on the one hand, being recognized as an ex-combatant forces accountability. An ex-combatant in Tibú explained to me: “the *urbanos* [those who operated in the urban areas] showed their face much more, were much better known, more easily recognized. Everyone knew them.” For this reason, the *urbanos* had to accept their crimes because “they knew people would come forward and identify them as responsible for the massacres.”¹⁰ On the other hand, those who displaced away from their zones of deployment were physically removed from their victims and may not have feared retribution or discrimination were they to recognize the rights of their victims.¹¹

These findings suggest the importance of local over national conflict dynamics and the important variation within a single nation in conflict narratives, justifications, and victim-victimizer relationships that may influence attitudes toward transitional justice.

Other reintegration experiences and contextual factors exhibit more mixed results. While DDR programming may have significant effects on recidivism and reintegration, it seems to have little effect on socializing ex-combatants into civilian norms of justice.¹² Meanwhile, the effects of the post-war security context on attitudes are mixed. Living in localities with elevated levels of insecurity appears positively related to the dependent variables in Model 4 of Table 1 and Models 2 and 4 of Table 3, whereas homicide rates are negatively correlated with support for victims’ rights in Table 2 as anticipated.

¹⁰ Ex-combatant, interview by author, Tibú, June 2008.

¹¹ Programa Atención a Víctimas, interview by author, Medellín, March 2008.

¹² Andres Davila (Ministry of Interior’s Reintegration Program), interview by author, Bogotá, August 2006; Jaime Polanco (Ministry of Defense’s DDR Program), interview by author, Bogotá, July 2006.

Former combatants that continue to face security threats in their environment may regret their participation in the conflict. They may also support macro transitional justice methods such as a public apology, but fear more intimate forms of transitional justice given the potential security risks posed by vengeful victims or former comrades with skeletons in their closets.

Conclusion

Ex-paramilitaries vary significantly in their transitions – in the extent to which they distance themselves from their combatant pasts, accept responsibility for the violence committed by their belligerent factions, recognize and respect the rights of their groups' victims, seek to repair those victims through symbolical and financial reparations, truth, and punishment, and work to prevent future victimhood by rejecting a return to violence.

The analyses in this article draw on new data on ex-combatants' attitudes toward transitional justice to evaluate a theoretical framework to account for this empirical variation. The data suggest the important role played by ex-combatants' postwar relations with their local civilian communities in structuring their views toward victims of the armed conflict and their participation in that conflict.

While solid knowledge has been conducted at the country, societal level, explaining why certain transitional justice mechanisms are selected and the effectiveness of those mechanisms for achieving justice both in theory and practice, more research is needed which treats former combatants as active protagonists in the struggle for transitional justice. Ex-combatants experience transitions in many other settings. More than a million ex-combatants and their dependents participated in demobilization and

reintegration programs in twenty countries in recent years (Cutter Patel et al. 2009). While surveys have evaluated the reintegration success of ex-combatants, inquiring about their economic, social and psychological adjustment, less research has sought to explore their views and experiences of transitional justice.

Future research may seek to probe the relationship between ex-combatants' views toward transitional justice and reconciliation and peace at the micro level. "Repairing relations between victimizer and victims requires the commitment to refrain from equal or similar affronts, harm or oversight" (Mockus, 2010). Transitional justice works to guarantee peace by revealing the truth and identities of the perpetrators so they cannot destabilize the transition and by providing a collective narrative that enables a country to leave the violent past aside and progress toward a peaceful future. If either the perpetrators return to commit violence or the victims, unsatisfied with the justice being carried out in their name, take justice into their own hands and commit violence, the transitional justice process fails to prevent a return to the violent past. Are feelings of remorse and guilt and acceptance of victims' rights and status associated with the absence of recurrent violence and recidivism? (Cutter Patel et al., 2009). A fruitful area of investigation would reveal if ex-combatants' transformation as part of the transitional justice process enhances society's resilience to the recurrence of atrocity.

Table I. Descriptive Statistics

Variable Name	Obs.	Mean	Std. Dev.	Min.	Max.
Public Apology	10951	0.82	0.39	0	1
Victims' Rights	10598	1.26	0.86	0	2
Sentiments about Participation	10651	1.32	0.65	0	2
Commander	10951	0.05	0.21	0	1
Combatant	10951	0.79	0.41	0	1
Violence committed	10880	306.67	613.38	0	4484
Age entered armed group	10951	3.74	1.11	1	10
Duration in armed group	10951	1.24	0.62	1	10
Autodefensa	10885	0.44	0.50	0	1
Coca	10951	179.87	637.60	0	6711.42
In zone of operation	10951	0.16	0.36	0	1
Recognized as ex-combatant	10951	0.73	0.45	0	1
Community support	10709	1.82	0.48	0	2
Insecurity	10938	54.53	53.54	0	931.48
DDR program exposure	10951	2.01	0.15	1	9
Collective demobilization	10951	0.92	0.27	0	1
Female	10951	0.08	0.28	0	1
Age	10951	3.03	0.99	1	9
Married	10951	0.67	0.47	0	1
Education	10951	2.75	1.59	0	7

References

- Aguilar P, Balcells L and Cebolla-Boado H. (2011) Determinants of Attitudes Toward Transitional Justice: An Empirical Analysis of the Spanish Case. *Comparative Political Studies* 44: 1397-1430.
- Annan J, Blattman C, Mazurana D, et al. (2011) Civil war, reintegration, and gender in Northern Uganda. *Journal of Conflict Resolution* 55: 877–908.
- Bailey NA. (1967) La Violencia in Colombia. *Journal of InterAmerican Studies* 9: 561–575.
- Bateson R. (2012) Crime Victimization and Political Participation. *American Political Science Review* 106: 570-587.
- Cohen DK. (2013) Explaining Rape During Civil War: Cross-National Evidence (1980–2009). *American Political Science Review* 107: 461–477.
- Comisión Colombiana de Juristas. (2007) Anotaciones sobre la ley de "justicia y paz": una mirada desde los derechos de las víctimas. Bogotá.
- Cutter Patel A, de Greiff P and Waldorf L. (2009) *Disarming the Past: Transitional Justice and Ex-Combatants*. New York: Social Science Research Council.
- Daly SZ. (2016) *Organized Violence After Civil Wars: The Geography of Recruitment in Latin America*, Cambridge: Cambridge University Press.
- Daly SZ, Paler L and Samii C. (2014) Retorno a la Legalidad o Reincidencia de Excombatientes en Colombia: Dimensión del Fenómeno y Factores de Riesgo. *Informes Fundación Ideas para la Paz* 22: 5–12.
- Darby J. (2001) *The Effects of Violence on Peace Processes*, Washington, DC: United States Institute of Peace.
- Díaz C. (2007) *Colombia's Bid for Justice and Peace*. New York: International Center for Transitional Justice.
- Duncan G. (2006) *Los señores de la guerra: de paramilitares, mafiosos y autodefensas en Colombia*, Bogotá: Planeta.
- Elster J. (2004) *Closing the Books*, Cambridge, UK: Cambridge University Press.
- Gibson JL. (2004) Does truth lead to reconciliation? Testing the causal assumptions of the South African truth and reconciliation process. *American Journal of Political Science* 48: 201-217.
- Gilligan MJ, Mvukiyehe E and Samii C. (2013) Reintegrating Rebels into Civilian Life: Quasi-experimental Evidence from Burundi. *Journal of Conflict Resolution* 57: 598–626.
- Goldberg JH, Lerner JS and Tetlock PE. (1999) Rage and Reason: The Psychology of the Intuitive Prosecutor. *European Journal of Social Psychology* 29: 781–795.
- Grossman D. (1995) *On Killing: The Psychological Cost of Learning to Kill in War and Society*, Boston: Little, Brown and Company.
- Grupo de Memoria Histórica. (2013) *¡Basta ya! Colombia: memorias de guerra y de dignidad*, Bogotá: Comisión Nacional de Reparación y Reconciliación.
- Gutiérrez Sanín F and Barón M. (2005) Re-stating the State: Paramilitary territorial control and political order in Colombia, 1978-2004. London, UK: London School of Economics Crisis States Program Working Paper #1.
- Hamber B and Wilson RA. (2002) Symbolic closure through memory, reparation and revenge in post-conflict societies. *Journal of Human Rights* 1: 35–53.
- Hoover Green A. (2011) *Repertoires of Violence Against Noncombatants: The Role of Armed Group Institutions and Ideologies*. *Political Science*. New Haven, CT: Yale University.
- Humphreys M and Weinstein JM. (2007) Demobilization and Reintegration. *Journal of Conflict Resolution* 51: 531–567.
- Humphreys M and Weinstein JM. (2008) Handling and Mishandling Civilians in Civil Wars. *American Political Science Review* 100: 429–447.

- Inter-American Commission on Human Rights. (2004) Report on the Demobilization Process in Colombia.
- International Center for Transitional Justice (ICTJ). (2004) Iraqi voices: Attitudes toward transitional justice and social reconstruction. Berkeley: University of California.
- International Center for Transitional Justice (ICTJ). (2006) Percepciones y Opiniones de los Colombianos sobre Justicia, Verdad, Reparación y Reconciliación.
- Kalmanovitz P. (2010) Introduction: Law and Politics in the Colombian Negotiations with Paramilitary Groups. In: Bergsmo M and Kalmanovitz P (eds) *Forum for International Justice and Conflict: Law in Peace Negotiations*. Oslo: PRIO.
- Kalyvas SN. (2006) *The Logic of Violence in Civil War*, New York: Cambridge University Press.
- Kritz NJ. (1995) *Transitional Justice: How Emerging Democracies Reckon with Former Regimes*. Washington, DC: United States Institute of Peace Press.
- Laplante LJ and Theidon KS. (2006) Transitional Justice in Times of Conflict: Colombia's Ley de Justicia y Paz. *Michigan Journal of International Law* 28: 49–108.
- López C. (2010) *Y refundaron la patria: De cómo mafiosos y políticos reconfiguraron el Estado colombiano*, Bogotá: Random House Mondadori.
- McAdams JA. (1997) *Transitional justice and the rule of law in new democracies*. Notre Dame, IN: University of Notre Dame Press.
- Mockus A. (2010) Forgiveness, Its Pedagogical Balance and Transition in Colombia. In: Bergsmo M and Kalmanovitz P (eds) *Forum for International Justice and Conflict: Law in Peace Negotiations*. Oslo: PRIO.
- Nalepa M. (2010) *Skeletons in the Closet: Transitional Justice in Post-Communist Europe*, New York: Cambridge University Press.
- Oppenheim B, Steele A, Vargas JF, et al. (2015) True Believers, Deserters, and Traitors: Who Leaves Insurgent Groups and Why. *Journal of Conflict Resolution* 59.
- Oppenheim B and Weintraub M. (Forthcoming) Doctrine and Violence: the Impact of Combatant Training on Civilian Killings. *Terrorism and Political Violence*.
- Petersen R and Daly SZ. (2010) Revenge or Reconciliation: Theory and Method of Emotions in the Context of Colombia's Peace Process. In: Bergsmo M and Kalmanovitz P (eds) *Forum for International Justice and Conflict: Law in Peace Negotiations*. Oslo, Norway: PRIO.
- Romero M. (2003) *Paramilitares y autodefensas 1982-2003*, Bogotá: Planeta.
- Romero M. (2007) *ParaPolítica: La ruta de la expansión paramilitar y los acuerdos políticos*, Bogotá: Intermedio.
- Samii C. (2013) Who wants to forgive and forget? Transitional justice preferences in postwar Burundi. *Journal of Peace Research* 50: 219–233.
- Sánchez F. (2013) Conflict and Violence Data – CEDE – Facultad de Economía, Universidad de los Andes.
- Sikkink K and Walling CB. (2007) The Impact of Human Rights Trials in Latin America. *Journal of Peace Research* 44: 427-445.
- Snyder J and Vinjamuri L. (2003) Trials and Errors: Principle and Pragmatism in Strategies of International Justice. *International Security* 28: 5-44.
- Stover E and Weinstein H. (2004) *My Neighbor, My Enemy Justice and Community in the Aftermath of Mass Atrocity*, Cambridge, UK: Cambridge University Press.
- Sykes GM and Matza D. (1957) Techniques of Neutralization: A Theory of Delinquency. *American Sociological Review* 22: 664-670.
- Tepperman J. (2002) Truth and Consequences. *Foreign Affairs* 81: 128-145.
- Tutu D. (1999) *No Future without Forgiveness*, New York: Doubleday.
- UN Commission on Human Rights (UNCHR). (2006) Study on the Right to the Truth, Report of the Office of the United National High Commissioner for Human Rights.

- United Nations International Drug Control Programme. (2002) Annual Coca Cultivation Survey 2001.
- Weinstein J. (2007) *Inside Rebellion: The Politics of Insurgent Violence*, New York: Cambridge University Press.
- Weintraub M, Vargas JF and Flores TE. (2015) Vote Choice and Legacies of Violence: Evidence from the 2014 Colombian Presidential Elections. *Research and Politics* 2: 1-8.
- Wood EJ. (2009) Armed Groups and Sexual Violence: When Is Wartime Rape Rare? *Politics & Society* 37: 131–161.