Between Punishment and Impunity: Public Support for Reactions against Perpetrators in Guatemala, Nepal and Northern Ireland

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ABSTRACT[∞]
A recent development within the study of transitional justice (TJ) has been a move from formal institutions and their effectiveness to an emerging victim-centred approach to TJ mechanisms. This shift makes it more salient to understand the preferences of different groups in the postconflict population. Building on the growing literature about people's preferences in postconflict contexts, we analyze public support for reactions against perpetrators, ranging from amnesty to punishment. We argue that previous conflict experience, such as victimhood and former participation, influences how people evaluate such mechanisms, and that group identities developed or strengthened during the conflict are particularly important. To test the argument, we use comparative survey data from Guatemala, Nepal and Northern Ireland. We find that overall, victims are not more prone to support for punitive reactions against perpetrators, while group identities developed or strengthened during the conflict remain strongly associated with preferences for punishment.

KEYWORDS: victims, perpetrators, polarization, punishment, Nepal, Guatemala, Northern Ireland

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INTRODUCTION

A growing number of studies about political attitudes and behaviour among people in postconflict areas constitute an emerging postconflict public opinion literature.[1] Specifically, several studies address the question of popular support for transitional justice (TJ) mechanisms, reflecting an increasing recognition that what people think about postconflict institutions matters.[2] An analogous development is the emergence of a victim-centred approach within the study of TJ.[3] Today, the prevailing norm of TJ requires victims' active participation in the design and implementation of programmes of truth telling and reparations.[4]

Here, we analyze popular support for the arguably most controversial set of TJ mechanisms,[5] namely punitive reactions against perpetrators. Our aim is to disentangle preferred reactions against different groups of wartime perpetrators among victims, former participants and those less affected by the internal armed conflict.

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[1] Laia Balcells, 'The Consequences of Victimization on Political Identities: Evidence from Spain,' *Politics and Society* 40(3) (2012): 311–347; Kristin M. Bakke, Xun Cao, John O'Loughlin and Michael D. Ward, 'Social Distance in Bosnia-Herzegovina and the North Caucasus Region of Russia: Inter- and Intra-Ethnic Attitudes and Identities,' *Nations and Nationalism* 15(2) (2009): 227–253; Karen Brounéus, 'The Women and Peace Hypothesis in Peacebuilding Settings: Attitudes of Women in the Wake of the Rwandan Genocide,' *Signs* 40(1) (2014): 125–151; Alexander de Juan and Jan Henryk Pierskalla, 'Civil War Violence and Political Trust: Microlevel Evidence from Nepal,' *Conflict Management and Peace Science* 33(1) (2016): 67–88.

[2] Paloma Aguilar, Laia Balcells and Héctor Cebolla-Boado, 'Determinants of Attitudes toward Transitional Justice: An Empirical Analysis of the Spanish Case,' *Comparative Political Studies* 44(10) (2011): 1397–1430; Jonathan Hall, Iosif Kovras, Djordje Stefanovic and Neophytos Loizides, 'Exposure to Violence and Attitudes towards Transitional Justice,' *Political Psychology* 39(2) (2018): 345–363; Enzo Nussio, Angelika Rettberg and Juan Ugarriza, 'Victims, Nonvictims and Their Opinions on Transitional Justice: Findings from the Colombian Case,' *International Journal of Transitional Justice* 9(2) (2015): 336–354; Cyrus Samii, 'Who Wants to Forgive and Forget? Transitional Justice Preferences in Postwar Burundi,' *Journal of Peace Research* 50(2) (2013): 219–233.

[3] Jemima García-Godos, 'Victims in Focus,' *International Journal of Transitional Justice* 10(2) (2016): 350–358.

[4] See, Juan E. Méndez, 'Victims as Protagonists in Transitional Justice,' *International Journal of Transitional Justice* 10(1) (2016): 1–5. Similarly, questions about legitimacy and ownership have been raised. See, Patricia Lundy, 'Exploring Home-Grown Transitional Justice and Its Dilemmas: A Case Study of the Historical Enquiries Team, Northern Ireland,' *International Journal of Transitional Justice* 3(3) (2009): 321–340.

[5] Brian Grodsky, 'Re-Ordering Justice: Towards a New Methodological Approach to Studying Transitional Justice,' *Journal of Peace Research* 46(6) (2009): 819–837; Aguilar et al., supra n 2.

We first look at support for punitive measures generally, before distinguishing between perpetrators on the state(-sponsored) side and the rebel side. We expect views on how perpetrators should be treated to be coloured by people's experiences from the conflict, whether they participated, were victims, or both, who their perpetrators were, and which side they joined.[6]

First, the concept of victimhood is far from straightforward.[7] Second, we expect opinions about punitive reactions to follow the main fault lines from the armed conflict, being part of the larger metaconflict or 'the conflict *about* the conflict that revolves around…debates on who started it, who suffered most and who is to blame for its misery.'[8] Thus, the intuitive assumption that victims support the implementation of TJ, while perpetrators oppose it, is challenged. Importantly, our framework goes beyond preexisting group identities like ethnicity or religion, but seeks to show how the wartime experiences themselves may have a polarizing effect.

While we acknowledge that elites and elites' preferences are crucial for the implementation of TJ mechanisms,[9] knowing what different segments in a population think about punishment for wrongdoers may be important for designing and implementing TJ mechanisms in several ways.

First, mechanisms rooted in popular support should be more likely to foster long-term stability compared to mechanisms without such backing. Therefore, it is particularly valuable to look at provocative TJ mechanisms to understand who may support or resist the most controversial policies like punishment.[10] Second, such knowledge makes it easier to ensure

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[6] We do not know exactly *how* our respondents participated. We avoid using the term 'ex-combatant,' as we do not know if they effectively took part in combats or if they contributed in other ways.
[7] Luke Moffett, 'Reparations for "Guilty Victims": Navigating Complex Identities of Victim–Perpetrators in Reparation Mechanisms,' *International Journal of Transitional Justice* 10(1) (2016): 146–167; Kevin Hearty, 'Legislating Hierarchies of Victimhood and Perpetrators: The Civil Service (Special Advisers) Act (Northern Ireland) 2013 and the Meta-Conflict,' *Social and Legal Studies* 25(3) (2015): 333–353; García-Godos, supra n 3.
[8] Hearty, supra n 7 at 2.
[9] Grodsky, supra n 5.
[10] Ibid.

that the mechanisms implemented are both legitimate and perceived as such.[11] Finally, a strategy adopted in line with people's demands is more likely to be successfully implemented, as the degree of political polarization and support for TJ delimits the possibilities available for successful implementation. For example, politicians may be reluctant to implement a particular measure if they fear a voter backlash.[12] Therefore, it is imperative to understand how different groups assess the need for reactions against different groups of perpetrators.

Our study is based on original, comparative survey data from Guatemala, Nepal and Northern Ireland, collected in 2016. Exploiting the detailed questionnaire, we analyze how people's opinions on prosecution for human rights violations depend on the side of the perpetrator(s), and compare the preferences of victims, participants, victim-participants or complex victims, and people who were not personally involved in or affected by the conflict. The data also contain information about who people think was responsible for the violence they experienced, and which armed group(s), if any, they were personally part of.

We contribute to the literature in several ways. We add to the growing postconflict public opinion literature, using comparative data from three cases. We also contribute to a call for more survey-based studies about TJ to better design and monitor the implementation of such mechanisms.[13] As scholars investigate the effects and effectiveness of TJ,[14] people's attitudes towards it should be an important part of the picture. Finally, we introduce a more nuanced measure of wartime experiences by distinguishing between former participants,

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[11] Bronwyn Anne Leebaw, 'The Irreconcilable Goals of Transitional Justice,' *Human Rights Quarterly* 30(1) (2008): 95–118.
[12] Grodsky, supra n 5.
[13] Oskar N.T. Thoms, James Ron and Roland Paris, 'State-Level Effects of Transitional Justice: What Do We Know?' *International Journal of Transitional Justice* 4(3) (2010): 329–354.
[14] Grodsky, supra n 5; Tricia D. Olsen, Leigh A. Payne and Andrew G. Reiter, *Transitional Justice in Balance: Comparing Processes, Weighing Efficacy* (Washington, DC: US Institute of Peace Press, 2010); Helga M. Binningsbø, Cyanne E. Loyle, Scott Gates and Jon Elster, 'Armed Conflict and Post-Conflict Justice, 1946–2006: A Dataset,' *Journal of Peace Research* 49(5) (2012): 731–740.

complex victims, innocent victims and nonaffected individuals,[15] and by incorporating the role of wartime identities.

Our findings support the notion that wartime experiences should be considered when analyzing preferences for TJ. Overall, we do not find that victims display more support for punitive reactions against perpetrators. However, when accounting for which side people were victimized by or participated on, wartime experiences become salient in the views of punitive, postconflict TJ.

In the remainder of this article, we first develop a theoretical framework for understanding the consequences of wartime experiences on people's views on reactions against perpetrators. We describe different types of punitive measures, discuss main types of wartime experiences, outline some basic expectations about how these may affect support for punishment, and develop our main argument about postconflict polarization. We then describe the empirical approach before we test the hypothesized relationships. The final section provides concluding remarks about how wartime experiences create or perpetuate cleavages that persist long into the postconflict period.

UNDERSTANDING PREFERENCES FOR PUNITIVE REACTIONS AMONG DIFFERENT GROUPS

A central question in the aftermath of internal armed conflict is what should happen to perpetrators of human rights violations. Crudely speaking, this is a choice between punishment and impunity. However, this simplification ignores important nuances. First, there are various possible reactions between the extremes of impunity and harsh punishment such as life and even death sentences. Perpetrators can receive shorter prison terms, be purged from their positions, amnestied after acknowledging their misdeeds or granted a general

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[15] Note that the term 'nonaffected' should not be understood literally, as virtually all inhabitants of areas with protracted violence are affected in one way or another. We use the term simply to refer to those who did not report having either participated actively in the conflict or experienced any type of war-related loss.

amnesty.[16] Additionally, reactions can differ according to who committed the crimes, their affiliation and rank, and whether they were civilians. We expect that people's opinions about these reactions vary depending on who the perpetrators are. Hence, we look at support for punitive measures for all perpetrators, perpetrators in general (without specifying a particular side), perpetrators on the government side and rebel perpetrators.

So far, previous survey research has often discounted these nuances. Enzo Nussio and colleagues, for example, use a punishment index where 'higher scores reflect a more consistent claim for incarceration,' taking into account the differences between rank and file and commanders.[17] But their study from Colombia does not fully incorporate that human rights abuses were committed by all actors in the armed conflict, and that victims and nonvictims may have diverging views about the consequences these actors should face.[18] In Jonathan Hall and colleagues' study from Bosnia-Herzegovina, the focus is on trials for those who harmed the respondent or the respondent's ethnic group, not for specific perpetrators regardless of the respondent's victimization.[19] Paloma Aguilar and colleagues analyze people's attitudes toward trials for nationalist human rights violators in Spain, both during the 1936–1939 civil war and the subsequent Francisco Franco era,[20] but atrocities committed on the republican side are excluded. In his study of Burundi, Cyrus Samii distinguishes between victims of the different sides, but asks about punishment and forgiveness in general, without specifying for which side.[21]

Taking all nuances about actors and victims into account is not straightforward. Still, failure to do so leaves substantial gaps in the knowledge about people's attitudes about

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[16] Binningsbø et al., supra n 14; Olsen et al., supra n 14.
[17] Nussio et al., supra n 2 at 13.
[18] In robustness tests, they compare opinions on TJ of guerrilla victims to other victims, but not to participants or nonaffected civilians; neither do they distinguish between the sides on which perpetrators were active.
[19] Hall et al., supra n 2.
[20] Aguilar et al., supra n 2.
[21] Samii, supra n 2.

forgiveness and punishment after violent conflicts and, consequently, uncertainty about the potential for successful TJ implementation and long-term stability.

Innocent Victims, Complex Victims and Former Participants

Adding another layer of complexity, labels like 'victims' and 'perpetrators' are not always easily designated.[22] As Luke Moffett asserts in his discussion of complex identities, 'the protracted and complex nature [of collective violence] prevents the identities of victim and perpetrator from fitting into neat, distinct, morally acceptable categories.'[23] This is the case of child soldiers or victim–perpetrators who are 'victimized one day but carrying out a retaliatory attack the next.'[24] Moreover, as the ongoing debate about victimhood in Northern Ireland illustrates, conflicting narratives of the past spill over to the understanding of who should be considered a victim.[25] In Nepal, the conflict victims of different sides initially organized in different associations and failed to represent all victims.[26]

Following Moffett,[27] we distinguish between innocent and complex victims. In our use, an innocent victim is someone who has experienced a war-related loss or trauma, but who did not actively participate in the conflict. In contrast, a complex victim experienced war-related loss, but participated in the conflict in one way or another. In addition to these two groups, our classification of individuals in postconflict societies includes *former participants* (who, contrary to complex victims, did not experience any form of war-related loss) and *nonaffected* individuals, who neither participated nor experienced any form of war-related

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[22] García-Godos, supra n 3.
[23] Moffett, supra n 7 at 150.
[24] Ibid.
[25] Hearty, supra n 7. According to the victim hierarchy in Northern Ireland, civilian victims killed by paramilitaries are the true victims, while Irish Republican Army (IRA) members killed during active service are not. Unsurprisingly, this hierarchy finds little support among Nationalists who see the IRA's struggle as largely legitimate. See, Aoife Duffy, 'A Truth Commission for Northern Ireland?' *International Journal of Transitional Justice* 4(1) (2010): 26–46.
[26] Tazreena Sajjad, 'Heavy Hands, Helping Hands, Holding Hands: The Politics of Exclusion in Victims' Networks in Nepal,' *International Journal of Transitional Justice* 10(1) (2016): 25–45.
[27] Moffett, supra n 7.

loss or trauma.[28] In the following, we outline a baseline argument about the role of victimhood and wartime participation in explaining support for reactions against perpetrators.

The increased attention to victims in the TJ literature has inspired several researchers to analyze victims' preferences for retributive TJ mechanisms.[29] In their study of Bosnia-Herzegovina, Hall et al. find that direct exposure to violence during the 1992–1995 civil war makes people more likely to support retributive justice today.[30] Similarly, Aguilar et al. find that reported victimization 'is crucial in explaining current attitudes toward TJ' in Spain, even if the victimization occurred at least 30 years ago during the reign of Franco, or even during the Spanish Civil War in the 1930s.[31] In his study from Burundi, Samii reports that victims of rebel violence had significantly higher odds of preferring punishment to forgiveness, whereas army victims did not.[32]

In contrast, Nussio et al. find no difference between victims and nonvictims in Colombia regarding their opinions on TJ.[33] We follow the conclusions by Aguilar et al., Hall et al., Samii, and others,[34] and expect that wartime victimization affects support for reactions against wrongdoers. Generally, we anticipate that such experiences create demands for accountability, hypothesizing that: *H1: Compared to nonaffected individuals, victims are more in favour of punishment for wrongdoers.*

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[28] Note again that the term 'nonaffected' should not be understood literally.
[29] In addition to studying the effect of wartime experiences on opinions about transitional justice, a growing body of research investigates how exposure to violence influences factors such as reintegration, reconciliation, nationalism and political trust. See, e.g., Christopher Blattman, 'From Violence to Voting: War and Political Participation in Uganda,' *American Political Science Review* 103(2) (2009): 231–247; Bakke et al., supra n 1; De Juan and Pierskalla, supra n 1.
[30] Hall et al., supra n 2.
[31] Aguilar et al., supra n 2 at 1419.
[32] Samii, supra n 2.
[33] Nussio et al., supra n 2 at 10, distinguish 'between those "affected" (victims) and those "not affected" by human rights violations,' linking victims directly to the definition of victimization in the Colombian Law for Victims and Land Restitution, passed in 2011, which aims to, among other things, provide reparation for victims. Ibid.
[34] Aguilar et al., supra n 2; Hall et al., supra n 2; Samii, supra n 2.

To our knowledge, there are no survey-based studies that compare preferences of ex-combatants or former participants with those of the overall population.[35] However, qualitative evidence indicates that the group loyalty developed during the conflict makes former participants resist efforts to deal with the past.[36] The former conflicting parties may have common interests in avoiding efforts to deal with the past, shunning accountability.[37] Therefore, the most intuitive expectation would be that former participants oppose punitive measures, as these could potentially compromise them or their group, leading to the following hypothesis: *H2: Compared to nonaffected individuals, former participants are more opposed to punishment for wrongdoers.*

Complex victims may be torn between desires for accountability and feelings of loyalty and guilt; a priori it is not clear which feeling dominates. However, as processes of bringing perpetrators before justice may also jeopardize their own security, we expect the latter to dominate. Hence: *H3: Compared to nonaffected individuals, complex victims are more opposed to punishment for wrongdoers.*

We consider these baseline hypotheses, as they do not take into account the affiliation of the perpetrator, incorporate the identity of those who committed the violence victims suffered, or which side former participants were part of. Next, we outline an argument about identities developed or strengthened during the war, and develop a set of more nuanced hypotheses.

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[35] See, however, Sarah Z. Daly, 'Determinants of Former Combatants' Attitudes toward Transitional Justice,' Households in Conflict Network Working Paper No. 235 (2016).

[36] Cheryl Lawther, 'Denial, Silence and the Politics of the Past: Unpicking the Opposition to Truth Recovery in Northern Ireland,' *International Journal of Transitional Justice* 7(1) (2013): 157–177; Cheryl Lawther, 'The Truth about Loyalty: Emotions, Ex-Combatants and Transitioning from the Past,' *International Journal of Transitional Justice* 11(3) (2017): 484–504.

[37] Anita Isaacs, 'At War with the Past? The Politics of Truth Seeking in Guatemala,' *International Journal of Transitional Justice* 4(2) (2010): 251–274.

Postconflict Polarization: The Legacy of Wartime Identities

Concepts like the 'conflictive ethos'[38] or the 'metaconflict' *about* the conflict[39] describe the deep polarization that internal armed conflict leaves behind, where how people understand the conflict remains the most salient cleavage in society. It is reasonable to expect that the postconflict polarization also influences how people evaluate the need to punish perpetrators. This is in line with Aguilar et al.'s argument and findings about the importance of ideology for explaining TJ preferences in Spain in the aftermath of a civil war and a dictatorship with clear political cleavages.[40] Similarly, Samii finds that ethnicity and region are key determinants of preferences for forgiving rather than seeking accountability.[41] While these two studies do not include or distinguish between different groups of perpetrators, we expect that many people, and victims and former participants in particular, will blame some groups of perpetrators while defending others. We expect these attitudes to be shaped by people's wartime experiences, that is, not only whether they participated or were victimized, but which side(s) they participated on and who they recognize as their perpetrator(s). Even if they may partly overlap, we expect these experiences to exert an effect independently of other forms of group identities.

Insights from political psychology, particularly social identity theory, provide a framework for understanding these and similar mechanisms of the legacy of wartime identities. As noted by Hall et al. in their study of support for TJ, the emotional stress of conflict may increase the need for a shared narrative whereby one's own group is cast as victim and outgroups as perpetrators.[42] Qualitative evidence also supports the view that treating the local population as a homogeneous group with common interests may be a simplification. As Patricia Lundy writes in the context of Northern Ireland,

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[38] Daniel Bar-Tal, 'From Intractable Conflict through Conflict Resolution to Reconciliation: Psychological Analysis,' *Political Psychology* 21(2) (2000): 351–365.
[39] Hearty, supra n 7.
[40] Aguilar et al., supra n 2.
[41] Samii, supra n 2.
[42] Hall et al., supra n 2.

frequently it is the most visible and vocal and more articulate and educated groups that participate. These are often self-appointed people, and they may not represent or reflect the views and perspectives of the wider community.[43]

Local pressure groups may represent only certain groups and be distrusted by others. Such divisions may relate to the conflict itself.[44] For example, Elisabeth Wood describes how violence and mobilization during armed conflict help local identities forge and align with national cleavages.[45] In a study of consequences of victimization on political identities in Spain, Laia Balcells finds that victimization during the civil war is associated with a rejection of the ideology (left/right) of the perpetrators.[46] Similarly, James Gibson and Amanda Gouws, who used a survey experiment to analyze attributions of blame in the context of the South African reconciliation process, observed a consistent difference between black and white South Africans in their evaluations of blame and their views of what should happen to perpetrators of human rights violations. They found that both groups were more willing to forgive a perpetrator of their own group.[47]

While the importance of group identities in postconflict societies is well described in the literature,[48] the role of wartime experiences in strengthening or even creating such cleavages is less understood, particularly in the wake of more ideological conflicts. We argue that the identity-shaping effect of wartime experiences may be more important than common categories like victim or ex-combatant, and may persist alongside and partly independent of other forms of group identities, in particular in cases where the conflict was fought along ideological rather than ethnic lines. In conflicts fought along ethnic lines, the wartime experiences may attach an additional layer to preexisting cleavages, increasing the salience

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[43] Lundy, supra n 4 at 327.
[44] Ibid.
[45] Elisabeth Jean Wood, 'The Social Processes of Civil War: The Wartime Transformation of Social Networks,' *Annual Review of Political Science* 11(1) (2008): 539–561.
[46] Balcells, supra n 1.
[47] James L. Gibson and Amanda Gouws, 'Truth and Reconciliation in South Africa: Attributions of Blame and the Struggle over Apartheid,' *American Political Science Review* 93(3) (1999): 501–517.
[48] Dino Hadzic, David Carlson and Margit Tavits, 'How Exposure to Violence Affects Ethnic Voting,' *British Journal of Political Science* (2017), https://doi.org/10.1017/S0007123417000448.

of ethnicity. We assume that victims are aware of who was responsible for the violence they experienced and, consequently, express diverging opinions about punishment for wrongdoers depending on the affiliation of the perpetrators they encountered.[49] These expectations are reflected in the following hypotheses: *H4: Compared to nonaffected individuals, victims of government-initiated human rights abuses are more in favour of punishment for government forces. H5: Compared to nonaffected individuals, victims of rebel-initiated human rights abuses are more in favour of punishment for rebel forces.*

Just like victimization, active participation in an armed conflict could help create new or strengthen preexisting identities that endure long into the postconflict period. Indeed, as noted, several studies describe group loyalty among former participants as a key obstacle to TJ, as loyalty to the group overrides any desire to deal with the past.[50] Previous studies have identified strong in-group ties and lack of attachment to the larger society as a key obstacle to the reintegration of former combatants, as the armed group replaces other social networks such as family and friends.[51] We expect former participants, fearing a backlash against themselves, to be generally reluctant to punishment, and particularly to oppose measures to punish their own group. Hence: *H6: Compared to non-affected individuals, former government-side participants are less in favour of punishment for government forces. H7: Compared to non-affected individuals, former rebel-side participants are less in favour of punishment for rebel forces.*

CASE SELECTION

The cases were selected as follows: We defined a population of electoral democracies with previous internal armed conflict, which ended through a comprehensive peace agreement

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[49] While the identity or affiliation of a perpetrator during armed conflict is not always certain, the faultlines in the three cases we study were relatively clear, and most respondents with traumatic experiences have identified a perpetrator.
[50] Lawther 2017, supra n 36.
[51] Enzo Nussio and Ben Oppenheim, 'Anti-Social Capital in Former Members of Non-State Armed Groups: A Case Study of Colombia,' *Studies in Conflict and Terrorism* 37(12) (2014): 999–1023.

that led to durable peace (i.e. no subsequent recurrence). As peace agreements are more common in the post-Cold War period,[52] we focused on agreements signed after 1990. Within this population, we opted for a most-different case design,[53] selecting cases that differ on a range of conflict characteristics, characteristics of the peace agreements, region, income and state capacity. In a strict statistical sense, findings from the selected cases may not be generalized to the defined population; yet, these differences imply that the findings may apply to a broad range of cases.[54]

Given the current state of knowledge about individual-level TJ preferences, we do not attempt to spell out country-level hypotheses. We expect the hypotheses outlined above to be equally valid for the three cases, even if there are differences in country-level demands for reactions. In what follows, we provide a brief overview of the conflicts and the TJ efforts in our cases.

Starting with conflict intensity and duration, the Guatemalan civil war (1960–1996) was protracted and genocidal, with more than 200,000 civilians killed or forcibly disappeared.[55] In comparison, the conflict in Nepal was short and intensive (1996–2006), with some 13,000 fatalities,[56] while the armed conflict in Northern Ireland was a low-intensity, protracted conflict (1968–1998) with about 3,700 fatalities.[57]

While the conflicts share an element of both ideology and ethnicity, the conflict in Nepal was most clearly ideological and that in Northern Ireland more clearly fought along a cleavage between two communities, with Guatemala somewhere in between. In both

[52] Joakim Kreutz, 'How and When Armed Conflicts End: Introducing the UCDP Conflict Termination Dataset,' *Journal of Peace Research* 47(2) (2010): 243–250.

[53] Jason Seawright and John Gerring, 'Case Selection Techniques in Case Study Research: A Menu of Qualitative and Quantitative Options,' *Political Research Quarterly* 61(2) (2008): 294–308.

[54] Ibid.

[55] Comisión para el Esclarecimiento Histórico (CEH), 'Guatemala Memoria del Silencio: Conclusiones y Recomendaciones,' 1999, http://www.undp.org/content/dam/guatemala/docs/publications/UNDP_gt_PrevyRecu_MemoriadelSilencio.pdf (accessed 1 December 2018).

[56] Quy-Toan Do and Lakshmi Iyer, 'Geography, Poverty and Conflict in Nepal,' *Journal of Peace Research* 47(6) (2010): 735–748.

[57] David McKittrick, Seamus Kelters, Brian Feeney, Chris Thornton and David McVea, *Lost Lives: The Stories of the Men, Women and Children Who Died as a Result of the Northern Ireland Troubles* (Edinburgh: Mainstream Publishing, 1999).

Guatemala and Nepal, the insurgency had a stated ideological goal – Communist in Guatemala, Maoist in Nepal – but drew on support from the rural poor.[58] In Guatemala in particular, this rural poor consisted mainly of indigenous communities that were heavily targeted by the state.[59] In comparison, the 'Troubles' in Northern Ireland was fought over the territory's constitutional status. Basically, the two sides consisted of the Catholic community (Nationalist or Republican), which identified with Ireland, and the Protestant community (Unionist or Loyalist) which remained loyal to the British state. The British government also played a role, overtly and covertly, through collusion with Loyalist paramilitary groups.[60]

These differences could have implications for how closely preexisting group identities, such as indigenous group, caste or community, align with the dominant political cleavages. As discussed, other forms of group identity could moderate the mechanism of wartime identity construction. This is particularly plausible in the case of Northern Ireland, but also in Nepal, where the hierarchical caste system implies that some castes are more closely aligned with the state.[61] In Guatemala, the indigenous communities were victims of a state-sponsored genocide, but many people in rural areas were also forcibly recruited to the pro-government Civil Defence Patrols (PACs).[62] Here, some people may experience a cross-pressure between different identities, for example in the case of victims and perpetrators belonging to the same community.

Turning to the implementation of TJ, the peace agreements in Guatemala and Nepal especially sought to establish greater social justice.[63] In Guatemala, the most tangible

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[58] Prakash Adhikari, Wendy L. Hansen and Kathy L. Powers, 'The Demand for Reparations: Grievance, Risk, and the Pursuit of Justice in Civil War Settlement,' *Journal of Conflict Resolution* 56(2) (2012):183–205.

[59] CEH, supra n 55.

[60] Bill Rolston, '"An Effective Mask for Terror": Democracy, Death Squads and Northern Ireland,' *Crime, Law and Social Change* 44(2) (2006): 181–203.

[61] Sajjad, supra n 26.

[62] CEH, supra n 55.

[63] Corinne Caumartin and Diego Sánchez-Ancochea, 'Explaining a Contradictory Record: The Case of Guatemala,' in *Horizontal Inequalities and Post-Conflict Development*, ed. Arnim Langer, Frances Stewart and Rajesh Venugopal (London: Palgrave Macmillan, 2011); Daniel Aguirre and Irene Pietropaoli, 'Gender Equality, Development and Transitional Justice: The Case of Nepal,' *International Journal of Transitional Justice* 2(3) (2008): 356–377.

outcome of the TJ process remains the reports of two truth commissions, one official and one church led, which both established that the vast majority of wartime atrocities were carried out by the state.[64] The postwar period has seen repeated attempts to put before trial some of the military leaders responsible for the worst atrocities. This includes the trial of former general and head of state Efraín Ríos Montt, who was found guilty of genocide in 2013, a sentence that was later overturned.[65] In January 2016, 14 former military officers were arrested, accused of crimes against humanity. The outcome of the process has yet to be seen,[66] but the arrests mean that prosecution against military leaders was a highly salient issue at the time our survey was fielded.

In Nepal, the implementation of the TJ mechanisms established in the peace agreement has been slow. The peace agreement established three separate commissions to address human rights violations and wartime crimes: a Truth and Reconciliation Commission, a Commission for the Investigation of Enforced Disappearances and a Human Rights Commission. None of these commissions was perceived as independent by civil society actors or international observers.[67] At the time of our survey, they had barely started defining their mandate, and victims' representatives expressed their frustration at the split structure of the commissions and vague mandates.[68] To date, there is little progress in efforts to prosecute perpetrators of wartime human rights violations.[69]

Compared to Guatemala and Nepal, TJ initiatives in Northern Ireland are fragmented and decentralized, as the Belfast Agreement did not establish any guidelines for dealing with

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[64] CEH, supra n 55.

[65] The trial against Ríos Montt, charged with genocide and crimes against humanity, was resumed in October 2017, but closed as he died in April 2018.

[66] Of the 14, the Attorney General has found that eight will have to stand trial for forced disappearances and other grave crimes, but there has been little progress lately. See, Jo-Marie Burt and Paulo Estrada, 'Tied up in Appeals, CREOMPAZ Enforced Disappearance Case Remains Stalled,' https://www.ijmonitor.org/2016/06/eight-military-officers-to-stand-trial-in-creompaz-grave-crimes-case/ and https://www.ijmonitor.org/2017/06/tied-up-in-appeals-creompaz-enforced-disappearance-case-remains-stalled/, *International Justice Monitor* (accessed 1 December 2018).

[67] Sajjad, supra n 26.

[68] Personal communication, members of different NGOs, Kathmandu, September 2015.

[69] 'Background: 10 Years after Civil War, Victims Continue Demand for Justice,' https://www.ictj.org/our-work/regions-and-countries/nepal (accessed 1 December 2018).

the past.[70] Consequently, several specific projects to inquire into the past have been carried out, particularly on the Republican side. Centralized efforts, like the Historical Enquiries Team (HET; 2005–2014), had a limited mandate and did not examine the larger truth about the past.[71] The HET was also widely criticized for partiality and lack of independence, and their investigations 'appear to depart from the accepted standards' of criminal investigations,[72] a criticism which eventually led to the closing of the unit. Official apologies have also been criticized for lacking acceptance of responsibility.[73]

In general, the prevailing attitude among Unionists has been that opening up old wounds would most likely do more harm than good. Some worry that a truth commission would facilitate Republican rewriting of the past.[74] Many Unionists also reject the notion of a shared responsibility,[75] while Loyalists have been more willing to acknowledge their role in the conflict.[76] At the time of the survey, the public debate was dominated by the ongoing Brexit referendum and what a potential Brexit would entail.

In sum, of the three, Guatemala has seen the widest variety of TJ mechanisms fully or partially implemented, and the issue of prosecution has been much more salient.

DATA

The Post-Conflict Attitudes for Peace (PAP) survey was designed to measure three postwar populations' attitudes related to the peace process, including TJ mechanisms and postwar development more generally. Face-to-face interviews were conducted in 2016. Nationally

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[70] Duffy, supra n 25.
[71] Lundy, supra n 4.
[72] Patricia Lundy, 'Research Brief: Assessment of the Historical Enquiries Team (HET) Review Processes and Procedures in Royal Military Police (RMP) Investigation Cases,' 2012, http://uir.ulster.ac.uk/21809/ (accessed 1 December 2018), 6.
[73] Patricia Lundy and Bill Rolston, 'Redress for Past Harms? Official Apologies in Northern Ireland,' *International Journal of Human Rights* 20(1) (2016): 104–122.
[74] Patricia Lundy and Mark McGovern, 'A Trojan Horse? Unionism, Trust and Truth-Telling in Northern Ireland,' *International Journal of Transitional Justice* 2(1) (2008): 42–62.
[75] Lawther, supra n 36.
[76] Ibid.; Lundy and McGovern, supra n 74.

representative, the sample consisted of 3,200 respondents (Guatemala: 1,200; Nepal: 1,200; Northern Ireland: 800). The survey was conducted by CID Gallup (Guatemala), Valley Research Group (Nepal) and Perceptive Insight (Northern Ireland), following internationally accepted procedures of informed consent and confidentiality. Due to its sensitive nature, it was piloted and revised in close collaboration with the partners.[77]

Dependent Variables

Several questions in the survey ask about people's attitudes towards reactions to wrongdoers. To measure support for punitive TJ, we coded four additive indices, based on 10 questions (see Table 1).[78] All questions had the format of a statement with response categories ranging from strong agreement to strong disagreement (1–5). The first index includes all statements. The second index includes four statements about reactions against perpetrators in general, without referring to a specific side, while the last two indices include three statements about the government and insurgent side, respectively. For ease of comparison, the indices were rescaled back into the original range by dividing it on the number of items. In this way, a value of 1 corresponds to 'completely disagree' and a value of 5 corresponds to 'completely agree' with all the statements in each index, with a higher value indicating more support for punishment.

The statements cover several common reactions, including DDR benefits (10), blanket amnesties (9), conditional amnesties (3), naming and shaming (2), purges (5, 7, 8) and legal prosecution (1, 4, 6). Consequently, the four indices all measure support for reactions against perpetrators ranging from little or no consequences to harsh punishment for those responsible for human rights violations.

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[77] Approval was obtained from the National Data Protection Official on 27 August 2015. For details about the survey, see, Appendix section A.
[78] In the indices used as dependent variables, items 3, 6 and 9 are reversed.

Table 1: Statements about reactions against wrongdoers, descriptive statistics

Statements	N	Mean	Std. Dev.	I	II	III	IV
1. All those who participated, regardless of on which side, should be held responsible and prosecuted for their crimes.	3,047	2.255	1.295				
2. A truth commission report should reveal the names of the perpetrators of the crimes described.	2,870	2.149	1.260				
3. Perpetrators who admit the crimes they committed during the conflict should be granted amnesties and not prosecuted.	3,051	3.377	1.430				
4. A truth commission is meaningless if it is not accompanied by prosecution of perpetrators.	2,808	2.157	1.260				
5. Political leaders of the wartime government should not be permitted to occupy positions of power in society today.	3,055	2.894	1.490				
6. There is no need to prosecute former government rank-and-file soldiers.	3,038	2.803	1.410				
7. Government army leaders during the conflict should not be permitted to occupy important positions today.	3,007	2.899	1.397				
8. Former rebel leaders should not be permitted to occupy positions of power in society today.	3,045	2.718	1.447				
9. Rebel rank-and-file soldiers should be given amnesties.	3,021	3.122	1.453				
10. It is not fair that ex-combatants who used violence and committed many crimes get benefits from DDR programmes.	2,990	3.249	1.429				

Notes: I: All; II: Side-neutral; III: Government side; IV: Insurgent side. The statements range from 1 (completely agree) to 5 (completely disagree).

The four indices are significantly correlated (*p*<.01); however, the correlation is somewhat weaker between the latter two indices, providing preliminary support for our argument that those who support punishment for perpetrators on the government side do not necessarily

favour punishment for perpetrators on the insurgent side, and vice versa.[79] Figure 1 displays the distribution of the indices.[80]
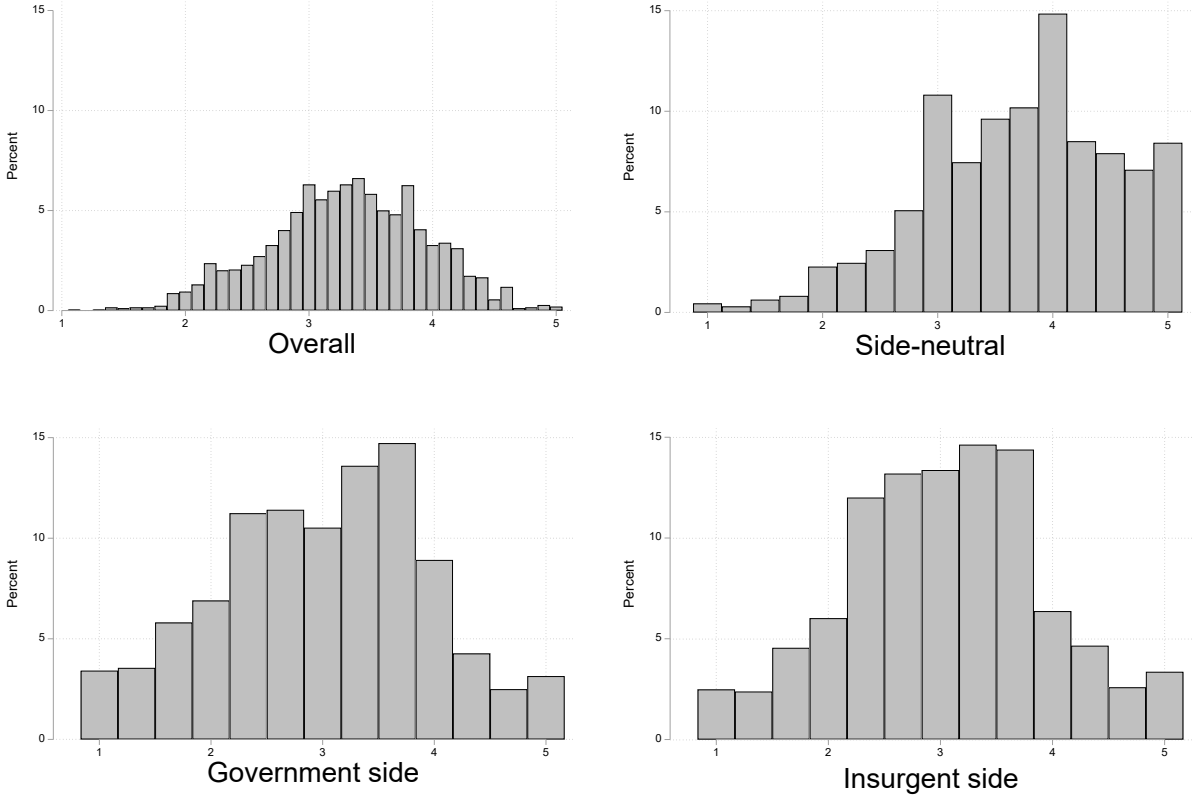
Figure 1: Distribution of dependent variables

Independent Variable: War Experiences

To test the first part of our argument and classify people within the four categories (former participant, complex victim, victim, nonaffected), we relied on a series of yes/no questions about different traumatic wartime experiences. We also asked about active participation, whether on the government side, the insurgent side, in a paramilitary group, or other, and

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[79] The correlations are as follows (Roman numbers as in Table 1): I–II: 0.74; I–III: 0.66; I–IV: 0.73; II–III: 0.16; II–IV: 0.32; III–IV: 0.28.
[80] For case-specific figures, see Appendix section B.

used this information to define former participants.[81] Complex victims are those who both participated in the conflict and report traumatic war experiences, or those who report being forced to commit violence. The remaining are considered nonaffected. We asked: 'Disregarding events like accidents, did you experience any of the following events during the conflict? Were you/did you (have): goods/property stolen, house destroyed, threatened with violence or death, arbitrarily detained, attacked, beaten, tortured, or otherwise injured, victim of sexual violence, disabled as a consequence of violence or injuries, witnessed violence, household member displaced, household member injured, household member killed, household member forcibly disappeared, and household member arbitrarily detained.' According to this classification, 1,848 (57.23%) respondents are nonaffected by wartime experiences, 1,081 (33.48%) are innocent victims, 255 (7.90%) are complex victims, while 45 (1.39%) are categorized as former participants.

To measure wartime identities, we coded a set of dummy variables based on whether the victims recognized the perpetrators of the acts of violence they had experienced as belonging either to the insurgent or government side, including pro-government militias and paramilitary groups. Here, we do not distinguish between complex and innocent victims, as this would yield very small categories. Correspondingly, the respondents were classified into five mutually exclusive groups: 1,893 nonvictimized (including 45 former participants); 292 victims of government-sponsored violence (76 complex victims); 398 victims of rebel violence (100 complex victims); 152 victims of violence by both sides (46 complex victims); and 122 victims of other perpetrators (family members, criminal groups, or others; 11 complex victims).

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[81] The Guatemalan categories included the government army or intelligence, the military police, the national police, Civil Defence Patrols (*Patrullas de Autodefensa Civil*, or PAC), the guerrilla group(s), and groups associated with a political party. The Nepalese categories included the government army, the armed police, the Maoists and groups associated with a political party. In Northern Ireland, the categories included the British Armed Forces, the Royal Ulster Constabulary, the Northern Ireland Prison Service, the Provisional IRA, the Official IRA, the Irish National Liberation Army, the Ulster Volunteer Force, the Ulster Defence Association and criminal groups. Several respondents also specified which 'other' group. Combing through these, we included some former policemen, guerrilla members and one undercover agent as former participants.

Finally, due to a routing error in the administration of the survey in Guatemala, some victims were not given the corresponding follow-up questions about who had committed the violence, so we are not able to assign them to one side or the other. These were coded together into a separate category (No answer, NA; N=340).

Similarly, we coded a set of dummy variables for wartime participation on the government or pro-government paramilitary side, the insurgent side, or both or other sides. Again, we do not distinguish between complex victims and former participants in the analyses, but the numbers of complex victims are provided in parentheses: 97 participants on the government side (77 complex victims), mostly in Guatemala; 62 participants on the insurgent side (54 complex victims), mostly in Nepal; 55 participants on both or other sides (38 complex victims); 86 complex victims did not disclose who forced them to commit violence and were grouped into a separate category (No answer, NA).

Control Variables

Since the distribution of key independent variables varies between the three cases, we control for case using a set of dummy variables with Guatemala as the reference category. Following previous research,[82] we include a set of sociodemographic characteristics like age (years), male, education (highest level completed; five categories) and poverty.[83] We also include a question about perceived insecurity (Could you tell me how secure you feel these days in your neighbourhood? Do you feel very/quite/not very/not at all secure?).

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[82] Aguilar et al., supra n 2; Nussio et al., supra n 2; Hall et al., supra n 2.
[83] To measure poverty, the respondents chose one of four statements: 1 'We can buy everything we need'; 2 'We have enough money to buy food and clothes, but the purchase of consumer durables is a problem for us'; 3 'We have enough money only for food'; and 4 'We do not have enough money even for food.' In Northern Ireland, statements 2–4 were adapted to the higher income level: 2 'We have enough money to buy food and clothes, but purchasing a home or a car is a problem for us'; 3 'We have enough money for the most essential, but we can't afford to go on a holiday'; and 4 'We don't have enough money even for the most essential.'

An alternative mechanism through which wartime experiences may affect demands for punishment is trauma.[84] To control for this possibility, we include a measure of posttraumatic stress disorder (PTSD), namely, a six-item version of the PTSD checklist, the PCL-6,[85] which scale very well in all three cases.[86] The final scale ranges from no symptoms (1) to strong symptoms (5).

As discussed, there may be some overlap between ethnicity and wartime identity in all three cases. To control for preexisting group identities, we use case-specific dummy variables. In Guatemala, indigenous identity takes the value of 1 for respondents who speak an indigenous language at home. In Nepal, caste is measured using the following dummy variables: Hill Chhetri (the largest group; reference category), Hill Brahmin, Hill Janajati, Hill Dalit, Terai Brahmin or Chhetri, Terai Dalit, Terai Janajati, other Terai caste, and Muslim.[87] In Northern Ireland, community background is measured through a question about which community the respondent was brought up in. The Protestant community is the reference category for the variables Catholic and Others (Jewish, Hindu, Muslim, none, other, and refusal).

ANALYSES

Because all our dependent variables are discreet indices, we use ordinary least squares regression. Since some of our explanatory variables include quite small groups, we report statistical significance at the 0.10 level in addition to the conventional 0.05 and 0.01 levels. The first part of the analysis presents the results from the three cases combined, while the second part investigates case-wise variations.

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[84] For a review, see Hall et al., supra n 2.

[85] Bing Han, Eunice C. Wong, Zhimin Mao, Lisa S. Meredith, Andrea Cassells and Jonathan N. Tobin, 'Validation of a Brief PTSD Screener for Underserved Patients in Federally Qualified Health Centers,' *General Hospital Psychiatry* 38(1) (2016): 84–88.

[86] Guatemala: Eigenvalue 2.53, factor loadings 0.59–0.75, Cronbach's α = 0.82. Nepal: Eigenvalue 2.36, factor loadings 0.47–0.84, Cronbach's α = 0.76. Northern Ireland: Eigenvalue 4.23, factor loadings 0.82–0,86, Cronbach's α = 0.94. See, Richard G. Netemeyer, William O. Bearden and Subhash Sharma, *Scaling Procedures: Issues and Applications* (Thousand Oaks, CA: Sage, 2003).

[87] 'Hill' and 'Terai' refer to the mountainous highland and the lowland region in Nepal.

Initial Analysis

Table 2 shows the results of a series of regression models where model I corresponds to support for punishment for all perpetrators, II punishment in general (without specifying side), III punishment for government perpetrators, and IV punishment for insurgent perpetrators. Models I and II test the first set of hypotheses and III–IV the second set.

Table 2: Support for punishment for different groups of perpetrators, ordinary least squares

	I	II	III	IV
Male	-0.025	-0.030	0.043	-0.045
	(0.94)	(0.94)	(1.18)	(1.34)
Age	0.001	0.004	-0.003	0.002
	(1.38)	(3.31)***	(2.02)**	(1.83)*
Education	0.079	0.092	0.042	0.064
	(6.09)***	(5.73)***	(2.31)**	(3.84)***
Poverty	-0.033	-0.039	0.006	-0.060
	(2.15)**	(2.07)**	(0.27)	(3.00)***
Insecurity	0.029	0.011	0.027	0.074
	(1.68)*	(0.50)	(1.10)	(3.28)***
PTSD	0.026	0.042	0.001	0.029
	(1.29)	(1.67)*	(0.05)	(1.05)
Wartime experiences:				
Innocent victim	0.020	0.053		
	(0.72)	(1.54)		
Complex victim	-0.003	0.012		
	(0.05)	(0.21)		
Participant	-0.122	-0.134		
	(1.14)	(1.03)		
Wartime victimization by:				
Government/paramilitary side			0.169	-0.301
			(2.56)**	(4.98)***
Insurgent side			0.019	0.143
			(0.33)	(2.74)***
Other perpetrator(s)			-0.130	-0.075
			(1.35)	(0.83)
Both sides			0.075	0.010
			(0.89)	(0.13)
NA			0.052	-0.011
			(0.79)	(0.18)
Wartime participation on:				
Government/paramilitary			-0.256	0.156

	I	II	III	IV
side			(2.40)**	(1.58)
Insurgent side			0.169	-0.286
			(1.31)	(2.42)**
Other/both sides			-0.182	-0.120
			(1.32)	(0.97)
NA			-1.396	0.165
			(1.48)	(0.27)
Nepal	0.106	0.363	-0.168	0.053
	(3.14)***	(8.68)***	(3.17)***	(1.08)
Northern Ireland	-0.046	-0.382	-0.042	0.430
	(1.10)	(7.52)***	(0.68)	(7.45)***
Constant	2.914	3.176	2.931	2.600
	(29.80)***	(26.27)***	(21.01)***	(20.19)***
R2	0.03	0.10	0.03	0.08
N	2,507	2,641	2,855	2,787

Notes: Dependent variables: Punishment for I: All perpetrators; II: perpetrators, without specifying which side; III: government perpetrators; and IV: rebel perpetrators. Cell entries represent unstandardized coefficient estimates with t statistics in parentheses. * $p<0.10$; ** $p<0.05$; *** $p<0.01$.

H1, H2 and H3 stated that innocent victims are more in favour of, while former participants and complex victims are more opposed to, punishing wartime perpetrators of human rights violations. Models I–II lend no support to these hypotheses. In line with the nonfinding of Nussio et al.,[88] the preferences of victims and former participants are indistinguishable from those of the overall population. These results hold also in case-specific models, except for H1, which is supported in the Nepali sample.[89]

We now turn to the potential impact of postconflict polarization (Models III–IV in Table 2). H4 stated that victims of government-initiated human rights abuses are more in favour of reactions against government forces, while H5 stated that victims of rebel-initiated human rights abuses are more in favour of punishment for rebel forces. Both hypotheses find support in our analysis, with moderate substantial effects. Additionally, victims of government-sponsored violence are significantly less in favour of reactions for insurgent perpetrators (Model IV). The preferences of those victimized by other or both conflict actors are not significantly different from those of the overall population.

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[88] Nussio et al., supra n 2.
[89] See Appendix section C.

We also expected former participants to oppose punishment among their own (H6, H7). These hypotheses are supported, with statistically significant associations with the expected negative signs.

In sum, while some effects are weak, a consistent pattern of postconflict polarization emerges, where former participants defend perpetrators from their own group, but have no specific preference regarding perpetrators from the opposing groups. Similarly, victims prefer punishment of perpetrators who share identity with the wrongdoers they themselves faced.

Table 2 also indicates that the support for punishment varies significantly with context. First, according to Models I–II, there is stronger support for punishment for perpetrators in Nepal than in Guatemala. In Northern Ireland, there is less support for reactions for perpetrators in general (Model II). Moreover, people in Northern Ireland express much higher support for punishing rebel perpetrators, compared to the Guatemalan population (Model IV). In Nepal, there is less support for reactions against the government side (Model III). Additional tests show that there are more demands for punishing insurgents in Nepal and Northern Ireland, while in Guatemala there is stronger support for punishing the government side. These differences may reflect the sheer magnitude of state-sponsored violence, but also the fact that these gross abuses have been extensively documented and exposed through two truth commissions' reports and several high-profile trials. The lack of similar measures in Nepal and Northern Ireland may limit the public's knowledge about violations committed by the state. However, it is clear that the imbalance between the sides was much larger in Guatemala.

Finally, supplementary analyses indicate that findings reported in Table 2 are generally robust to different model specifications.

Case-Specific Models

As noted, the pattern of support for reactions against different groups of perpetrators seems to vary with case. We now turn to case-specific analyses of Models III–IV, including controls for preexisting identities. Table 3 presents a summary of the findings.[90]

Table 3: Summary of hypotheses and findings

	Compared to nonaffected individuals:	Combined	Guatemala	Nepal	N. Ireland
H1	Innocent victims are more in favour of punishment for wrongdoers.	-	-	Yes	-
H2	Former participants are more opposed to punishment for wrongdoers.	-	-[1]	-	-
H3	Complex victims are more opposed to punishment for wrongdoers.	-	-	-	-
H4	Victims of government-initiated human rights abuses are more in favour of punishment for government forces.	Yes	Yes[2]	-[3]	Mixed[4]
H5	Victims of rebel-initiated human rights abuses are more in favour of punishment for rebel forces.	Yes	-	Yes[5]	Yes
H6	Former government-side participants are less in favour of punishment for government forces.	Yes	-	-	-[6]
H7	Former rebel-side participants are less in favour of punishment for rebel forces.	Yes	-	Yes	Yes
	Robust to inclusion of group identity controls?		Yes	Yes	Mixed

Notes: Yes: Statistically significant on a .05 level or lower and with the expected sign. - Not statistically significant on a 0.05 level. [1] Statistically significant on a .10 level and with the expected sign in Model II. [2] Without the control for indigenous identity, this association is significant at a .10 level only. [3] On the contrary, this group is significantly less in favour of punishment for rebel perpetrators. [4] Some evidence in favour, but not robust to the inclusion of religious community. [5] This group is also significantly more in favour of punishment for government perpetrators (i.e. they favour punishment for perpetrators on *both* sides). [6] However, this group is significantly more in favour of punishment for perpetrators on the insurgent side.

Within each subsample, the results do not vary much with the inclusion of group identities. The exception is Northern Ireland, where the association between government

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[90] See Appendix section D for the full results.

victimization and support for punishment of government-side perpetrators is positive and statistically significant only if community identity is not included. Overall, this supports our notion that the postconflict polarization evident in Table 2 is something different than preexisting cleavages.

On the other hand, Table 3 also indicates that several associations may be context-dependent. Notably, none of the associations reported in Table 2 (summarized in the 'Combined' column in Table 3) is valid across the three cases. Thus, while H4 finds support in Guatemala and Northern Ireland, H5 and H7 find support in Nepal and Northern Ireland, H6 does not find support in any of the subsamples. One explanation for these nonfindings is a ceiling effect combined with some very small categories (e.g. former rebels in Guatemala; former government-side participants in Nepal and Northern Ireland), which in turn may relate to underreporting. For some dependent variables, the mean values are quite high (e.g. support for punishment of insurgent perpetrators in Northern Ireland), which limits the possibility to find statistically significant associations.[91]

Underreporting seems to be most pronounced in Guatemala, where reported participation is lower than in Nepal and Northern Ireland. This could partly be explained by a very young population and the 20 years passed since the peace agreement was signed. Still, the underreporting may be substantial, especially given the widespread forced recruitment to the pro-government PACs, which, according to one estimate, counted 1.3 million members at its peak.[92] Also, in Northern Ireland there seems to be an underreporting of former insurgents. In sum, the nonfindings should be treated with caution.

It is worth noting that of the three cases, the findings from Northern Ireland are more in line with the overall findings from Table 2, also when controlling for group identity. This is

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[91] W. Paul Vogt, *Dictionary of Statistics and Methodology: A Non-Technical Guide for the Social Sciences*, 3rd ed (London: Sage, 2005).
[92] Sabine C. Carey, Neil J. Mitchell and Will Lowe, 'States, the Security Sector, and the Monopoly of Violence: A New Database on Pro-Government Militias,' *Journal of Peace Research* 50(2) (2013): 249–258.

interesting, given that the conflict in Northern Ireland was the one most clearly fought along preexisting cleavages.

In the Nepali sample we find that respondents whose participation cannot be classified as either on the government or the insurgent side display significantly lower levels of support for reactions against government wrongdoers.[93] Upon closer inspection, this is due to a significant group of respondents (n=40) who report conflict participation in a 'group associated with a political party (other than the Maoists).' Most of these respondents report a sympathy for either the Nepali Congress Party (n=14) or the Communist Party of Nepal (Unified Marxist–Leninist) (n=19), both major parties that played a decisive role in the 2006 regime change.[94] It is no surprise that active party members from the mainstream political parties in Nepal side with the government rather than with the insurgents that targeted the establishment that they were a part of. Overall, this relationship strengthens our contention that conflict-induced group identities shape TJ preferences (long) after war.

Finally, turning to the role of preexisting group identities, we find that in Guatemala, indigenous identity is not associated with support for punishment for perpetrators on the government side. However, it appears to be weakly and positively related to punishment for the insurgent side ($p<0.10$). In Nepal, caste is partly associated with preferences for punishment. High castes in the lowlands (Terai), Brahmin and Chhetri, are significantly less in favour of punishment for government perpetrators, while Hill Dalits, reportedly the poorest caste in our sample, are significantly more in favour. Similarly, the mainly prosperous, Kathmandu-based Newar caste is significantly more in favour of punishment for perpetrators on the insurgent side. In Northern Ireland, as expected, community background is an important predictor of support for punishment of perpetrators on either side.

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[93] See Appendix section D2, Model IIIa–b.
[94] These parties were the largest members of the Seven Party Alliance, a coalition of the main political parties to end authoritarian rule in Nepal in 1999.

DISCUSSION

This article rests on an assumption that people's views of how wartime perpetrators should be treated vary with their own wartime experiences. We expected attitudes towards punitive reactions to follow the main cleavages from the armed conflict, being a part of the larger metaconflict surrounding the conflict.[95] We argued that even if potentially overlapping, this polarization is something else than a reproduction of preexisting group identities. Our results largely support this. We find that specifying the conflict actor is important when analyzing preferences for reactions against wrongdoers after internal armed conflict. Even long after the end of conflict, people's attitudes towards punishment depend on which side they are asked about, which side committed the violence they may have experienced themselves, and if they participated on one side or the other.

Previous research reaches diverging conclusions about support for TJ, and whether victims of human rights violations hold other opinions on punishment and forgiveness than people less affected by conflict. Our findings may help explain divergence, since clearly, people do not view human rights violators equally. The experience of abuse by a certain group makes victims more prone to support punishment for perpetrators associated with that group, while (former) adherence to a specific group as a participant reduces support for punishment for said group. In this way, our findings are in line with and extend previous research about postconflict polarization and the role of group identities developed or strengthened by wartime violence.[96] Even if the armed conflicts ended many years ago, our findings uncover a deep polarization that goes beyond preconflict group identities. Our findings also hold when controlling for competing causal mechanisms like trauma.

Recall that some key differences between the cases are conflict intensity (the civil war in Guatemala being the most intense), the role of group identities versus ideology (Northern Ireland versus the other two) and the degree of TJ implementation (Guatemala versus the

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[95] Hearty, supra n 7.
[96] Wood, supra n 45; Stathis N. Kalyvas, 'The Ontology of "Political Violence": Action and Identity in Civil Wars,' *Perspectives on Politics* 1(3) (2003): 475–494.

other two). Interestingly, there is less evidence of a postconflict polarization in Guatemala, and more so in Northern Ireland, with Nepal somewhere in between. Given that the armed conflict in Northern Ireland was fought mainly along preexisting cleavages, it is worth noting that the polarizing effect of wartime experiences is larger here, also when controlling for community.

Lower polarization in Guatemala may also indicate that the TJ measures implemented actually may have had some success in reducing polarization and creating a shared truth about the past, indicating a reinforcing relationship between public support, civil society pressure and the implementation of TJ.[97] If so, a gradual implementation of different mechanisms may be the most effective to overcome divisions created by the atrocities in the past, while at the same time maintaining stability. On the other hand, the state brutality and the intensity of the war may also have been instrumental in shifting the Guatemalan public opinion towards demands for accountability. It is also worth keeping in mind that some nonfindings may be the result of small categories and, consequently, low statistical power, and should not be trusted completely.

In a study from post-apartheid South Africa, David Backer observed a significant shift in victim attitudes to punishment over time, with increasing demands for accountability even at the risk of instability.[98] He attributes this to the failure to implement other TJ mechanisms. Another explanation may be that when time passes, a return to the past seems less likely. Hence, the concern for stability becomes less pressing, shifting priorities towards punitive measures as they are unlikely to be destabilizing. Other scholars have also argued that perceptions of security may affect TJ preferences.[99] This could explain why in Nepal there is significantly lower demand for reactions against the government. Here, the more recent

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[97] Note that the first, unofficial truth commission in Guatemala was essentially a church-based, grassroot initiative. See, Isaacs, supra n 37.
[98] David Backer, 'Watching a Bargain Unravel? A Panel Study of Victims' Attitudes about Transitional Justice in Cape Town, South Africa,' *International Journal of Transitional Justice* 4(3) (2010): 443–456.
[99] Samii, supra n 2; Adhikari et al., supra n 58.

peace agreement and the ensuing political turmoil may have tilted preferences towards stability rather than accountability.

Finally, our findings add to a certain pessimism regarding the obstacles to TJ.[100] Transitional justice is viewed as an integral part of postconflict peacebuilding.[101] However, postconflict efforts to build sustainable peace need popular support to succeed.[102] The polarization we find may at least partly explain why implementing such mechanisms can be difficult, even if overall support is high. If civil society pressure increases the impact of TJ policies,[103] it is not difficult to imagine what happens if some groups mobilize *against* accountability. This is in line with previous arguments about the role of public opinion in delimiting the available space for political action by elites.[104] International actors who oversee the implementation of peace agreements and TJ policies should keep these prospects in mind. They should also carefully consider the sequencing when implementing different mechanisms. For example, it may be easier to create the necessary social momentum to implement punitive measures after a truth commission has exposed and created awareness about atrocities committed in the past.

Most survey research in conflict areas is limited to single case studies. Using comparative data from three cases, this article offers a rare exception. Future research should expand the body of comparative studies to enhance our understanding of commonalities and differences among postconflict societies. More research is needed to establish whether the causal mechanisms examined here are valid also for other types of TJ and in other contexts.

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[100] Leebaw, supra n 11.
[101] Binningsbø et al., supra n 14.
[102] Jasna Dragovic-Soso, 'History of a Failure: Attempts to Create a National Truth and Reconciliation Commission in Bosnia and Herzegovina, 1997–2006,' *International Journal of Transitional Justice* 10(2) (2016): 292–310.
[103] Onur Bakiner, 'Truth Commission Impact: An Assessment of How Commissions Influence Politics and Society,' *International Journal of Transitional Justice* 8(1) (2014): 6–30.
[104] Grodsky, supra n 5.

APPENDIX

A. The Survey Data

The main sections of the PAP survey questionnaire probe into conflict experiences, the peacebuilding processes and TJ. More standard questions are from the World Values Survey project. Other questions draw upon other postconflict surveys.[105] The questionnaire was revised in collaboration with national survey teams after national pre-tests, paying particular attention to sensitive issues. We also conducted a set of expert interviews to guide the refining of some questions.

The survey was fielded in 2016 (Guatemala: January; Nepal: March–April; Northern Ireland: May–July). The average interview duration was 40–50 minutes.

The interviews were conducted face to face. At the outset, potential respondents were informed about the nature of the survey and asked if they would be willing to participate. The respondents were assured that the survey was conducted strictly for academic purposes and that all answers were confidential. They were also informed that they could refuse to answer any questions they did not want to answer, or withdraw from the interview at any time.

The final sample consists of 3,200 respondents (Guatemala: 1,200; Nepal: 1,200; Northern Ireland: 800). Reflecting different local sampling practices and sampling frames, the procedure varied somewhat from case to case. In Guatemala and Nepal, a three-stage sampling design was employed, where the primary sampling unit (PSU) was drawn in the first stage of sampling (120 segments within municipalities in Guatemala; 60 wards, the lowest administrative level, in Nepal), based on a sampling frame (the 2015 electoral roll in Guatemala; the 2011 census in Nepal). Within the PSUs, households were drawn randomly. In Guatemala, individuals were selected based on the 'last birthday' rule, whereas in Nepal, the Kish grid method was used.[106] In Northern Ireland, the Postcode Address File provided the sampling frame, from which households were drawn at random. Individuals were selected within the household based on the 'next birthday' rule. In Guatemala and Nepal, the samples were drawn to include an equal number of men and women, stratified by urban–rural areas, while the Northern Irish sampling was modified to avoid an overrepresentation of older respondents.[107]

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[105] See particularly Kristin M. Bakke, 'After the War Ends: Violence in Post-Soviet Unrecognized States,' Nagorno Karabakh Survey, 2013, http://reshare.ukdataservice.ac.uk/851970/30/Nagorno_Karabakh_September2013_Questionnaire.pdf (accessed 1 December 2018); Albert Simkus, 'Guest Editor's Introduction: The SEESSP Project,' *International Journal of Sociology* 37(3) (2007): 3–14; Macartan Humphreys and Jeremy M. Weinstein, 'What the Fighters Say: A Survey of Ex-Combatants in Sierra Leone, June–August 2003,' Interim Report (July 2004); John O'Loughlin, Vladimir Kolossov and Gerard Toal, 'Inside the Post-Soviet de facto States: A Comparison of Attitudes in Abkhazia, Nagorny Karabakh, South Ossetia, and Transnistria,' *Eurasian Geography and Economics* 55(5) (2014): 423–456.

[106] Leslie Kish, 'A Procedure for Objective Respondent Selection within the Household,' *Journal of the American Statistical Association* 44(247) (1949): 380–387.

[107] Analysis during the initial fieldwork revealed that a higher proportion of older people was being selected for interview. A decision was made to first limit the number of respondents aged 75 and over answering the survey, then at a later date those above 65. At households where nobody was below 65, the household was replaced with the neighbouring household.

B. Distribution of Dependent Variable by Case

This set of 3 x 4 figures (B1–B3) corresponds to Figure 1.

B1. Distribution of Dependent Variables, Guatemala
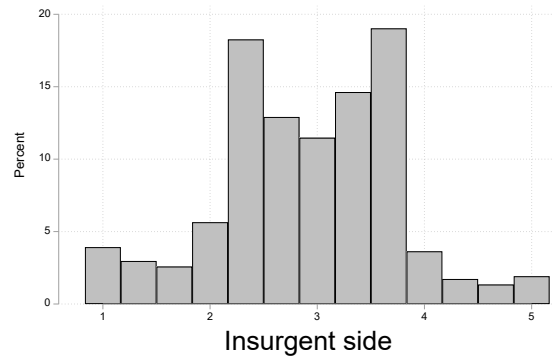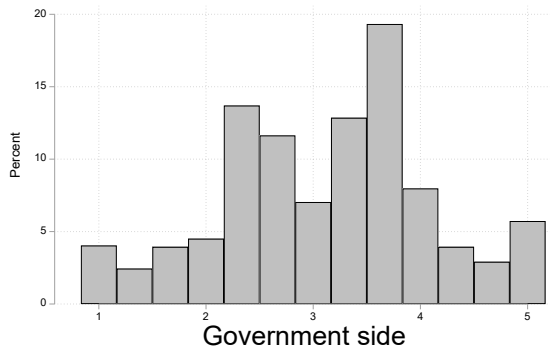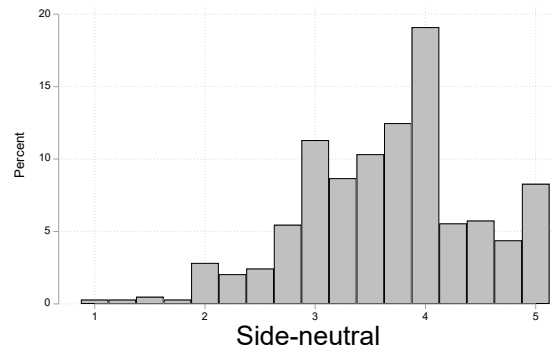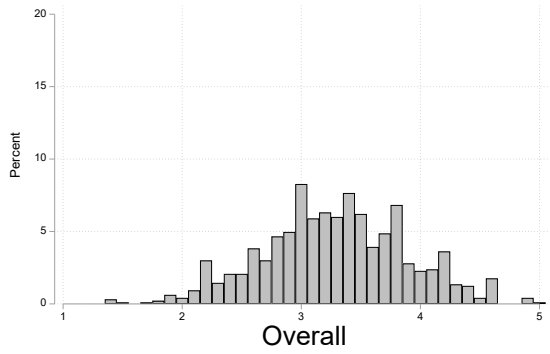
B2. Distribution of Dependent Variables, Nepal

B3. Distribution of Dependent Variables, Northern Ireland
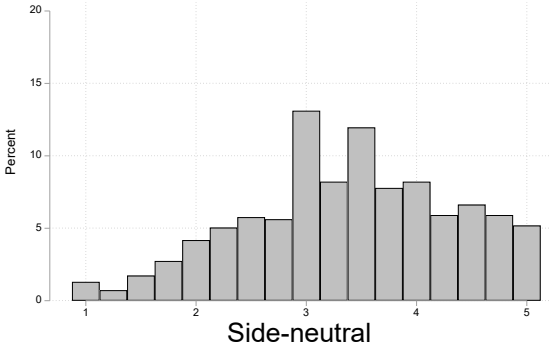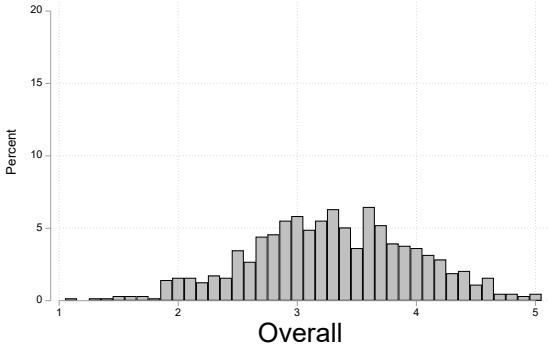
C. Models I–II by Case

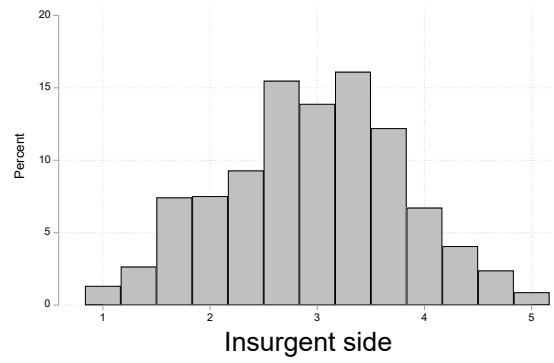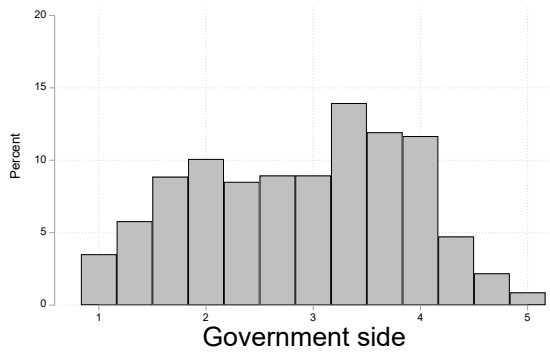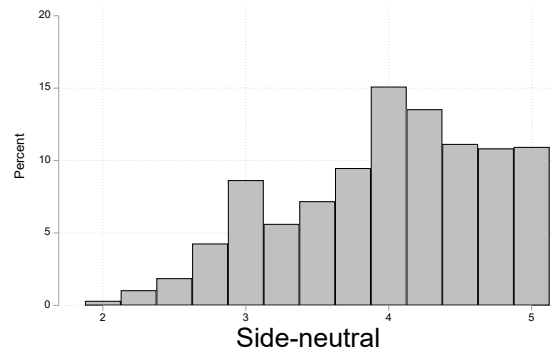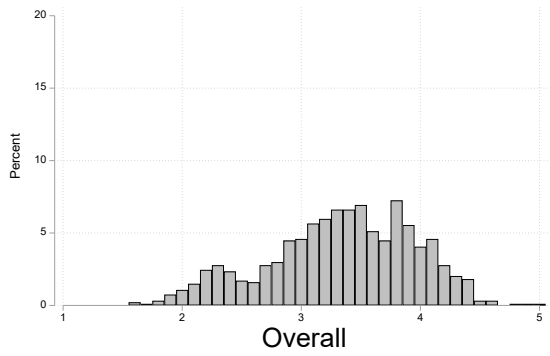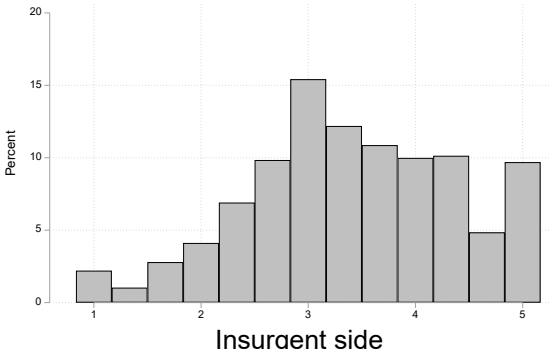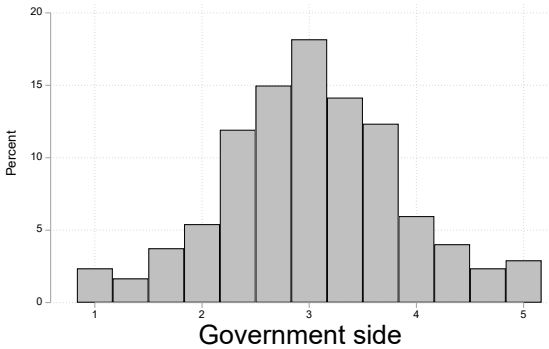This table corresponds to Table 2, with main findings summarized in Table 3.

	Guatemala		Nepal		Northern Ireland	
	I	II	I	II	I	II
Male	0.022	0.001	0.003	0.023	-0.182	-0.187
	(0.53)	(0.02)	(0.08)	(0.47)	(3.24)***	(2.56)**
Age	-0.004	0.001	0.008	0.009	-0.000	0.001
	(2.42)**	(0.52)	(4.99)***	(5.08)***	(0.18)	(0.53)
Education	0.082	0.061	0.101	0.138	-0.091	-0.171
	(3.53)***	(2.10)**	(5.75)***	(7.04)***	(1.78)*	(2.54)**
Poverty	-0.029	-0.043	-0.032	-0.024	0.005	-0.050
	(1.31)	(1.52)	(1.26)	(0.82)	(0.14)	(1.00)
Insecurity	0.001	-0.016	0.120	0.081	0.034	0.052
	(0.07)	(0.63)	(3.16)***	(1.94)*	(0.64)	(0.78)
PTSD	-0.015	-0.030	0.046	0.232	0.122	0.082
	(0.56)	(0.88)	(1.03)	(4.67)***	(2.68)***	(1.41)
Wartime experiences:						
Innocent victim	0.005	0.059	0.099	0.115	-0.038	-0.008
	(0.11)	(1.12)	(2.16)**	(2.23)**	(0.62)	(0.09)
Complex victim	-0.035	-0.037	0.061	0.039	-0.135	-0.172
	(0.37)	(0.31)	(1.00)	(0.58)	(1.09)	(1.06)
Participant	-0.026	-0.545	-0.187	-0.110	0.004	0.172
	(0.10)	(1.91)*	(1.46)	(0.78)	(0.02)	(0.48)
Constant	3.183	3.572	2.434	2.604	3.617	4.095
	(21.40)***	(18.99)***	(14.95)***	(14.26)***	(12.60)***	(10.84)***
R^2	0.04	0.02	0.09	0.11	0.04	0.03
N	947	1,001	934	955	626	685

D. Models III–IV by Case, without (A) and with (B) Controls for Group Identity

D1–D4 correspond to Table 2, models III–IV, in the main document.

D1. Models III–IV, Guatemala

	IIIa	IIIb	IVa	IVb
Male	0.085	0.088	-0.034	-0.037
	(1.36)	(1.40)	(0.62)	(0.68)
Education	0.101	0.096	0.059	0.063
	(2.79)***	(2.64)***	(1.89)*	(2.03)**
Age	-0.008	-0.008	-0.006	-0.005
	(3.21)***	(3.27)***	(2.49)**	(2.41)**
Poverty	-0.015	-0.010	-0.018	-0.024
	(0.44)	(0.30)	(0.59)	(0.77)
Insecurity	-0.016	-0.024	0.030	0.038
	(0.51)	(0.77)	(1.10)	(1.38)
PTSD	-0.033	-0.025	-0.010	-0.017
	(0.79)	(0.61)	(0.27)	(0.47)
Wartime victimization by:				
Government/paramilitary side	0.242	0.245	-0.067	-0.071
	(1.94)*	(1.97)**	(0.62)	(0.65)
Rebel side	-0.187	-0.193	-0.266	-0.263
	(0.96)	(0.99)	(1.62)	(1.60)
Other perpetrator(s)	-0.215	-0.211	-0.166	-0.168
	(1.40)	(1.37)	(1.20)	(1.22)
Both sides	-0.213	-0.190	-0.246	-0.266
	(0.64)	(0.57)	(0.75)	(0.81)
NA	-0.010	-0.003	-0.031	-0.039
	(0.14)	(0.04)	(0.50)	(0.63)
Wartime participation on:				
Government/paramilitary side	-0.227	-0.224	0.043	0.042
	(1.33)	(1.31)	(0.29)	(0.28)
Insurgent side	0.229	0.217	0.307	0.317
	(0.55)	(0.53)	(0.85)	(0.88)
Other/both sides	-0.098	-0.063	0.069	0.045
	(0.22)	(0.14)	(0.20)	(0.13)
NA	-0.021	0.006	0.278	0.250
	(0.07)	(0.02)	(1.02)	(0.92)
Indigenous language		-0.108		0.108
		(1.49)		(1.70)*
Constant	3.096	3.135	2.924	2.890
	(13.39)***	(13.48)***	(14.55)***	(14.32)***
R^2	0.04	0.05	0.03	0.03
N	1,037	1,037	1,016	1,016

Notes: Cell entries represent unstandardized coefficient estimates with t statistics in parentheses. * p<0.10; ** p<0.05; *** p<0.01.

D2. Models III–IV, Nepal

	IIIa	IIIb	IVa	IVb
Male	0.040	0.040	0.003	0.002
	(0.61)	(0.61)	(0.06)	(0.04)
Education	0.045	0.042	0.077	0.074
	(1.71)*	(1.52)	(3.49)***	(3.15)***
Age	0.006	0.006	0.008	0.007
	(2.60)***	(2.52)**	(3.84)***	(3.55)***
Poverty	0.028	-0.009	-0.081	-0.082
	(0.73)	(0.21)	(2.52)**	(2.43)**
Insecurity	0.155	0.158	0.218	0.209
	(2.79)***	(2.84)***	(4.60)***	(4.40)***
PTSD	-0.160	-0.160	0.021	0.018
	(2.35)**	(2.34)**	(0.36)	(0.31)
Wartime victimization by:				
Government/paramilitary side	0.136	0.092	-0.258	-0.262
	(1.10)	(0.74)	(2.47)**	(2.50)**
Rebel side	0.144	0.144	0.121	0.140
	(1.86)*	(1.86)*	(1.86)*	(2.15)**
Other perpetrator(s)	0.410	0.402	-0.020	-0.071
	(1.61)	(1.58)	(0.09)	(0.33)
Both sides	0.269	0.288	0.100	0.113
	(2.41)**	(2.58)**	(1.06)	(1.20)
NA	0.361	0.317	-0.010	-0.072
	(0.74)	(0.65)	(0.02)	(0.18)
Wartime participation on:				
Government/paramilitary side	-0.134	-0.115	0.059	0.081
	(0.52)	(0.44)	(0.27)	(0.37)
Insurgent side	0.135	0.139	-0.261	-0.273
	(0.88)	(0.90)	(2.00)**	(2.09)**
Other/both sides	-0.504	-0.521	0.025	-0.007
	(3.05)***	(3.16)***	(0.18)	(0.05)
NA	-0.046	-0.074	0.074	0.072
	(0.33)	(0.53)	(0.64)	(0.62)
Caste:				
Hill Brahmin		0.071		0.059
		(0.70)		(0.69)
Terai Brahmin/Chhetri		-0.832		-0.093
		(2.65)***		(0.35)
Other Terai caste		0.066		0.087
		(0.54)		(0.82)

	(1)	(2)	(3)	(4)
Hill Dalit		0.371		0.142
		(3.33)***		(1.52)
Terai Dalit		0.087		0.286
		(0.45)		(1.62)
Newar		0.007		0.310
		(0.05)		(2.88)***
Hill Janajati		0.005		0.036
		(0.05)		(0.48)
Terai Janajati		-0.033		-0.080
		(0.30)		(0.88)
Muslim		0.048		0.060
		(0.29)		(0.43)
Constant	2.386	2.425	2.153	2.139
	(9.89)***	(9.28)***	(10.58)***	(9.66)***
R^2	0.04	0.06	0.08	0.09
N	1,111	1,111	1,103	1,103

Notes: Cell entries represent unstandardized coefficient estimates with t statistics in parentheses. * $p<0.10$; ** $p<0.05$; *** $p<0.01$.

D3. Models III–IV, Northern Ireland

	IIIa	IIIb	IVa	IVb
Male	-0.121	-0.102	-0.195	-0.214
	(1.91)*	(1.65)*	(2.66)***	(3.09)***
Education	0.003	0.014	-0.135	-0.149
	(0.05)	(0.25)	(2.03)**	(2.37)**
Age	-0.005	-0.004	0.000	-0.002
	(2.73)***	(2.34)**	(0.14)	(0.78)
Poverty	0.089	0.067	-0.029	0.010
	(2.10)**	(1.62)	(0.59)	(0.21)
Insecurity	-0.041	-0.033	0.038	0.031
	(0.73)	(0.60)	(0.57)	(0.49)
PTSD	0.191	0.199	0.138	0.117
	(3.78)***	(4.04)***	(2.27)**	(2.04)**
Wartime victimization by:				
Government/paramilitary side	0.164	0.043	-0.437	-0.237
	(1.68)*	(0.44)	(3.91)***	(2.19)**
Rebel side	-0.087	-0.029	0.322	0.219
	(0.91)	(0.31)	(2.94)***	(2.11)**
Other perpetrator(s)	-0.151	-0.125	0.006	-0.038
	(1.17)	(1.00)	(0.04)	(0.27)
Both sides	-0.170	-0.188	-0.149	-0.137
	(1.21)	(1.37)	(0.93)	(0.91)
Wartime participation on:				
Government/paramilitary side	-0.145	-0.094	0.389	0.312
	(0.93)	(0.62)	(2.17)**	(1.84)*
Insurgent side	0.250	0.148	-1.157	-0.974
	(0.72)	(0.44)	(2.97)***	(2.65)***
Other/both sides	0.509	0.473	-0.989	-0.888
	(1.71)*	(1.63)	(3.13)***	(2.98)***
NA	-0.154	-0.135	-0.130	-0.169
	(0.37)	(0.33)	(0.27)	(0.38)
Community				
Catholic		0.402		-0.683
		(6.10)***		(9.21)***
Other (non-Protestant/Catholic)		0.053		-0.316
		(0.41)		(2.23)**
Constant	2.998	2.749	3.942	4.373
	(9.34)***	(8.69)***	(10.64)***	(12.39)***
R^2	0.07	0.12	0.11	0.21
N	707	707	668	668

Notes: Cell entries represent unstandardized coefficient estimates with t statistics in parentheses. * $p<0.10$; ** $p<0.05$; *** $p<0.01$.