



**Summary**

**The Truths of Exile**

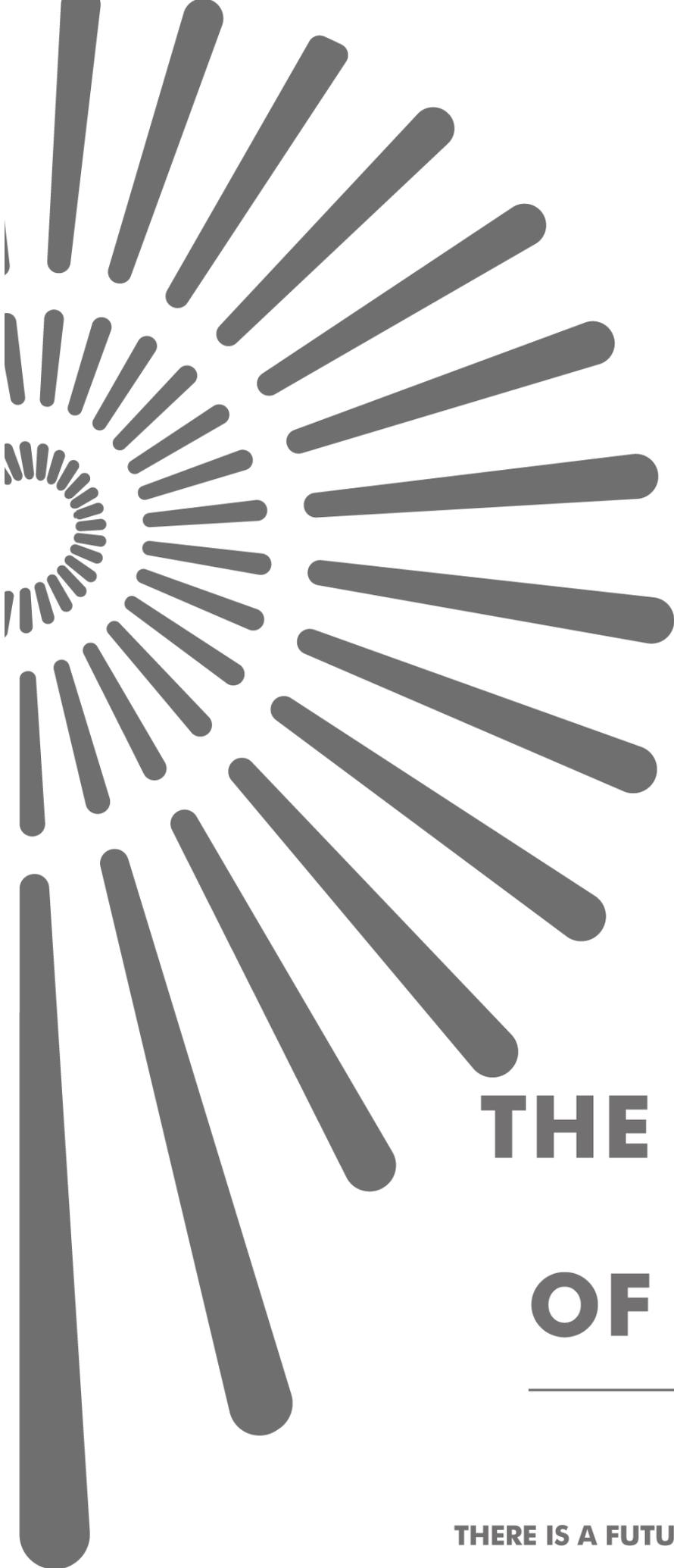
**THE COLOMBIA  
OUTSIDE  
OF COLOMBIA**

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Commission for the Clarification  
of Truth, Coexistence and Non-Repetition

**THERE IS A FUTURE IF THERE IS TRUTH – FINAL REPORT**





Summary

The Truths of Exile

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## By Way of Introduction The Colombia Outside of Colombia

*The loss of home and homeland, imposed by life circumstances, chosen by the individual or arising from the combination of both factors, is an unparalleled rupture that disrupts life in an irreparable manner and that completely changes the outlook exiled persons have of themselves, their world and their times.*

Hernando Valencia Villa, former Attorney for Human Rights,  
PGN (for the Spanish original), exiled<sup>1</sup>

The testimonial of this narration of exile is by a former human rights attorney general who was investigating responsibilities in a case of enforced disappearance. The testimonial displays an invisible, traumatic and revealing reality. Invisible, because the experiences of this *Colombia outside of Colombia* are largely unknown, both by the institutions and the collective memory; traumatic, because it involves a severe rupture of bonds and life plans, which represents a human rights violation that has yet to be acknowledged. And revealing, because it illustrates both the lack of protection and neglect by the country's institutions and society, and the enormous capacity for reconstruction and lessons of humanity that inhabit the testimonials collected by the Commission.

Giving a voice to exile is a means for clearing the way for their experience to be acknowledged, and for the voices of its protagonists to be heard and taken into consideration. The truth commissions of the world have only worked on documenting exile to a limited extent. The Colombian Truth Commission –created following the signing of the Peace Agreement with FARC-EP in 2016– has carried out a process of hearing, documenting, and recognizing the victims, thanks to the trust of numerous organizations and victims in 24 countries, that displays the situation of a Colombian population that wants to be part of clarifying and constructing truth, and whose experiences form part of a collective history.

It is not just about answering key questions about exile and refuge –which have been invisible– and of narrating what happened to those who had to leave the country to protect their lives, but it is also about addressing the challenges faced by Colombia today regarding these truths that live beyond our borders: will the Colombian society and State be capable of seeing themselves reflected in this story and be able to acknowledge it? It is also about reflecting how the exile was not in vain: it saved lives, families, and truths.

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1 Interview 001-VI-00029. Former Deputy Administrative Attorney General, exiled in Europe since 1994.

## An Invisible Population

The official statistics of the Unit for the Victims<sup>2</sup> indicate that between 1985 and 2021 alone there were over nine million victims of the internal armed conflict; however, most of those who had to flee the country because of the war are not included in this figure. The exile phenomenon is invisible not only because it is under-reported, but also for structural reasons, such as the failure to recognize these events as human rights violations. This is the reason most victims failed to receive any assistance, protection, and care before leaving the country in search of international protection. Even though many of them filed reports on what had happened to them, they did not receive additional protection. On the contrary, this actually worsened their safety situation. Stigmatization forms part of this invisibility, as well as the impunity of these cases, due to most victims' mistrust in the institutions charged with providing protection and discharging justice.

One thing is clear: none of those interviewed by the Commission in other countries fled because they wanted to. Exile was almost always the last resort after suffering other successive violent events, such as internal forced displacement, threats, loss of loved ones, or life-threatening attacks. Exile in itself is a violation that demonstrates the failure of State institutions to fulfill their duty of protecting the victims, and the responsibility of all the armed actors for these violations, which split the lives of exiles between a before and an after.

After leaving the country, many felt relieved improved safety or for having left the threat behind; however, they were unable to avoid the deep heartbreak of leaving their homes and families behind; of losing their jobs and social status, often with only the clothes on their back or a few belongings; of traveling through difficult and dangerous paths; of facing the risk of being tracked down by those who were hunting them; of leaving without having or obtaining their documents; of finding help, or a place stay, or sleeping on a sidewalk; of crossing a border without knowing what will be on the other side; of arriving to new country to start over from zero, often by picking up the pieces, or as the victims often told us, «rebuilding from the ashes». Exiled people lose their identity, explaining *we are somebody* in a territory, in a community, in a family, and when we leave all this behind in such sudden haste, we have to start all over again. Exile speaks to us about dignity, of the need for recognition that is not only based on being a citizen of a given State, but on the real possibility of existing as a human being.

In the voices and experiences of the exiled, exile is a life pushed off track from its natural course, and «a small death amidst so many estrangements». Their paths are marked by precariousness, fear, separation, loneliness, and the intent of returning home, even if only mentally, to be next to their acquaintances, families, and friends. The insecurity they feel upon arrival increases their anxiety, because the lives of the exiles are in the hands of others –the immigration authorities, for example– who can accept or deny, and who determine where they will be taken or the level of assistance or protection they will receive.

Additionally, most of those forced into exile feel guilty about having survived or for having been able to flee, while in Colombia distorted images circulate of what is called a «golden exile» (the belief that leaving implies being better off or enjoying a better life, when in reality the victims lost their affections, status, properties and bonds, and were forced to rebuild their lives from scratch).

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2 Unit for the Victims. Unified Victims Registry (RUV, for the Spanish original), «Search by territorial office».

## The Language and the Experience

The views on victims and survivors are framed by the language used to label them, often with different terms such as «persons seeking asylum or refugee status», «in need for international protection», «exiles», «victims abroad» or «cross-border displaced persons». All these labels have been mentioned both by the victims and by the institutional world of refugees, including government officials, non-government organizations, international agencies and support organizations that assist in their integration into the host countries, that the Truth Commission has listened to outside of Colombia.

«Refugee» is defined as someone who «owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it.»<sup>3</sup>

In addition to this definition, adopted in Geneva, Switzerland, in 1950, the States, in particular those of the Latin American region, have incorporated in their internal laws an expanded definition of refugee, established in the 1984 Cartagena Declaration, that additionally includes «persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order»<sup>4</sup>.

This somewhat broader definition underscores the region's serious and generalized human rights violations due to armed conflicts, the establishment of anti-democratic systems and the persecution and impacts arising from policies of dispossession, violence and forced displacement –such as those experienced by Colombia during to the internal armed conflict– which, with the intensification of the war in recent decades, has played a key role in understanding the situation of refugees in the region and the world.

Consequently, both the Geneva Statute and the Cartagena Declaration are international mechanisms through which many people have requested asylum during several decades to be able to stay in the host country. The responses to such requests have depended, to a large extent, on the historic period at the time in Colombia or in the host country. Instead, others, with the aim of protecting themselves under a veil of anonymity, have never requested international protection. The great majority of Colombians who had to leave the country due to the war, despite being in need for protection, stayed in the different countries under a different status, such as humanitarian or other types of visas that allowed them to stay in the new country, find work and try to rebuild their lives.

Nevertheless, many do not even fit in either of these categories, because they never made a petition for protection, but simply tried to stay on as migrants, students or workers in search for new opportunities for their futures. All these differences illustrate the plurality of situations that the victims who had to leave Colombia experience in other countries. Notwithstanding all the differences above, which will be further discussed below, this report speaks of all of them. An artist who was forced to leave to Brazil with his

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3 Adopted in Geneva, Switzerland, on July 28, 1951 by the Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons (United Nations), summoned by the General Assembly in Resolution 429 (V), of December 14, 1950.

4 Adopted by the «Colloquium on the International Protection of Refugees in Central America, Mexico and Panama: Legal and Humanitarian Problems», held in Cartagena, Colombia, on November 19 to 22, 1984.

family in 2015, due to the threats he received from armed groups for being part of a community process of cultural education in a Bogotá neighborhood, illustrates this huge variety of situations: «In fact, only several years after being here [in Rio de Janeiro] did we become aware about refuge, of knowing that what had happened to us was a reason for requesting refugee status.»<sup>5</sup>

In other cases, a term used in Colombia to describe this phenomenon has been «forced cross-border displacement.» This concept, which, unlike internal forced displacement, is not part of international law and is not recognized in Colombian law, is used especially to emphasize collective displacement processes that have led entire groups or communities to seek protection by crossing the border to a neighboring country. Sometimes, these situations are temporary –weeks or months, while the situation calms down on the other side–; but in other cases they became permanent because conditions are not suitable for returning. In this volume we will use this term to explain or describe major exoduses of communities or peoples that live in border areas and have experienced such displacement during different periods of the armed conflict. Some cases include the Barí people and the peasant communities of La Gabarra in Norte de Santander –on the border with Venezuela – following a paramilitary foray in 1999; or Afro-descendant and Indigenous populations that fled to Panama during the army’s Genesis operation in 1997; or the exodus of hundreds of members of the Awá Indigenous People to Ecuador in 2009, due to massacres caused by the FARC and displacements due to clashes between the guerrillas and the public forces.

In Colombia, the Victims’ Law does include a reference to the «victims abroad». However, in this case, these categories –being a victim and being in another country– are not separate experiences. In other words, it is not about victims who «are outside» of Colombia, but rather about victims that «had to leave» Colombia due to persecution or threats, as pointed out by this female Indigenous leader exiled in Canada:

«After my second kidnapping, following the threats, break-ins to apartments and questioning about the leaders of other human rights and social organizations, we would go with my partner to report the cases to the Public Prosecutor’s Office (*Fiscalía*) over and over again; but in the end we were worn down from so many reports. At what point does one lose the right to be a human being? I left with no love for the country. I felt that the State had betrayed me.»<sup>6</sup>

However, there are other people in very different countries who left Colombia to find opportunities for a better life, which is broadly speaking called the Colombian diaspora: the Colombian population that is in other countries, regardless of their reasons for migrating. In other words, the diaspora also includes those who left, for example, to work or study in search for better life opportunities. The Commission also met with Colombians who are abroad, and even though they are not victims of the conflict, they have displayed a collective commitment to defending human rights and promoting coexistence and rebuilding the social fabric, or in support of the peace process.

In addition to the terms we use to try to approach the experience of exile, it is also important to understand the ways the victims perceive themselves, because in addition to their life experiences, these perceptions also influence their identities and subjective aspects. Whereas some openly assert their exile status, others shy away from such visibility because of the risks it may involve for them and their families. Others simply do not identify their experiences with exile. Beyond these differences, what matters to the Truth Commission are not the categories of reference, but the victims’ experiences. Regardless of each

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5 Interview 121-VI-00004. Couple of artists, exiled in Brazil in 2015.

6 Interview 127-VI-00012. Arhuaco female leader, human rights advocate, exiled in North America.

individual's self-perception or their status in the other country –depending on national and international regulations– exile is an indicator of collective suffering and a human rights violation that must be taken into consideration to the full extent that this experience involves. Regardless of the profiles of those who left the country (human rights advocates, political activists, community leaders, peasants, rural landowners, members of the armed forces, businesspeople, journalists, public officials, former combatants, religious leaders, artists, and many others), all their voices have been taken into consideration and listened to in the Commission's work.

For the Commission, exile refers to the forced departure and separation of those who have had to leave the country due to the internal armed conflict. The term «exile» is used here to indicate the political reasons and the links between the events of the armed conflict and seeking international protection.

We emphasize the invisibility of exile, and that it is at the same time the exclusion from the territory and from the time in the country. The main contribution of this work is to bring back and amplify the voices and experiences of those who had to leave, and which are usually only told to their families, friends, communities and in proceedings. These testimonials are the starting point of a journey. The first step for restoring coexistence is for the experiences of these people, families, and communities to be taken into consideration; the many truths of this *Colombia outside of Colombia* are in hundreds of thousands of Colombian homes worldwide.

Blurring the link with the facts around forced departure also distorts the danger that was experienced, the need for international protection, and even the capacity for social and/or political agency and for defending their rights, which is characteristic of a great number of Colombian exiles. The testimonial of this Afro-descendant woman who is a refugee in Spain shows the relationship between the recognition of the reasons that led to exile and her posture of actively denouncing what she experienced and rebuilding her life:

«At least I lived. I was born again by once again living the situation and facing it. I was born because I said: “If I let myself die, nobody will know the reason why I came here, and if I live, I will denounce and tell why I came, because it is not fair for us women to have to emigrate because of an off-key social and political situation experienced in the countries.”»<sup>7</sup>

### **Exile Includes All Voices and Faces**

Exile includes all the voices and faces of Colombia inasmuch as it has been experienced by multiple people and organizations: peasants, Indigenous peoples, Afro-Colombians, those who defend the territory in dispute and the armed confrontations between those who seek to impose upon them the obligation to collaborate in the war. It includes an attorney who was processing a case for victims; a journalist who publicly reported massacres; a public prosecutor who was investigating the intellectual authors of these events; the political activist expelled for being in opposition to the government; the judge who tried cases of serious human rights violations; the businessman or merchant who was kidnapped to extort his family; the former or demobilized combatant who was subsequently persecuted in retaliation; the female leaders who promoted change in their community by organizing women; the trans activist from a neighborhood in Bogotá or Medellín; the visual artist and the ballerina who were censored or persecuted for their community

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7 Interview 101-VI-00001. Female trade unionist, exiled in Europe since 2007.

activities; the mother who fled with her children to protect them from forced recruitment; the member of the public forces persecuted by guerrillas or for having reported extra-judicial executions; the victims of the conflict who were searching for their disappeared relatives or who claimed for justice or to have their lands returned, and the families of all the above.

In an event of recognition of exile carried out by the Truth Commission in November 2020 –The 7<sup>th</sup> Meeting for Truth «The Return of Our Voices»–, María Tila Uribe, who had to leave the country in the late 1970s because of her activism in favor of a people’s education, highlighted the importance of this event:

«The violence broke down leaderships, families and dreams. The families were left broken, injured, and the talent of thousands of Colombians was wasted. It is fundamental to recognize the validity of exile, because if we forget that it happened and why, what we are left with is concealment, or even worse, the manipulation of memory; and we well know that historic distortions divert attention. For this reason, the recovery of the historical memory must be a responsibility of the States, to make them accountable for their acts and those of other responsible parties. Society must also be committed to guaranteeing coexistence, to guaranteeing non-repetition. The path I took was determined by the context we experienced as a family at the time, because our political views have always been against the states of siege, martial courts for civilians, security statutes, repressive governments, and everything that runs against a State based on the rule of law.»<sup>8</sup>

Even though different players, including government, guerrilla and paramilitary actors, were responsible for the threats, attacks and human rights violations that led hundreds of thousands of victims to leave the country –taking into consideration that the dynamics of the internal war had moments of greater intensity– the State has an additional responsibility towards exiles due to its failure to fulfill its obligation to protect the population and to investigate most of the events narrated in this volume. In several testimonials it was found that some officials even advised the victims to leave the country, arguing that they could not guarantee their safety: «When I returned in 2019 to the Public Prosecutor’s office to report that I had been threatened once again by the ELN, an official told me that if I wanted to live I had to leave, that it would be best to leave the country.»<sup>9</sup> For almost all the interviewed victims, exile was the last option. In many cases, their trust in the State and reporting their cases was what forced them to leave the country, because the intensity of the threats only increased afterwards. The Commission has found in its work that this broken trust is in dire need of repair.

Now then, several countries have demonstrated strong solidarity with exiles and people in need of protection. International bodies, such as UNHCR, have indicated that Colombia is one of their main concerns, due to the high levels of internal forced displacement and refugees. However, there are major differences between the international framework for refugee assistance and its application in the national protection systems, which lead to new forms of victimization and a prolonged situation of uncertainty regarding responses to their requests, while they try to rebuild their lives in adverse conditions and contexts.

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8 Testimony of María Tila Uribe during the 7th Meeting for Truth “The Return of Our Voices”, in which she narrates the departure of Colombians at the time of the National Security Statute, which persecuted critical thought exercised through pedagogical work, as in her case. María Tila and her family were among the earliest exiles, in the late 1970s, due to her activism in favor of popular education.

9 Interview 283-VI-00004. Awá Native American, exiled in Chile since 2019.

## Exile, a Human Rights Violation in Itself

This report shows that exile is not only a human rights violation with its own characteristics and effects, but also an experience that affects a very large proportion of the Colombian population. Having to cross a border to save your life is not equivalent to internal forced displacement –many of the exiles had already experienced one or more displacements before. And even though leaving saved their lives, it produced enormous damage to the individuals and their families, given its significance and its persistence over time –as narrated by a Colombian businessman– it involves a deep social and collective impact. «Colombians have been punished in one of the toughest ways, by exile, by having to leave our country, our beloved homeland, and live far away. It is not a direct event –as many victims will probably tell you here– but exile is a form of violence and a very direct effect of the conflict. The fact that I have to live in a different country and [to have] a fragmented family...»<sup>10</sup>.

The stories of exile contain traces of all the violations that occurred during the conflict: the victims have been subject to violence by very different armed actors and different arrays of interests involved in the war, and in addition to suffering the conflict in their own flesh and that of their families, they have been forced to face the uprooting and abandonment caused by the lack of protection. The consequences of this event involve not only the loss of their homeland, of affective and social connections, or even of citizenship, but also the persecution and violence they suffered, which includes the lack of protection by the State, as has been recognized in rulings by the Council of State<sup>11</sup>. Seeking international protection was the last resort in many cases to save lives.

## The Subjective and Political Dimension

Exile and refuge have both an objective and a subjective dimension. The objective and political dimension is based on that the departure represents a rupture with Colombia, with its social bonds and institutions. In the migration policies and national protection systems of other countries, Colombian exiles tend to be stereotyped with suspicion about Colombia, which further deepens the silence and fear of telling what they have lived. Many victims have not even been able to narrate their experience because they fear they will not be believed or because they must fit into certain profiles and criteria in order to receive protection, or the information the country's authorities have about the conflict in Colombia.

The subjective dimension involves the pain of that loss, which often implies a distancing from the country and the need to invest a large part of their emotional resources in facing the challenge of starting a new life. For those who fled, exile became a sort of prolonged limbo, of being alive because they were allowed to live or because they were able to survive, but in a new reality in which they barely recognize themselves. It is in the middle of the road to nowhere between Colombia, a country to which they cannot return, and the

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10 Interview 001-CO-00608. Impact of the armed conflict on the Colombian business sector.

11 In the case of the exile of Carlos Álvaro Bonilla Cifuentes, deputy public prosecutor before the criminal judges of the specialized circuit of Medellín, in 1997, the Council of State considered the impacts on his daughter, his wife and his parents (regarding the latter, it highlighted the effects of insile). The Court pointed out «the failure of service, because no protection was provided to a prosecutor whose risk condition was known by the National Public Prosecution Office (*Fiscalía*)», and recalled what it had held in previous decisions: «Authorities that by any means obtain knowledge or infer a situation of imminent risk are under the obligation of performing the positive duty of providing the protection and safety to which the inhabitants of the territory are entitled.» Council of State, Ruling 050012331000200102641 01(44198), March 17, 2021. 164-66.

other, the host country, which they never end up being from: a huge gray area in which they wander for a long time after fleeing and where uncertainty is the everyday fare.

In the experience of most of the 2,080 victims and witnesses interviewed by the Commission who refer specifically to exile<sup>12</sup>, this forced rupture is marked by the mourning involved in taking in the magnitude of the loss they suffered, a process they often have not even had time to deal with.<sup>13</sup> A military criminal judge forced to seek refuge in 2010 for investigating links between the public forces and paramilitaries said:

«That flight was painful, which I have called the flight with no return; it was a stressful moment, of facing the unknown, of knowing that we would face difficult times: we could not speak the language, we did not know if our professional experience would be recognized in any way... besides, we had no idea, it was our first trip to Europe. We had never traveled outside of Colombia, and much less to Europe.»<sup>14</sup>

Being in exile implies losing everything that makes a person who he is: territory, family, profession, way of life and even self-esteem. The new identity of exiles becomes a label for those who surround them, because they are no longer a nurse or a peasant, but an exile, refugee/asylee, immigrant or foreigner.

Exiles lost everything except themselves, which has been defended by some interviewees as «defending life from the war.» Despite the pain and the loss, they did not remain passive, but instead persistently drew on amazingly creative strategies to face the effects and adversities brought about by this experience. And in addition to assisting themselves and their families, they have demonstrated hospitality and solidarity to support others in the same circumstances and for the construction of peace in Colombia.

When everything is unknown, strange and alien, a friendly hand is exceptionally welcome. An example of this is the case of a homosexual man expelled from his neighborhood in a «social cleansing» carried out by criminal gangs linked to drug trafficking. When he arrived in Ecuador, he was denied his asylum request, but he found a way to stay because he knew that going back was not an option. The solidarity of others allowed him to survive:

«I found an angel, the lady from that house, who gave me a hand; I found work, people like you, who I will always appreciate. I found friends; a group of Colombians who have made me popular here. So I work, I study, my family is alive, I have everything; I was left with a nice experience.»<sup>15</sup>

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12 The cut-off date of this information is May 31, 2022, even though interviews continued to be made until the end of the Commission's mandate.

13 Both hearing the testimonials and carrying out the work in other countries involved numerous challenges and complexities, such as the lack of infrastructure and resources. Additionally, the polarization involved in the plebiscite for peace in October 2016 conditioned many responses and support for the Peace Agreement. Given this scenario, the Commission had to carry out substantial pedagogical work about its mandate, thanks to which the testimonials that were collected are a representative sample of the diversity of Colombian exiles. Even though the interviews are with victims of all the responsible parties, including the voices of a few former members of guerrilla groups and the public forces, it was not possible to obtain testimonials from former paramilitaries who have left the country, despite several attempts to contact them in countries such as Sweden and Canada. It should also be noted that continuing situations of violence in the country, the impact of the dissidences of the FARC and the blocking of negotiations with ELN, in addition to the health emergency due to COVID-19 and the social climate in Colombia, also posed difficulties for the work with exiles. However, this volume of the Report is expected to be a polyphony that will contribute to the promotion of spaces to listen to the narrations and experiences of the Colombian exile, in response to the demand for the clarification of truth.

14 Interview 001-VI-00005. Military criminal judge, exiled in Europe since 2010.

15 Interview 436-VI-00001. LGBTIQ+ leader, exiled in Ecuador since 2013.

This report is testimony of all the above, without forgetting those who were left behind, because they also experienced the rupture and pain of the homeland in exile. For each person who left, an incomplete family was left behind in pain in Colombia. The experience of those who remained, which we call «insile», affects millions of people in Colombia.

## **The Second and Third Generations**

Most of those who left the country to save their lives thought they would come back soon, which almost never happened. The duration of this experience over decades, due to continued dangerous conditions or the lack of conditions to return, has given rise to a second and third generation in exile: children and even grandchildren whose identity is mediated by this cross-cultural dimension between here and there. Even though they are not reflected in the statistics or records –because they are citizens of the host countries– the consequences of the violence and the projection of the pain experienced by the families have their own impacts. María, a teacher and peasant, narrates what exile implied for her children:

«The departure from the country was less traumatic... maybe we, as a family, were excited to go to a new country, about leaving all the stress behind, the anxiety we felt, where all the children received was our stress. But it was not only that. When I think about it afterwards... it was taking away my children's roots; that is what I find most painful.»<sup>16</sup>

For those who were born in another country, the construction of their own identity –sometimes bi-national and in other cases assimilated to the host country– involves the need to know the truth, to enable them to reestablish links with Colombia and with those who stayed. However, all these changes involve the possibility of talking about what happened and understanding their experiences. This was pointed out by a group of young people speaking with their parents during a meeting of the Commission: «We want you to tell us not so much what happened, but what happened to you.»<sup>17</sup> This emotional story is part of what drives the testimonials and meetings, and is a way to reconcile with their own experiences and identities, and even with the country that is both alien and their own, and at the same time loved and painful.

## **An Incalculable Loss and an Indispensable Contribution**

Organizations, platforms, trade unions, associations and community processes of various types in Colombia were severely affected by the loss of their leaders and members who had to leave in exile. Consequently, the loss is also for democracy, because the country lost valuable human capital. An immeasurable amount of experience left with those who were exiled, including judges, peasants, teachers, students, Indigenous peoples, Afro-descendant leaders, journalists, merchants, and businesspeople.

Many exiles have joined social participation and mobilization activities to increase the visibility of the armed conflict in Colombia, collective actions for coexistence and peace from the host countries, and

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16 Interview 202-VI-00002. Teacher and academic, exiled in Sweden since 1993.

17 Meeting of the First and Second Generation in Exile. Participants from Sweden, Spain, Switzerland, France, United Kingdom, Belgium, Italy and Ecuador. Bilbao, 2020.

contributions to the entities of the Truth, Justice and Reparations System from abroad. They have also searched for new ways to rebuild their lives by returning, although the collectivities they belonged to are no longer the same, and some no longer exist. Others have returned years later because the precarious conditions in which they lived were no longer sustainable. Most of those who have returned have done so without any government support, with no specific policy to welcome them, and without sufficient guarantees for their safety and reinsertion. These returns demonstrate the importance of these processes, as well as the need to have guarantees in place in order to return.

Those who returned and had been social or political leaders have sought opportunities to participate in the peace process, or the peace process was the reason they returned. However, the lack of security conditions and the continuation of the armed conflict, especially in some regions, has implied new risks for their attempt to resume their participation. Several of those who returned have lived under this context of uncertainty and lack of protection, to the point of having to leave Colombia again a few months or years after returning. This was narrated to the Commission by Imelda Daza, founder of the people's civil movement Causa Común in Cesar and councilwoman of Unión Patriótica, who had to flee with her three children and request asylum in Sweden in September 1989, due to the threats, attacks and accusations against her and other members of her party. Imelda returned in 1997, but had to leave again in 1999:

«We began to see people who would frequently come to the building to ring the doorbell, but then said: “Oh no, sorry, this isn't the place,” as if checking whether we actually lived there. Then a series of events took place that concerned us and filled us with fear. We decided to move and change our phone number. We moved to a different building, with a different number. A few days later we began to receive phone calls there. [...] Then one morning, when my children's drive to school was returning home, they had killed a teacher on the doorstep of his house. A few days later, at the children's school, when they arrived with their ride, the police were picking up the corpse of a child's father who was a councilman in Barranquilla. Our children came home at noon terrified, surprised, horrified, in panic, and we were unable to explain these events to them. All in all, the overall situation in the country was terrible. I was filled with fear. [...] One day, when I was walking from the entrance of the university to my classroom, all of a sudden, I thought and said: “Exactly what am I doing here? My children have a country where they feel well, they live well, where they are not subject to the pressure I am subject to. I shouldn't submit them to this. I'm moving back to Sweden.”»<sup>18</sup>

The Commission has had to work in a complex environment. The pandemic worsened the vulnerable conditions of many exiles in the host countries, which was compounded by the persistence of violent conditions and the configuration of new and old armed actors, which has produced a new wave of people in search for international protection, despite the signing of the Peace Agreement. At the same time, the number of refused refugee requests has been rising. This persistence is part of what the victims, society and the new generations find intolerable.

«Since I left, moving through several countries, I have had no time to shed any tears for those who were left behind; there was no time for anything. In Ecuador, they tracked me down again, so I went to the United States under the status of “stateless.” I never thought I would end up in the United States; I wanted a country that would be more similar to my culture. My friends in the United States asked me why I had left Colombia, and they did not believe me. You get here and you can't think, you just work for years and years. I told

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18 Interview 001-VI-00007. Teacher and leader of Unión Patriótica, exiled in Europe since 1989, returned.

them: “The thing is that the dead I left in Colombia 15 years ago are the same dead I heard a week ago.” Two years after thinking that I wanted to return, return, return, I received news of the death of one of my closest friends, a lawyer from Universidad del Cauca, murdered in San Antonio, Tolima, by paramilitaries, in front of his three-year-old child. This broke my heart, and I decided: I’m going to have to learn English, I’m going to have to stay, I’m not going back.»<sup>19</sup>

In order to account for this complexity of exile, this report is presented in eight chapters. This first chapter is an analysis of the quantitative and qualitative dimensions of the Colombian exile. The second chapter presents the different time periods during which forced departures have taken place over the last five decades, and some of the milestones or violent events that explain them. The third chapter further discusses the complexity of exile based on the analysis of the most representative cases that illustrate the serious human rights violations, the profiles, patterns, and continuities of exile during the internal armed conflict. The fourth chapter describes the exit routes from the country in the various contexts and periods, and the fourth addresses the general framework of international protection, the obstacles and the need for international humanitarian protection.

Chapters six and seven specifically address the experience of what it means to be a person or family in exile, both individually and collectively, covering the harm and impacts, as well as the work and the experience of resistance of the victims and organizations and the importance of their support networks. The eighth chapter discusses the different scenarios for returning to the country, and the obstacles and challenges related to achieving conditions of dignity and guarantee for their rights. Lastly, this report includes a set of recommendations aimed at incorporating the experience of exile in the collective memory and in the peace building policies in Colombia, including recognition, reparations and guarantees of non-repetition, as well as the necessary and comprehensive conditions for returning, the search for justice and the end of impunity.

To open this book is to delve into the «traces of lives that have been untold and that show the truths that are beating, that feel, and that speak. And hopefully they will spark the curiosity that accompanies the journey through the world of these wounds and the life lessons of those who inhabit them.»<sup>20</sup>

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19 Testimonial of a member of CRIC and ONIC exiled in the United States of America. Truth Commission, *The Return of Our Voices*.

20 Martín Beristain, *A Colombian Suitcase*, 9.

## The Experience of the Truth Commission in Listening to the Colombian Exile

*I think we begin to exist through the Commission; to exist for Colombians, to exist for many families, and I am not speaking of my own –which is adorable and has always supported me– but of others that repudiated the person who left, of many political activists who repudiated our escape [...]. I feel that the Commission has assigned value to exiles, by giving them a voice and the right to tell what they took with them.*

Exiled woman, 2021<sup>21</sup>

In the political transitions on which truth commissions have worked following an armed conflict or a dictatorship, exile –in general– has not received much attention. This is the first time that a Truth Commission addresses such a long, complex, and fragmented exile, with a territorial deployment covering so many countries. The fight and the demands of the victims to give a voice to exile was a key factor in initiating the process, which even for the Commission itself implied becoming aware of a reality that was previously invisible. This represents a major step for the recognition of that *Colombia Outside of Colombia*. The dimension of the territory of the «world», as well as the dispersion and isolation of the Colombian exiled population, implied additional challenges compared to the work that was carried out in Colombia. Additionally, economic, and administrative limitations, and the limitations of not having a team outside the country, required the design of a resourceful and collaborative strategy. Many victims, survivors and members of the Colombian community abroad pointed out to the Commission the importance of having an active and participative role in constructing the truth on the Colombian exile: «We do not want to be subjects of study, but participants of this process.»

### A Collaborative Model

With this conviction –and with no previous points of reference on how to carry out this complex task–, the International Macro-territory<sup>22</sup> chose to carry out collaborative work in 24 countries through various networks, organizations, institutions and individuals with a track record and experience related to Colombian exile and forced migration. These networks became «nodes» or collaborative teams that were mainly comprised of victims and existing organizations and platforms, though a few new ones were also created. Education and training events were promoted for all of them to strengthen scenarios of trust and interviewing skills, in order to fulfill the Commission's mandate of bringing the truth of exile into the victims' clarification and dignifying process. Now then, given the geographic dispersion and the political difficulties involved in the Colombian exile, due to the various parties responsible involved in the events,

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21 Exiled woman during a recognition event of the Truth Commission in France in 2021.

22 The Commission team belonging to the Territories Directorate.

as well as the different political assessments and postures, or the impact of social polarization on exile itself, the Commission focused on three objectives: 1) Highlighting the importance of the peace process with the FARC-EP and the need to deepen and extend the process with other actors; 2) carrying out activities with the main focus on truth as a path for transformation towards peace and rebuilding the social fabric, and 3) including the truths of exile in this process.

During the initial cycle of this process, the Commission held presentations and pedagogical events in Mexico, Buenos Aires, Montreal, Washington, Barcelona, Madrid, Geneva, and London, with the support of two organizations: The International Center for Transitional Justice (ICTJ) and the International Organization for Migration (IOM). Then, contact, and presentat activities that were expanded to other countries.

Afterwards, support teams were selected to contact the victims and take their testimonials. To this end, eleven training sessions were held in different regions of the world: two in South America, one in Central America, two in Europe, one in the USA, one in Canada, two in Ecuador, one in Venezuela and one in Brazil<sup>23</sup>. These events discussed the mandate and structure of the Commission, the impacts of violence on the victims, the listening process –based on which training was provided for taking testimonials–, the methodological instruments and protocols for the protection and care of the information, as well as the creation or strengthening of local work networks. Over 400 volunteers participated in these training sessions, and 200 were interviewers, whose pace had to adapt to the complexity of the task, the COVID-19 health emergency, and the search for international cooperation to fulfill the mandate abroad. The aim of this strategy was not only to reach a significant number of victims and witnesses, but also to support and increase the visibility of collective processes of victims and different sectors that struggle for peace, work with refugees and forced migration and human rights in Colombia.

### **Training of Interviewing Teams and Support Networks**

For the effects of the territorial deployment of the Commission, nodes or collaborative networks<sup>24</sup> were created in the following countries: Venezuela and Ecuador in the Andean region; Chile, Argentina, Brazil and Uruguay in the Southern Cone; Panama and Costa Rica in Central America; Mexico, United States and Canada in North America; France, United Kingdom, Germany, Norway, Italy, Spain, Switzerland, Sweden, Belgium, Netherlands and Denmark in Europe, and in some areas there were several nodes (for example, in Spain: Catalonia, Basque Country, Madrid and Valencia). Additionally, testimonials were taken in Peru and Australia, and of persons who had returned to Colombia. Some liaison individuals were also available during certain periods in Ecuador, Mexico, Argentina, Basque Country-Spain, and the United Kingdom. Instituto Catalán Internacional por la Paz (ICIP), a public institution that reports to the Parliament of Catalonia, acted in the capacity of technical secretary in Europe to coordinate the Commission's work, and also contributed resources and its work experience on Colombia.

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23 The training in Brazil was carried out through remote channels in 2020, due to the COVID-19 health emergency, with the participation of people from Rio de Janeiro, São Paulo, Natal and Porto Alegre.

24 The nodes were comprised of and with groups of victims, members of civil society organizations and platforms, universities, research centers and institutions committed to peace in Colombia, human rights and the search for truth. Other participants were volunteers who did not belong to any organization, many of whom were Colombian victims or migrants.

The activities carried out with the nodes included meetings, conferences, discussion groups, theme-based task groups, photograph exhibitions, documentaries, painting of murals, theater plays, and the project *Living Archeologies of Exile*<sup>25</sup>, in addition to advocacy events with civil society and local governments, all in the framework of creativity and commitment focused on the recognition of exiles as political subjects. Jointly with the Macro International team in Bogotá, a distribution by geographic region was carried out to assist, add dynamics and follow up on the work of the nodes. During the active listening of those rendering testimonials and during social dialogue activities<sup>26</sup>, the nodes developed «inter-nodal» dynamics. The gender, psycho-social, second and third generation, and enforced disappearance inter-nodal groups, as well as the inter-ethnic task group,<sup>27</sup> have led and coordinated international training, reflection and assistance activities related to the process. These teams have been fundamental in disseminating the social dialogue strategy with different actors related to exile and forced migration, and for performing the exile events organized by the Commission: The 7<sup>th</sup> Meeting for Truth, “The Return of Our Voices” in November 2020, which was carried out simultaneously in Bogotá and Bilbao, and the Recognition of Exile in Colombia's Borders, an event for the recognition of the victims of cross-border displacement held in Ibarra, Ecuador, in February 2021.

The Commission also carried out pedagogical and awareness-raising activities with Colombian consulates and embassies, as well as with the regional offices of UNHCR, and a meeting for the presentation of the System of Truth, Justice, Reparations and Non-repetition (SVJRN, for the Spanish original) with Colombian consulates, jointly with the Special Jurisdiction for Peace (JEP, for the Spanish original) and the Unit for the Search of Disappeared Persons (UBPD, for the Spanish original); as well as on-line interviews and dialogues with institutions from different countries in charge of matters related to international protection and migration<sup>28</sup>, as well as representatives of administrative courts that hear asylum claims, among other bodies, to learn of their perspectives, information and experience, in countries such as Spain, Sweden, Mexico, Costa Rica, Venezuela, Chile and Argentina.

## Listening and Recognizing Victims and Organizations

Thanks to the collaborative work of civil society organizations, institutions and victims, over two thousand testimonials were gathered in 24 countries, including exiles and refugees, returned persons and expert witnesses on international protection. Interviews were also held with persons who assist victims in the refugee and asylum process, provide legal and psycho-social counseling, or carry out advocacy actions so that Colombian exiles are taken into consideration in international human rights scenarios. Members of the

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25 The *Living Archeologies of Exile* was a project promoted by the Truth Commission, thanks to the initiative of Professor and Researcher Hugo Ramirez, which enabled the victims –through the photographs and objects they managed to carry with them– to tell their story and make them witnesses of their survival in exile.

26 Social dialogue is one of the Truth Commission’s strategic lines of work, along with knowledge, in reference both to preparing the *Report* –an outcome of research work– and the *process* of preparing society for the assimilation of the Commission’s legacy. Social dialogue focuses on interactions between subjects who have had links with the armed conflict (victims, responsible actors, social sectors and institutions), to enable, in the framework of respect, an understanding of the complexity of the conflict, assess the dimensions of the impacts and mobilize society towards non-repetition.

27 Network of organizations and victims of Afro-descendant, peasant, Indigenous, Raizal and Palenquero populations who are asylees and refugees in Europe, Ecuador and North America, as well as persons who returned.

28 National Refugee Commission (CONARE), in several Latin American countries; Refugee Assistance Commission in Mexico (COMAR) and Refugee Assistance Office (OAR) in Spain, among many others.

armed forces and former members of FARC-EP were also interviewed, as well as civilians who did not appear before the JEP and who are abroad.

The Commission, based on its work on the exile of victims, survivors and relatives of UP, carried out jointly with the JEP a hearing in the framework of the opening of macro-case 06 «Victimization of members of Unión Patriótica» and the Commission's clarification process. These two institutions, abiding by the nature of their respective mandates, agreed to approach these hearings<sup>29</sup> based on the «pro-victim principle.»<sup>30</sup> The Commission thanks all the institutions and organizations for their willingness to engage in this task for the clarification of truth and justice.<sup>31</sup>

It is also important to highlight the work carried out with the Office of the United Nations High Commissioner for Refugees (UNHCR), through which a task group was created to assess the figures and the situation of the Colombian population in need of international protection. The information –though public– has until now been fragmented, not only because of the type of records and categories, but also due to the lack of clarity of its evolution over time. This joint work enabled a clearer and more consistent approach to the reality of Colombian exile, which represents the second major victimization in Colombia after forced displacement.

Several victim organizations, platforms and collectives have a track record in making Colombian exile visible and demanding their rights throughout the world, even prior to signing the Peace Agreement. This work has been possible thanks to their participation and trust, and represents a highly valuable contribution for Colombia and other countries and commissions around the world. The organizations and Commission support teams also prepared and presented over 30 reports and documents<sup>32</sup> that contributed to clarifying exile and contrasting of the testimonials.

## The Testimonials and Voices of the Victims

This chapter on Colombian exile includes textual citations from numerous testimonials. These selections were based on criteria of representativeness, confidentiality and contributions to the collective reflection of the topics addressed here. Each citation is not the story of a single person, but represents a singular voice of the experience of other victims, and in many cases, has a collective dimension; they are narrations of lives

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29 Between September and December 2019, hearing sessions of UP victims and relatives were held in Canada, at the Refugee Assistance Center in Toronto; in Buenos Aires, Argentina, at the Haroldo Conti Cultural Memory Center, located at the former Navy Mechanics School (ESMA); and in Geneva, Switzerland, at the facilities of the office of the High Commissioner for Human Rights. Lastly, in June 2021, in Madrid, Spain, at the main office of Movimiento por la Paz, the last hearing was held and a meeting with attendance by 37 victims of Unión Patriótica and members of Corporación Reiniciar, –an organization that represents most of the victims of the case in national and international bodies, and which facilitated, through its efforts and trust, this process–.

30 Principle of favorable treatment to the victims (right to be heard in judicial proceedings and to submit legal evidence).

31 See the documentary *Unión Patriótica From the Ashes*, which is the result of joint work carried out with the Special Jurisdiction for Peace (JEP). It was developed in the framework of the Commission's investigation and the opening of case 06 of the JEP called: «Victimization of UP members», in February 2019. In line with their mandates and based on a petition made by the JEP to the Commission related to the work carried out on the exile of UP victims and survivors, both institutions decided to carry out these hearings of the victims abroad.

32 These reports assess the exile experience from the ethnic, gender and sexual diversity perspectives, as well as from the depths of the events that produced their exile, such as enforced disappearance, persecution of human rights activists and the particular effects on second and third generations and peasant communities. They also reflect the victims' experience with the international protection systems in the host countries.

that invite us to learn about their experiences. All the testimonials gathered by the Commission on exile were heard, read and analyzed by the Macro-territory International team.

A document attached to the volume is the *Testimonial Legacy*, which contains a summary of all the testimonials and accounts for the huge diversity of this experience, as well as the dimension and depth that inhabit their stories. The research process also prioritized nine cases of analysis for clarification, which represent the plurality and complexity of exile, cross-border displacement and returning<sup>33</sup>. All this supplementary work, along with the *Living Archeologies of Exile*, is available on the platform [transmedia](#)<sup>34</sup>.

Lastly, the effort of the victims in exile who provided their testimonials involved not only remembering the scenes of the nightmare they experienced, but also recognizing the resources they have used to handle the pain they tried to leave behind when they left. For the interviewees, on the other hand, it has meant sharing some of those experiences and taking with them a portion of the empathy and solidarity they experienced, as well as facing their own experiences, which are triggered when they listen to others. For the Commission, this is an enormous contribution for building peace, for the country and for the new generations, bent upon dealing with and overcoming the scars of war.

The Commission recognizes their courage and their contribution and attempts to account for this process and commitment. As an Awá woman who sought refuge in Chile told the Commission: «It is very important that Colombia does not forget about us.»<sup>35</sup> This report intends to be a loudspeaker for all the voices and faces of exile, so that in Colombia no one, ever again, will forget them.

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33 The prioritized cases are: 1) Judicial victimization from the kidnapping and murder of Gloria Lara de Echeverri; 2) The dirty war of DAS in Europe, the persecution of exiles in 2003-2006; 3) The peasants of Hacienda Bellacruz tell their truth from exile; 4) Antofagasta: the Colombian Pacific region in Chile, 2000-2010; 5) Forced displacement, dispossession and exile of peasants from northern Urabá; 6) Cross-border displacement and return of the Bari Indigenous People; 7) Cross-border displacement and return of the peasant population of Catatumbo; 8) Cross-border ethnic peoples: the Zio Bain (siona) Indigenous People and 9) Cross-border displacement of Indigenous, Afro and peasant communities of the Colombia-Panama border.

34 The Colombian Truth Commission set the goal of providing –in addition to the Final Report published through traditional channels– a cross-media narrative that uses different interactive tools, including graphics, sound, audiovisuals, photographs, documentaries, communications processes, and media, in order to offer a revealing, inclusive and appealing view of the patterns and explanatory causes of the armed conflict. This perspective, based on new digital media, is an alternative for all of society, but especially for the younger audiences that search for information within the click of a button. This approach brings society closer to the voices of those who provided their testimonials to the Truth Commission, to their experiences and the truths that gave rise to the Commission's report. For additional information, follow [Archivo del Esclarecimiento de la Verdad \(comisiondelaverdad.co\)](#)

35 Interview 283-VI-00004. Awá Native American, exiled in Chile since 2019.



## The Colombia Outside of Colombia:

### The Truths of Exile

1. **The Colombian Exile: All the Faces and Voices of the Armed Conflict.** Exile has all the faces and voices of the victims of the decades-long armed conflict: all sectors of the country have been affected at some point by these long years of armed confrontation. The Commission recognizes and renders visible this Colombia outside of Colombia, as well as the causes and responsibilities for their forced departure from the country. It is a common place of exclusion for different sectors, but also of recognition of thousands of experiences that form part of a collective history.
  
2. **The Dimensions of Exile: An Invisible Population.** Even though the official statistics of the Unit for the Victims<sup>1</sup> indicate that between 1985 and 2021 alone there were over nine million victims of the internal armed conflict, most of those who had to flee the country because of it are not included in this figure. The Victims's Law, for example, recognizes the victims of internal forced displacement, but not those who had to cross borders to protect their lives, and only 26,269 Colombians have been recognized by the Unit for the Victims<sup>2</sup> as victims abroad. However, according to the most recent data of the Office of the United Nations High Commissioner for Refugees (UNHCR), based on work carried out jointly with the Truth Commission, during the armed conflict *over one million people have had to cross borders to flee from the armed conflict*<sup>3</sup>. Exiles and refugees are invisible not only because they are under-reported, but also for structural reasons, such as the failure to recognize these events as human rights violations that require protection and assistance. This is the reason most victims failed to receive any assistance and protection even before being exiled. Even though many of them filed reports on what had happened to them, they did not receive any additional protection; in fact, in some cases, it actually worsened their risk situation. Stigmatization has been part of this invisibility, and the absence of trust is the first door to impunity.
  
3. **Exile, a Human Rights Violation in Itself.** The report shows that exile is a human rights violation with its own characteristics and effects that covers a significant group of the Colombian population. Having to cross a border to save your life is not equivalent to internal forced displacement –many of the exiles had already experienced such displacement before. And even though leaving saved their lives, it produced at the same time enormous damage to the individuals and their families and given its dimensions and its persistence over time in the Colombian case, it has a deep social and collective impact. In the stories of exile there are traces of all the violations that occurred during the conflict: the victims of very different armed actors and different arrays of interests involved, in addition to suffering the conflict in their own flesh and that of their families, must face the uprooting and abandonment caused by the lack of protection. The consequences of these events involve not only the loss of their

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1 Unit for the Victims.Unified Victims Registry (RUV, for the Spanish original), «Search by territorial office».

2 Unit for the Victims.Unified Victims Registry (RUV), «Search by victims abroad».

3 Many recent studies and reports that have taken a closer look at the forced departure of Colombians due to the war have used, as quantitative reference, the figure published by UNHCR in 2007, which has reported approximately 500,000 Colombians who migrated by force. This figure set a milestone in the characterization of this reality that had been rendered invisible, because that year the UNHCR began to record the «*Refugee-like*» category, which includes those who did not formally request refugee status, but who according to the UNHCR were displaced from countries with internal conflicts and are also considered people in need of international protection. This new category contributed to the recognition of nearly 478,000 Colombians in need of international protection in 2007, who had not been recorded in official statistics. They continue to be recorded today. However, even with this inclusion in the records, other recognition data continues to be invisible. In this regard, the Truth Commission and the UNHCR regional office in Panama worked jointly on reviewing the different categories, countries and cases that had been recorded. In particular, the figures for 2020 were reviewed, according to which over one million Colombians had crossed the Colombian borders to flee the armed conflict.

homeland, of affective and social links, or even of citizenship, but also the persecution and violence they suffered, which include new forms of direct threats and the lack of protection by the State, which has even been recognized in some cases by the Council of State<sup>4</sup>. Seeking international protection was the last resort in many cases to save lives.

4. **The Refugee Language and the Experience of the Exiles.** The views on victims and survivors are framed by the language we use to refer to them, often with different terms such as «persons claiming asylum or refugee status», «in need for international protection», «exiles», «victims abroad» or «cross-border displaced persons». All these labels have been mentioned both by the victims and by the institutional world of refuge, including government officials, non-government organizations, international agencies and support organizations that assist in their integration into the host countries, that the Truth Commission has listened to outside of Colombia. However, these are ways of approaching their experiences that are actually views on this suffering and on the degree of recognition they receive depending on the countries' policies, the institutions in charge or the international refuge instruments. For the Commission, exile refers to a departure and forced separation for reasons related to the armed conflict in the country where the person lives, and even though this is an experience that all situations of violence associated with forced departure have in common, the term «exile» has been used in this report to indicate the political reasons and the relationship between the events of the armed conflict and fleeing the country. All these situations, statuses and experiences have been taken into consideration and heard in the work carried out by the Commission. There has been a growing depoliticization of refugees, in which the people become economic or academic migrants, whose status is not linked to the conditions of the conflict and the reasons for their departure, in any case viewing it as a problem of security or humanitarian aid, rather than as a human rights issue. Many of those who have not received international protection are recorded as immigrants.
5. **The Periods and Times of Exile.** The Colombian exile is the longest in the world, because 60 years later it continues to occur. The magnitude and evolution of the search for refuge by the Colombian population is related to the different stages of the internal armed conflict, its continuity, discontinuities, variations, and repetitions. The report explains the periods of highest intensity of forced departures from Colombia and their socio-political contexts, as well as the factors involved in the persistence of exile in recent years. The first cases of exile heard by the Commission took place in the 1950s, during the period called «La Violencia», which preceded the internal armed conflict. In the 1960s and 1970s, exile is marked by the departure of political leaders and activists of the Colombian Communist Party (PCC), Unión Nacional de Oposición (UNO) and other left-wing movements that were persecuted mainly under the National Security Statute (1978-1982), as well as members and sympathizers of the M-19 and EPL guerrillas. However, the data collected by the Commission during the listening process indicates that even though forced migration has occurred continuously, there have been periods of greater intensity. **The first identified period is between 1978 and 1991**, which accounts for 10.5 % of the exile events mentioned in the interviews held by the Commission<sup>5</sup>. The exiles, refugees and

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4 The Council of State, in the case of the exile of Carlos Álvaro Bonilla Cifuentes, overturned the ruling of the Administrative Court of Antioquia that had denied the claims for reparations due to the threats caused in performance of his duties as deputy public prosecutor before the criminal judges of the specialized circuit of Medellín in 1997. In the Ruling, the court considered the impacts on his daughter, his wife and his parents (on the latter, it highlights the effects of insile). The Court pointed out «the failure of service, because no protection was provided to a prosecutor whose risk condition was known by the National Public Prosecution Office (*Fiscalía*)», and recalled what it had held in previous decisions: «Authorities that by any means obtain knowledge or infer a situation of imminent risk are under the obligation of performing the positive duty of providing protection and safety to which the inhabitants of the territory are entitled.» (Council of State. Contentious Administrative Chamber. Third Section. Subsection B, Ruling 050012331000200102641 01(44198), 164-166).

5 These records match what has been documented by the Unified Victims Registry of UARIV, in which 1,473 persons abroad narrated events that occurred during this period (equivalent to 5.8 % of total RUV records of exile). Most of them are located in border countries such as Venezuela and Ecuador, in Spain and other European countries, and in the United States. The majority of the victims were from the regions of Antioquia, Valle del Cauca and Santander. The records of the office of the UNHCR for this decade

forced migrants of this period were in the context of the persecution of members and leaders of social movements such as trade unions, student and peasant organizations, among others; and the persecution of opposition political parties born from the peace agreements between certain guerrilla groups and the administrations of Belisario Betancur (1982-1986), Virgilio Barco Vargas (1986-1990) and César Gaviria Trujillo (1990-1994). Other events included the exacerbation of the war with the drug trafficking cartels, and the assassination of political leaders of M-19, Nuevo Liberalismo and Unión Patriótica (UP). Some of the exiles from this period mentioned to the Commission serious human rights violations in the framework of the Security Statute (1978-1982)<sup>6</sup>. **The second period, between 1992 and 2005**, was when the armed conflict intensified, with extensive kidnappings, massacres, targeted murders, systematic persecution, and an increase in impunity. 37.4 % of the exile events reported in the testimonials heard by the Commission occurred in this period. Most of those who had to be forced to leave the country were trade unionists, human rights leaders, and activists, as well as relatives of victims, merchants, peasants, ethnic communities and social movements<sup>7</sup>. **The third period is from total war to an incomplete peace (2006-2016)**. 27.9% of the interviews held by the Commission report the occurrence of violent events between 2006 and 2016, when the AUC demobilized during the second administration of Álvaro Uribe Vélez, the continuation of activities by middle-level commanders and post-paramilitary structures called at the time «Bacrim» and by the guerrillas, up to the time when the Peace Agreement between the administration of Juan Manuel Santos (2010-2014, 2014-2018) and FARC-EP was negotiated, signed and implemented. The signing of the Peace Agreement brought much hope, which was later frustrated by the failure to effectively fulfill it and the continuation of the armed conflict with groups that did not demobilize and with the ELN. Lastly, a **fourth period, when exile became an indicator of persistence, 2017-2022**. Of the testimonials heard by the Commission, 21.9 % are from this last period, between 2017-2022. Even though the signing of the Peace Agreement had a positive impact on the country's conditions and temporarily silenced the gunfire, as indicated earlier, the massacres, murders, disappearances and threats that are currently being lived, in the midst of its implementation, make exile an indicator of the persistence of the armed conflict. The cases reviewed by the Commission in this last period include the stories of trade unionists, community and environmental leaders, ethnic authorities, former members of FARC-EP and even members of the armed forces who have collaborated in JEP investigations, in addition to youth who participated in social protests in May 2021.

- 6. Causes, Patterns and Contexts that Explain Exile.** There is a wide variety of causes and events that led the victims of the different modalities of violence to seek exile prior to their departure. Internal forced displacement is the main prior human rights violation, followed by threats against life, families, and communities. However, there are also other violations such as executions and murders, forced disappearance, kidnapping and sexual violence. Almost all the violations of human rights and international humanitarian law, across the different periods and Colombian regions, can be analyzed through the exiles, which demonstrates how this invisibility includes numerous stories of Colombia that must be reconstructed from exile.

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show people with refugee status located in Ecuador, Mexico, the United Kingdom, and some European countries, although the percentage remains low.

- 6 Almost one year after the 1977 wave of protests (*Paro Cívico*), and under a “state of siege”, President Turbay issued Decree 1923 of September 6, 1978, known as the National Security Statute. The Statute granted the military forces broad powers and discretion to persecute social and political organizations, which produced a systematic persecution particularly against members and sympathizers of UNO.
- 7 The Unit for the Victims has records of 18,208 victims abroad who reported violence experienced during this period, equivalent to 71.8 % of total exiles in the RUV, reported mainly in Ecuador (4,144), Venezuela (3,242), Canada (2,878), Spain (2,110) and the United States (2,038). In the UNHCR data, border countries such as Ecuador stand out, where in 2007 close to 265,000 requests for asylum were reported, and Venezuela, where in the same year over 200,000 Colombians were reported to have crossed the border.

Seven (7) patterns of the main causes of exile have been identified, which are often interrelated. These causes refer not only to the determining event that caused fleeing, but also to the type of violence and the suffering it produced, and the factors that determined the forced departure. For those who are unaware of the experiences of exile, this is an opportunity to learn of the causes and situations lived in exile; for those who suffered it, it is an opportunity to clarify the events and to obtain recognition for the injustices that exile produced not only to their lives, families, and communities, but also to the country's future. The first of these causes is *the persecution of political opponents, social organizations, trade unions and social leaders*. Political opponents –activists of left-wing or opposition political parties or movements–, but also a wide and diverse range of people with no particular political affiliation, human rights activists, peasant leaders, Afro-descendant and Indigenous leaders, women, LGBTIQ+ people, environmentalists, trade unionists and academics, among other profiles, have been subject to violence specifically for their positions or relationship with the State and the armed actors.

The *second cause refers to territorial control and generalized socio-political violence against the civilian population* that mainly affected ethnic and peasant communities, and people from town centers: merchants, businesspeople, healthcare personnel, students, all of whom were victims of the expansion and growth of the country's conflict. As a result of the exacerbation of this violence, *the third and fourth causes are related to the recruitment of children and youth for the war*, where exile was one of the strategies to prevent and avoid being targeted by the armed forces; and *kidnapping and extortion*, mainly of people with sizable wealth (businesspeople, farm owners or cattle ranchers), although many low-income people were also victims of the deeply degraded armed conflict. *The fifth cause focuses on the State's failure in its duty to prevent, investigate, bring to justice, repair, and guarantee the citizens' rights and security, and its responsibility for violent events in the framework of the internal armed conflict*. *The sixth cause focuses on the persecution of former combatants, signatories, and their families in the context of peace agreements and negotiations* who have also had to leave the country to search for guarantees for their protection. And lastly, the seventh cause describes the harassment and threats against the victims' relatives, who have been persecuted in the process of the search for truth and justice, and many of whom have had to continue their struggle against impunity and neglect from exile.

- 7. The Need to Clarify or Name Those Responsible and the Reversal of Blame.** The Colombian exile involves direct responsibilities of all the armed forces involved in the war: paramilitary groups, guerrillas, military, and police forces. Responsibility has also been attributed to government agents and institutions and certain politicians and businesspeople, due to action or omission, in the commission of acts and the modalities of persecution that caused forced departures from the country. However, several of the testimonials point to the need to further clarify specific responsibilities, in connection with the exiles' lack of knowledge and fear of being re-victimized.

The narrations of the events include varied and complex information on the parties responsible, without necessarily including details on their structures or internal organizations. According to data from the exiles' interviews, the majority do not know those responsible for the violent event that caused their exile (41 %). Those who identified the armed groups generally mention one or two groups as being responsible (9.4 %). The most frequently mentioned groups are the paramilitaries (25 %); guerrillas (14.4 %); public forces (5.2%) –military and police forces–; other State agents (1.1 %) –DAS, Sijin, B2, F2, among others–; and other armed groups, including criminal armed gangs formed by offshoots of paramilitary groups after their demobilization (3.1 %). The remaining 0.7 % refer to civilians and other actors.

In some cases, the exiles also mention and assign responsibility to State agents and institutions, including local administrative authorities, national authorities, and justice personnel. In certain events the victims mention an individual responsible party, but in general they do not report any significant progress in obtaining justice or in the status of the investigations on the reports they filed. 9.4 % of the interviews also point out the connivance between the armed groups, local and regional State authorities, justice operators and economic actors –called third-party civilians– in committing the events and persecution strategies that forced them into exile.

However, it is important to point out that a large number of victims, even though their testimonials focus on describing the violations, do not identify or name those responsible, either due to fear or lack of knowledge, or because they suffered several events, sometimes with different perpetrators, especially in contexts of generalized violence. Another reason is that the threat of action by the armed group may stretch beyond the borders to countries where they are able to operate. For these reasons, few perpetrators are named, and in many cases the individuals fear they will be re-victimized. However, many exiles tend to blame themselves for their situation, as if they were responsible for their loss, for having protected their lives by going into exile.

8. **Exile as an Obstacle in the Fight for Justice that Needs to be Acknowledged.** For most victims, exile represents an obstacle to follow up on the proceedings and to have effective access to justice. In addition to the difficulty or impossibility of having access to the information and retaining lawyers, the traumatic impact of the events and the exile itself rule out the possibility of following up on the reports that were filed, which is an additional factor for impunity. Several cases before the Inter-American Court and Commission include the exile of victims. Additionally, rulings have been issued that address exile and the State's responsibility, including a ruling by the Council of State issued on March 17, 2021, which in addition to recognizing the exile, also addressed «insile», i.e., the impact it had on the family members who stayed in the country, for the recognition and reparations for the relatives of a prosecutor who had to seek exile. In this case, the Court ruled that the damages produced had been proven, and that they had different effects on the three exiled persons and on their closest family members who stayed without them in Colombia. The ruling recognized that they had suffered what the doctrine and the Commission for the Clarification of Truth, Coexistence and Non-repetition (CEV, for the Spanish original) have called insile, which in this case consisted in remaining trapped in Colombia with a life that was interrupted due to the necessary flight of their loved ones<sup>8</sup>.
9. **The Departure is a Forced, Long, Traumatic and Dangerous Process.** When thinking about leaving the country for reasons related to the armed conflict, the following questions come to mind: How do we do it? Where will we go? What should we take with us? The departures are moments of rupture, and these routes are part of the life stories of the victims and survivors. Exile is not simply a trip between a point A and point B –a point of departure and a point of arrival, a point where the rupture takes place and another where reconstruction begins. It also involves difficult, sometimes dangerous paths, facing practical difficulties, insecurity and emotional heartbreak. Due to the dynamics of the conflict, before their exile the victims and their families suffer several internal displacements. The reality of exile begins before packing the suitcase or taking the few things they can carry, when people realize that they have run out of options for staying in their country. Some victims had to leave overnight; others spent months or years mulling over their options, considering whether to resist and stay in Colombia, or to leave the country to escape from danger and find peace. Others filed requests through embassies and had to go through several interviews before leaving, meanwhile they waited for

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8 Montaña Plata, ruling 050012331000200102641 01(44198).

a solution, away from their families, often hiding in other peoples' homes. Some received assistance from protection programs, human rights organizations or foreign governments.

Bogotá is the most common departure city, but many arrive to the capital in transit from other regions such as Valle del Cauca, Antioquia, Nariño, and Norte de Santander, and to a lesser extent from other departments such as Santander, Risaralda, Atlántico, Cauca, Caldas, Norte de Santander, Putumayo and Huila. The borders are the main transit locations to exile.

Those who are forced to depart face many uncertainties, because in most cases they leave without knowing what to expect, and as a result, a fog clouds the decisions they must make. Each story has its own journey: by plane, by canoe, by bus, transferring or crossing the border on foot, but regardless of the means, what the journeys have in common is the lack of protection, possible threats, uncertainty, and fear. Some travel alone, others with one or more family members, but there are also cases of mass cross-border displacements, mainly of ethnic and peasant communities during the peak of the conflict, amidst threats, aerial spraying, and massacres. For all, in general, exile is a time of loneliness.

**10. Need for Protection and Types of Recognition.** The lack of protection experienced by the victims that forced them to leave the country continues in a different way in the countries of arrival, even though the shelter conditions and the States' capacity to guarantee this right has varied over time, it should be highlighted that all the testimonials heard by the Commission express gratitude and recognition to the host countries, because, as pointed out by Armando, a physician and human rights advocate in exile in Spain, «going into exile allowed me to live, and saving a life is no trivial matter.»<sup>9</sup> The right to enter and remain in another country has undoubtedly saved the lives of thousands of people, and hosting them is a contribution by the States, as part of their commitment and political will to guarantee the human rights of the victims of the Colombian armed conflict who were forced to flee. However, even though most countries have generally adopted progressive rules, there are also increasingly large barriers –explained, in part, by the huge increase of refugees and forced migrations in the world over the last two decades– that have impaired the human right to international protection, to the point that several Human Rights organizations define it as «a right in crisis» or «a right in decline». Recognition not only depends on the seriousness of the event, but on the countries' acceptance and rejection policies, which are increasingly restrictive. The population that leaves Colombia runs into contention mechanisms at the borders, as well as interpretations that ignore the reality of the implementation of the peace process in Colombia, which limit the possibilities for protection. This points to the need to increase the visibility of these needs. Invisibility has been a persistent factor, because the normal invisibility of exile has not involved a crisis of legitimacy, but rather a sense that it is unavoidable given the circumstances. Despite its dimensions, international relations with Colombia have not been affected by the magnitude of exile, unlike other cases.

**11. The Difficult Recognition Processes in the Host Countries.** Some countries have displayed generous solidarity with the Colombian population in need of protection. International bodies, such as UNHCR, have also indicated that Colombia is one of their main concerns, due to high levels of forced displacement and exile. However, the requirements, lengthy processes, lack of knowledge of the conflict by some migration agents, and the hardening of security at the borders have caused many to remain in a prolonged state of uncertainty and vulnerability, sometimes with an unresolved migration status for years, and without receiving the assistance and protection they need. As a woman refugee in Canada said: “Asking for asylum is like trying to persuade someone that your truth is worthwhile,” at the risk that many will consider that “you are not enough of a victim.” The social attitudes towards Colombians in the host societies are also important, as they are often influenced by the stigma of drug

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9 Interview 111-VI-00003. Physician, human rights advocate, victim of arbitrary arrest, persecution and threats. Exiled in Spain in 2001.

trafficking, sexual work, and other discriminatory conditions such as racism and xenophobia. The denial of the existence of an armed conflict by the administration of Álvaro Uribe Vélez (2002-2010), which reduced it to a series of terrorist attacks against the democratic system, had enormous implications on the victims' right to be treated as refugees and for the recognition of the serious violations of human rights and humanitarian international law during that period. In several countries, granting the refugee status to Colombians has depended not only on their human rights or refugee policies, but also on their relationship with the Colombian governments.

The Truth Commission understands international protection as a humanitarian necessity. Consequently, the commitment and solidarity of the States and the international community to peace in Colombia also involves guaranteeing the protection of people who flee from the country, given the continuation of the armed conflict and the various violent dynamics arising from the repositioning of old actors of the conflict, independent from the political and economic relations and interests between the States. Recognizing exile does not run against peace but supports it.

12. **The Temporary International Protection Programs that Mitigate Risk.** Many victims of the armed conflict found in the temporary protection programs<sup>10</sup> a path to mitigate the risk situations (particularly in cases of extreme danger and a pressing need to leave). These programs began in the early 2000s as a means to provide an alternative for urgent protection to trade unionists and human rights activists at high risk due to the State's failure to fulfill its duty of protection and with requests to some countries that did not offer an effective response to their need for international protection. In other cases, support networks of human rights organizations and trade unions in Colombia have arranged the departures from the country and have facilitated access to protection programs in different countries around the world.
13. **Exile implies a life rupture, an enormous uprooting and worsening of the conditions of existence, regardless of the previous status.** It is a non-place in the world in a non-time zone in which the person and his family need to start all over again from the ashes, under a prolonged transitory status, a limbo from which they cannot return, and with the need to incorporate into a new country under precarious conditions. The loss of homeland involves questioning one's own rights and citizenship status. The incorporation into the work force abroad is carried out in the worst conditions, through informal and precarious work. The feeling of rupture, up-rootedness and abandonment predominate, despite enjoying better general safety conditions. They are affected by language barriers, unknown cultural norms, discrimination against foreigners, marginalization, and the need to adapt to the new country. These processes take a long time and are not limited to the first or second year of arrival.
14. **The Exile Experience also Involves Major Emotional and Physical Effects.** The combined impact of the events, the forced departure, the dangers faced while fleeing, precarious conditions at the host country, the need of recognition and status and to integrate into a different country, all carry high levels of stress, for a very long time. The anguish, emotional distress and frozen grieving processes often

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10 The general objectives of the temporary protection programs are to: «1. Protect the life and physical integrity of people who have demonstrated that their lives are at risk and who have survived threats due to their activities in a social organization of a legal nature. The idea is to reduce the imminent risk. 2. Carry out denunciation and awareness-raising activities while they remain in the program. This aspect has matured into an advocacy strategy that goes beyond the international institutions, governments and international bodies, with the purpose –in view of the serious humanitarian crisis experienced by the country under Plan Colombia– of putting international pressure on the Colombian State to enforce Human Rights and International Humanitarian Law, activities that have been named “Diplomacy for Peace and for Human Rights.” This is an ongoing task. 3. Strengthening of the intellectual political education of the protected persons. The aim is to broaden the cultural and political horizons of these people and to expand the network of organizations that support Colombian organizations. 4. Protect and improve the psychological and emotional stability of the protected persons.» (Interview 085-PR-03537. Human rights advocate and trade unionist, exiled in Spain since 2000.

remain for years. Exile involves a sense of not having control over your own life and being at the mercy of others. There is a permanent fear of persecution or of being subject to more violence, particularly in borderland contexts. This leads some people to remain silent or to keep a low profile, hoping to stay invisible in order to avoid possible threats. Another recurrent feeling is guilt for having been afraid and having left the country, while those who were left behind were unable to leave or died. Exiles frequently report effects to their physical and mental health.

**15. The Impact on the Second and Third Generations Is Even More Invisible.** The impacts of exile extend to and affect the second generations. Some experienced violence directly at an early age, and others were forced to travel with their parents without understanding the reasons for leaving. Many families do not talk about why they left and the impacts of departure. This creates a gap between the parents and their children, which widens further due to cultural transformations and language barriers. Building an identity mediated by this cross-cultural dimension between here and there. Even though the children and grandchildren of exiles are not included in the statistics and records, because they are citizens of the host countries, the consequences of the violence and the projection of the families' pain have their own effects. For those who were born in another country, building their own identity, often bi-national and in other cases assimilated to the host country, requires knowing the truth in order to reestablish bonds with Colombia and with those who stayed. However, in all these cases, it is necessary to be able to talk about what happened and to understand their life experiences.

**16. Insile and Impacts on the Family.** Insile is the devastating experience of feeling out of place, silenced, in hiding and experiencing seclusion/isolation within the country of origin. It is suffered by the children of those who were forced into exile as a painful and misunderstood consequence of their political and social activities. It also affects the caretakers, grandmothers, aunts and other relatives who had to pick up the pieces and tried to offer a dignified and loving existence to those who were left in their care<sup>11</sup>. But its effects go beyond the family circle and includes the colleagues from their political parties and social organizations, as well as the platforms and collectives whose rights to participate in politics and exercise social leadership were violated for defending ideas, human rights and territories.

Exile and insile are phenomena that occur simultaneously. They are a reality for many Colombians who have had to leave the country due to the war, leaving behind their roots, lands, people, bonds and life projects. For decades, the Colombian exile was an unknown phenomenon, silenced and overlapped with other serious human rights violations or with other migration and human movement categories. Only in recent decades, thanks to the enormous work of denunciation and advocacy carried out by Colombians abroad, and the work of the Commission itself, has this phenomenon begun to take its place in the national narrative.

**17. Damage to Collective Processes.** Exile was in many cases a way to silence or remove people who were disclosing truths or who represented an obstacle to achieving the ends of the parties responsible. In this sense, it can also be considered a consequence of intentional violence aimed at paralyzing and inhibiting society by weakening political, social, civic, territorial defense and women's rights processes, among others. The attacks on organizational leaders and processes are aimed at blocking these experiences and forcing people to stop fighting for their rights.

The permanent threats to life and personal integrity produced the full dismembering of thousands of small social organizations in different regions of the country, and has forced larger organizations to tone down and adjust their demands and forms of action. The attacks on the leaders of organizations that carry out social work lead to either internal displacement, murder or exile, and represent a

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11 Vázquez Sepúlveda, «Leaving without departing», 11.

collective loss. The consequences of what they ceased to do, the impact their departure has had on others, the feeling of being orphaned from leaders or the worsening of safety conditions after such attacks, requires viewing exile as part of this story of control over the social fabric that has characterized the war, and the intentionality of those who committed these human rights violations.

- 18. Impacts on Democracy and the Rule of Law.** The collective dimension of exile is a major blow to democracy in Colombia. In some periods, engaging in politics in Colombia became a high-risk activity, in which the only option for those affected was silence or exile, as in the case of UP and other political movements. The armed expulsion from political life is one of the deepest wounds of exile. The exile truncated community projects aimed at building the social fabric. The community work of numerous leaders, many organizational experiences in rural areas or urban neighborhoods, and numerous investigations into the violence of the armed conflict, were brought to a halt. It also weakened and restricted the political participation of social organizations and political opponents. The fact that numerous political leaders left the country weakened, dismembered and even produced the disappearance of the political parties or social movements they belonged to, which implies a loss for the national debate and of their contributions to the public good. This excluded left-wing movements, environmentalists, trade unionists, peasants, territorial defense movements, ethnic rights defense groups and other movements from the plurality of the political game.

Another big blow to Colombian democracy is the impossibility of most refugees to participate, from abroad, in elections, consultations and other matters of the country's political life. This restriction is imposed by both the lack of conditions for participation provided by the Colombian State and by some asylee programs, which prevents them from participating in voting and other processes carried out through the consulates. To many, exile has implied a political death. The individual's political dimension is impaired by not being able to participate in the debates of national interest and in the decisions that affect their own lives and the collective wellbeing.

- 19. The Impacts of Exile on Justice.** The Truth Commission interviewed a large number of judges, prosecutors and CTI agents who paid the price for seeking justice and doing their work in a correct and decent manner. During the armed conflict, those who were not murdered were threatened and forced into exile. However, neither the Public Prosecutor's Office nor the judicial authorities have any records on the number of officials affected by human rights violations in the context of their work in connection with the internal armed conflict. The persecution of these officials implied the loss of the State's capacity and commitment to justice, as well as the truncation of several proceedings, investigations and enforcement of rulings, which in turn had a major effect on the scenario of impunity of the cases related to the armed conflict. Additionally, the attacks on justice and the importance of some of their members in society implies an experience of abandonment and lack of protection from broad segments of the institutions and society, precisely among those who were committed to justice and the strengthening of the rule of law.

In addition to the personal implications for those who had dedicated their lives to justice and defending rights, the persecution, threats and exile of judicial officials had serious implications on the impossibility of deciding on judicial proceedings or of enforcing their rulings. In some cases, the threats and violence originated in illegal armed groups, in other cases in other State institutions or agents, and in some cases, the actions originated in the same institution responsible for discharging justice.

- 20. A Gender Perspective from Exile.** 48.8% of those interviewed by the Commission in other countries are women. Their testimonials, as well as those of members of the LGTBIQ+ collective, indicates a continuum of violence with impacts that can be differentiated from those of exile. We speak of differentiated impacts taking into consideration not only the conditions of social marginalization and subordination experienced by women, but also the influence of sexist stereotypes. The violence against women has frequently been rendered invisible, without taking into consideration the additional specific impacts of war and exile in a markedly patriarchal context. Even though women have experienced marginalization and the risk of violence in their lives, during the armed conflict they have suffered numerous physical, psychological and sexual impacts. Women are often exposed to numerous risks and forms of abuse at border crossings, and the conditions of migration processes make them more vulnerable upon arriving in other countries, particularly when they are alone. The re-victimization, misunderstanding and aggressions are compounded by the violence they have already suffered.

The people from the LGTBIQ+ community, on their part, sought through exile the safety and protection they did not have in Colombia, as well as a more favorable context to be themselves, to live as they are and how they want to be, without prejudice, discrimination and threats to their lives. However, they have also found themselves in situations of vulnerability and risk, particularly during their exit, in border crossings and migration processes, where they often have had to face discrimination and verbal and physical abuse. Due to their condition and the apparent lesser relationship of their threats to the internal armed conflict, they have also suffered, in more than a few cases, the risk of lack of protections in their asylum request processes. The treatment by the authorities, the lack of understanding and the gender stereotypes form part of these life experiences.

- 21. The Impact of Exile on Ethnic Communities.** The implications of exile for ethnic communities are even more complex than in other cases: it may represent banishment or uprooting. This is due to the deep and particular relationship they develop with their ancestral territory, the community, the land, the cultural impact and the relationship with nature that defines their everyday lives. Living in their ancestral territory enables them, on the one hand, to strengthen the use of the native languages, and on the other hand, to communicate with their traditional doctors, who foster the spiritual care of the community. Consequently, the loss of their territories represents an irreparable cultural damage. Being unlinked from their territory implies breaking an essential aspect of their way of life, culture and spirituality. Leaving the territory also implies a change in the way of making a living, by moving from a rural setting to cities or urban centers. This is particularly difficult when knowledge is transmitted from one generation to the next and is focused on practices related to agriculture, fishing, handicrafts and others. This problem also affects bi-national peoples where borders are artificial creations and the invisibility of the situations gives rise to greater vulnerability, leading in different periods to cross-border displacements in their own territory.

- 22. An Incalculable Loss and an Indispensable Contribution.** Organizations, platforms, trade unions, associations and community processes of various types in Colombia were severely affected by the loss of their leaders and members who had to leave to exile. Consequently, the loss is also for democracy, because the country lost valuable human capital. An immeasurable amount of experience left with the trade union, social and political leaders who were exiled, as well as the judges, peasants, teachers, students, Indigenous peoples, Afro-descendant leaders, journalists, merchants and businesspeople who left.

Countless exiles have joined social participation and mobilization activities to increase the visibility of the armed conflict in Colombia, collective actions for coexistence and peace from the host countries, and contributions to the entities of the Truth, Justice and Reparations System from abroad. Others have also searched for new ways to rebuild their lives by returning, although the collectivities they belonged to, promoted, and led, are no longer the same, and some have disappeared altogether. Others have returned years later because the precarious conditions in which they lived were no longer sustainable.

Those who have returned have done so mainly without government support, with no specific policy to welcome them, and without sufficient guarantees for their reinsertion; these returns demonstrate the importance of these processes, as well as the need to have guarantees in place for them.

- 23. The Ways of Dealing with Uprooting.** «Reinventing yourself» and «rebuilding yourself» are two terms repeatedly used in many testimonials and meetings held by the Commission with exiles in other countries. In exile, people also found forms and instruments to resist those who sought to deny them a territory or a space as political subjects.

Those who were forced into exile have maintained an active stance towards rebuilding their lives and incorporating themselves in society. Colombian exiles are recognized for being active and creative in their search and their standing in the different countries. (1) the decision to refuse to be defeated (and to gather up the necessary strength and resourcefully create opportunities); (2) the family as strength for moving forward (getting ahead for their children); (3) nourishing their Colombian roots by practicing the customs, language, reading and keeping abreast of what is happening in the country. However, regarding the impact of the events and assimilating the traumatic experiences they lived, silence has predominated as they main way of keeping a distance from the events of the past and to prevent them from occurring again. In terms of collectivities, mutual support groups are particularly relevant in the context of breaking links, as in the case of exile: spirituality, faith and religion as spaces for congregation and community that offer explanations for things that seem unexplainable. The networks and expressions of support and solidarity between Colombians and foreigners have been essential. However, these networks do not often address the causes of exile due to political distrust, and some only maintain relations with family and close friends. Colombian exiles have been very active in defending from abroad the cause of democracy and human rights and in continuing the struggle for peace and democracy. For this reason, they have even been subject to persecution and suspicion.

Some exiles searched for means to continue organizational, social, and political work from the host countries. Many have sought to rebuild the leaderships that the armed actors or State agents tried to put down or silence through violence. Consequently, some victims have continued to increase the visibility of the impunity of their cases and denouncing the events through international events or networks; others have joined platforms or collectives of refugees, migrants, and exiles from different regions of the world; and yet others have become members of local councils or other organizations for debate, reflection, and support from abroad.

- 24. The possibility of returning has always been an expectation for the victims, but it has been conditioned due to the persistence of threats, the continuance of the armed conflict and the absence of guarantees and a policy for returning.** In reality, many of those who have returned attribute it to personal reasons rather than political conditions. The peace process initially raised hopes on new conditions to return, but they were subsequently dashed in most cases. Increasingly, long-term exile raises demands related to the time spent abroad, such as pension and work arrangements, and for the resolution of legal issues or causes for the exile (arbitrary judgments, cases that have not been adequately followed up on, etc.), as conditions in order to be able to return. Some have also returned forced by changes in the socioeconomic and political contexts of the host countries. The economic crises of countries, changes in immigration policies, diplomatic crises, and the pandemic itself have been reasons to speed up the intention of returning. In material terms, a third impact has been observed, that of the *double material loss* suffered by those who return, in terms of what they had acquired in Colombia before leaving, and what they acquired in the host countries during their exile. Existing policies do not enable the recovery of properties to some extent upon returning.

**But Returning Is not Just Going Back.** The life stories of those who have returned and the implications of the reincorporation of the exiles to the country that expelled them have their own personal and collective impacts. Depending on how long they have lived in the host countries, those who arrive to the territories are faced with rebuilding an identity they had left in pause; with recognizing a country that is alien to them (in the case of the children and grandchildren of exile); with the stereotypes, obstacles in gaining access to rights and reinventing their citizenship from a collective dimension in the organizations, networks and families. Returning is almost a new displacement, where problems of work, identity and insertion in a country that has changed and that they do not even recognize, requires an active process of government assistance and policies. Without a collective recognition process, the integration of these people, when it occurs, will be precarious and will only have a limited positive impact on the country. Because exile is a massive, but not collective, problem, it is also more difficult for the second generations to maintain a bi-national identity, particularly when their relationship with the country is clouded by uncertainty about the peace process and the continuation of violence, all of which puts a dent in any positive expectations. Returning, which was the immediate objective when they left, has become a distant decision related to a territory they yearn for, but which they fear will not offer them conditions to live. Those who experienced events of persecution, threats, and attacks on their lives as causes for exile point out their concerns and worries, since they perceive that violent conditions continue to exist in the territories, and that the State is in no condition to guarantee their safety and that of their families. On all these issues of invisibility, impacts and a lack of recognition or return, the people in exile expect the Commission to offer them recommendations.

**25. Exemplifying Cases of Exile.** The research process prioritized nine (9) cases of analysis for investigation, which are representative of the plurality and complexity of the experience of exile, cross-border displacement and returning. The prioritized cases are:

- 1) Judicial victimization from the kidnapping and murder of Gloria Lara de Echeverri;
- 2) The dirty war of DAS in Europe, the persecution of exiles in 2003-2006;
- 3) The peasants of Hacienda Bellacruz tell their truth from exile;
- 4) Antofagasta: the Colombian Pacific region in Chile, 2000-2010;
- 5) Forced displacement, dispossession and exile of peasants from northern Urabá;
- 6) Cross-border displacement and return of the Barí Indigenous People;
- 7) Cross-border displacement and return of the peasant population of Catatumbo;
- 8) Cross-border ethnic peoples: the Zio Bain (siona) Indigenous People and
- 9) Cross-border displacement of Indigenous, Afro and peasant communities of the Colombia-Panama border.

## Final Recommendations

### Recognition and Rights of Exiles

*In my opinion, there is a very important issue: In order for us to be able to return to Colombia, there must be effective reparations. But not reparations only in economic terms, but reparations as a life purpose, to enable one to return to one's life as such. And the return must not only be dignified in terms of discourse, but it must also provide real guarantees so that the exile is not re-victimized.*

Jorge Freytter, exiled in Spain<sup>1</sup>

This volume of the Report is based on over two thousand people interviewed by the Truth Commission who had to leave in exile –often with some family members–, as well as experts, academics, armed forces and collective subjects. These voices narrate a reality that is unknown to the country (despite its existence, continuation and deep impacts for several decades). The recognition of nearly one million people – according to the assessment performed by the Truth Commission with the support of UNHCR– who had to leave the country for reasons related to the armed conflict demonstrates that this is the second-largest form of violence in the country, in terms of the number of people affected, after forced displacement. However, the legal framework of the Victims and Land Restitution Law of 2011 and other provisions related to the victims outside of the country and with their return, do not include any legal or institutional recognition of exile. The findings of this report –which represents an innovative contribution not only in the history of truth commissions, but also in terms of obtaining in-depth knowledge of this human rights violation and the victims' experience– indicate the magnitude and depth of the uprooting involved in exile, and the importance of rebuilding bonds with this *Colombia outside of Colombia*.

Refugees, asylum seekers and other victims in need of international protection almost always appear in national regulations as «victims abroad» (as if the circumstances that forced them to leave were not related to the conflict, as if they had not experienced their impacts –in addition to those associated with being uprooted– and as if leaving the country and the return itself did not expose them to new types of violence and the violation of their rights).

The Commission believes that the formulation and implementation of the policy of recognition involves incorporating this truth that has now been developed with the contribution of the *Colombia outside of Colombia* for peace building in the country, as positive energy for the reconstruction of the social fabric that was fractured by war, the lack of protection and inequality. In this regard, the following actions are recommended, which have been systematized and developed based on the listening work carried out by the Commission; the feedback received to this report from different institutions, victims and civil society organizations during an event held in March 2021; the over 30 reports and documents submitted to the Truth Commission by victim organizations and platforms and experts in topics related to forced migration and

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<sup>1</sup> Interview 001-VI-00001. The son of a trade union leader and university professor who was tortured and murdered by State agents in Barranquilla in 2001.

refugees, and a bill proposed by several organizations in 2017<sup>2</sup> that was shared with the Commission. Similarly, the International Forum of Victims (Revicpaz-Lac) and other accompanying platforms and organizations have raised awareness on this requirement in several information-sharing events since 2017.

## **Recognition of Exile and of the Victims by the Colombian State**

The State must provide the necessary legal mechanisms to recognize exile and cross-border displacement or refuge as a serious human rights violation, both in the Victims and Land Restitution Law (Law 1448/2011) and in all other regulations related to the victims of the armed conflict in Colombia. The Victims' Law refers to Colombian victims abroad, but does not fully recognize exile, refuge, cross-border displacement and their consequences.

Such non-recognition by Colombian laws and institutions implies that the measures on care, assistance and reparations do not address the impacts and damages of the life experiences of exile and further re-victimize both the exiles and those who have returned. Therefore, the Commission recommends the Colombian Congress to broaden the scope of the Victims and Land Restitution Law and Decree 4800/2011, and to adjust the protocols of action of the public entities derived from this law (Unit for Assistance and Comprehensive Reparations to Victims (UARIV, for the Spanish original); and the Land Restitution Unit) and all other laws enacted for the victims of the armed conflict in Colombia. Such broadening should include exile, refuge and cross-border forced migration as victimization events that violate human rights and the fundamental rights established in the Political Constitution of Colombia. It is also necessary to incorporate in the national legal system the concept of «extra-territoriality» to enable specifying and strengthening the aspects related to truth, justice, reparations, and non-repetition that affect the refugees, exiles, and victims abroad.

A thorough review must be made of Law 1448/2011 to adjust it to international law (the Geneva Convention, Resolution 60/47 of the UN General Assembly), with no detriment to the rights of persons that require international protection and application of the right to asylum and refuge. In particular, the wording of article 3 must be revised in a manner that does not imply any backtracking from the expanded definition of refugee «victims» established by the Declaration of Cartagena of 1984. The conditions established in Law 1448 must be made available so that the victims of dispossession who are in exile are able to fully – and not just formally– exercise their right to use and enjoy their land and properties at will.

It is therefore important to consider as victims abroad those who individually or collectively, directly or indirectly, suffered damages as a consequence of violations to international humanitarian law or serious and manifest violations of international human rights laws, that have occurred in connection with the internal armed conflict, independently of how they have been classified or recognized: refugees or asylum seekers, in need of protection, or victims of cross-border forced displacement. Regarding the incorporation of cross-border or trans-national forced displacement of women and its differentiated impacts, the Commission requests implementing Order 092/2008 of the Constitutional Court.

The recognition measures must seek their incorporation throughout the institutional «architecture» for the victims, including its cultural, pedagogical, and institutional dimensions. To this end, it is recommended to:

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2 «Proposed text of a bill to be submitted for a law on care, assistance and guarantees for truth, justice and reparations for victims abroad in the framework of the implementation of the Peace Agreement between the National Government and FARC-EP.»

1) celebrate events of public memory and recognition that promote a comprehensive understanding of Colombian exiles through the Colombian Museum of Historical Memory<sup>3</sup> and the creation of museums in the memory of Colombian exiles in other countries where the incidence of this phenomenon has been the greatest; 2) the creation of the Fund for the Memory of Exiles, Refugees, and Forced Exiles to ensure the development of actions that gather the experiences of the Colombian population of exiles, refugees and in search for international protection, aimed at dignifying them and fairly recognizing their contribution to peace building in the country; 3) include exile and cross-border forced displacement as a clear and distinguishable chapter in the points addressed by the Advisory Commission on Teaching of History in Colombia, so that the new generations of citizens become aware of this crude reality and fully commit to its prevention and non-repetition.

The recognition of exiles and the victims by the Colombian State must be performed in accordance with the guidelines and protocols established by international human rights law, and, especially, must be put to the consideration of the victims regarding its methodology and fundamental and substantial aspects. In these aspects, priority should be assigned to promoting coordination among the entities that carry records on exiles and refugees.

### **Recognition of Responsibilities by Other Actors**

The Commission has observed that all the armed actors involved in the war have direct responsibilities for the events that led to the forced departures from the country, including guerrilla groups, paramilitary groups, and military and police forces. Responsibility has also been assigned to the agents of State institutions and to third-party civilians, for their action of omission in connection with events that caused the exile of victims.

The victims frequently report –with some level of precision– the events or parties allegedly responsible for new threats they have received or for re-victimization events after they returned. However, limitations in terms of the efficiency, transparency, and speed of the justice sector in investigating each case have generally resulted in impunity.

All the victims heard by the Truth Commission during performance of its mandate have voiced demands for the recognition of the individual and collective responsibilities for the causes of exile. On the other hand, the process of recognizing responsibilities by the guerrillas and the paramilitary groups for the exile and the harm caused to the victims abroad is unprecedented and represents a dignifying process that will contribute to the construction of the historical truth of the country, that includes the *Colombia outside of Colombia*.

### **Historical Records of the Victims Abroad, Exiles and Refugees**

The current estimate of the number of victims in exile is based on fragmented information from the databases of UARIV, the Ministry of Foreign Affairs with the Colombia Nos Une program and the records of UNHCR. In this regard, the Truth Commission recommends as initial action the creation of a task group

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3 Title III, Article 13, Section 8, of Decree 588/2017 requires that the conclusions and recommendations of the Colombian Truth Commission be taken into consideration by the Museum of Historical Memory of the National Historical Memory Center.

to coordinate data between State institutions and civil society, with the participation of UNHCR as guest, to establish guidelines for the creation of new instruments to minimize under-reporting and record the characteristics of the exile phenomenon.

It is essential to create new instruments that enable a more accurate recording of the true magnitude of exile, to inform the institutional decisions required to guarantee the rights to truth, justice, and reparations. The Truth Commission, in an effort to gather and analyze databases, includes in the Report an initial approximation of the total number of people who have fled the country due to the violence. This exercise should be the start of a process for its systematization and inter-institutional recording.

In this regard, the Commission has observed the need to develop databases disaggregated by gender identity, sexual orientation, ethnicity, race, diverse functional capacities, and life cycle stage, among others. This will enable making assessments of these different population groups, the types of violence they have faced in Colombia and their needs in the host countries and for returning.

In particular, the Commission recommends that – once exile and forced cross-border displacement are recognized as human rights violations – the term for including non-registered victims in the Unified Victims Registry be extended for an additional time period, and that the system be adjusted to record new events. This adjustment implies that the Unit for the Victims must promote an international deployment for registration and to consider other locations for receiving information in addition to the existing embassies and consulates in the host countries, taking into consideration the extensive networks in those countries of institutions that work with refugees and people in need for international protection, human rights organizations, and victim platforms.

Another recommendation is for the UNHCR to unify terms and criteria for the assessment of persons in need of international protection. The existing categories of refugees, persons requesting asylum and others «of interest» share similar characteristics in the Colombian case and have the same needs in terms of international protection. A unified approach in this regard would facilitate technical discussions on indicators and surveys to support the organization's periodic statistical reports with qualitative information. This would provide the host countries with updated information on the context of the exiles' departure and their needs for protection, in addition to the information currently provided by UNHCR.

Lastly, the Truth Commission calls upon civil society, academics, and the public and private sector to monitor the exile phenomenon in all its dimensions. This information will contribute to increasing the visibility of exile at the national and international level and will strengthen the analysis of the data reported by UNHCR on the Colombian refugees in the host countries.

### **Recognition of the Persistence of the Armed Conflict as Cause of Exile and Refuge**

The 2016 Peace Agreement was a decisive step in the country's history and represents major progress towards building peace. However, the continuation of other actors in the war (ELN, FARC-EP dissidents and offshoots from former guerrillas –such as EPL–, post-demobilization armed groups and drug traffickers) and the persistent violence in the regions due to clashes over territorial control between these actors, or when the government's military presence fuels the conflict rather than solving it, implies risks to the lives of the affected populations. The murder of social and community leaders (peasants, Indigenous people, Afro-descendants, environmentalists, among others), human rights activists and former combatants

of FARC-EP who signed the peace agreement after 2016, indicate the existence of intolerable conditions of violence, in the view of the Commission.

In this context, the Commission has received reports of numerous cases of countries turning down exiles' claims for protection, with the argument that a peace process is in place in Colombia and that the country is working on its implementation and on creating favorable safety conditions for its citizens, which make such protection unnecessary. Independently from the need to carefully assess such claims, the Commission expresses its concern over the possibility that this situation will continue to be invisible for those who decide on claims for international protection and the right to asylum, which would imply that the rights of Colombian victims would not be considered for political reasons that run against their actual safety conditions. The Commission recommends that the Colombian State, both through the government and control entities, including the offices of the Ombudsman and the Administrative Attorney General (*Defensoría, Procuraduría*), provide context information to the various states where such claims are submitted, to enable their assessment in a manner that is realistic and in accordance with international treaties. The States should consider the information provided by international bodies (Mission of Verification, Office of the High Commissioner for Human Rights, among others) and of the Mission to Support the Peace Process (MSPP-OAS) in a substantive manner.

Even though the peace process has improved the situation of violence in the country, in a specific group of territories, the communities, leaders and former members of FARC-EP continue to be victims of persecution, attacks, murders and threats. Paradoxically, the perception that violence has ceased in Colombia has worsened the situation of lack of defense and protection for people who have had to leave the country due to threats, attacks and persecution because of their leadership or defense of human rights. Far from being incompatible with the peace process, a careful assessment of refugee requests contributes to the process, because it protects people's lives.

The Commission also recommends the Colombian State to be transparent in its reports to the United Nations Systems and diplomatic missions, to ensure that they have truthful and high-quality information for decision-making in connection with requests for the recognition of refugee status. It is crucial that Colombia abide by its international obligations related to reporting its human rights situation and that it adapts its internal legal system to the international treaties it has signed.

The human rights violations that occur in the border areas –which have produced and continue to produce cross-border displacements– require special attention in terms of care, assistance, and reparations. The particularities of border dynamics (armed actors and all types of illegal economies) subject many victims of the Colombian armed conflict to other violent events at migration crossing points or in the territories of neighboring countries. The Truth Commission recommends UARIV, in connection with integral reparations measures, that in recognizing cross-border displacement it considers the damages and impacts, both individual and collective, that are suffered in these back-and-forth crossings that are typical of border regions.

### **Actions of Recognition of Responsibility of the State and of the Victims in the International Context**

The State must acknowledge its ethical and political responsibility for the lack of protection for its citizens that led thousands of them to leave the country. The institutions that form part of the National System for

Assistance and Comprehensive Reparations for Victims must, on the one hand, promote national and international actions of recognition of exile, with the participation of victims and civil society organizations, as well as national and international bodies that have contributed to defending the lives of Colombians in numerous countries through legal assistance, humanitarian aid and psycho-social assistance, among others; and on the other hand, establish specific mechanisms for administrative reparations for the victims in exile.

Specifically, the Colombian State must acknowledge its historic, ethical, and political responsibility for carrying out actions of war and illegal activities against human rights activists and victims in exile, including organizations from different countries, as occurred in the so-called Europe Operation (illegal wiretapping, persecution and harassment by the Security Administrative Department [DAS]) of different collectives and individuals abroad. Such recognition would contribute to lessening the stigma of the work of human rights activists in Colombia in different countries. Similarly, it must at the same time publicly take on the responsibility for the actions of government institutions in the persecution and stigmatization of teachers, students, social leaders, trade unionists, peasants, and other profiles, due to their social, political and human rights advocacy activities.

The Truth Commission recommends the States to review inconsistent policies of respect for human rights in the case of Colombian exiles who, without having any pending investigations, have faced problems for decades at border crossings for generic suspicions under the discretionary concept of «terrorism», as has been documented by the Commission in the case of members of Unión Patriótica, among others. The Commission also recommends the Colombian State to revise and repeal practical provisions in this regard against foreign individuals who have worked on the human rights situation in Colombia or who have been, in turn, victims and have been treated with suspicion, on unfounded grounds, or who have been subject to investigations for decades with no recognition for their rights.

Lastly, the State must publicly acknowledge the cases of staged legal proceedings, stigmatization and false accusations that derived in exile. Consequently, it must take the necessary steps to reinstate the good name of those who were falsely implicated in crimes such as terrorism, homicide, rebellion and criminal conspiracy, among others, that led to their exile upon termination of their processes –due to absence of evidence of expiration of terms– and were declared innocent. The above is an essential condition for their return and for the recovery of their lost social and political leadership.

### **Collaboration to Guarantee the Right to International Protection**

International protection is a humanitarian need that must be recognized by the States and international institutions. The Commission acknowledges the role that governments of different countries and the UNHCR have played in protecting the lives of those who had to leave the country due to the internal armed conflict. However, the concept of refuge has been viewed as a stigmatizing political category by some governments, by associating Colombians exiles with «guerrillas», «criminals», «drug traffickers» and «terrorists», among others, which has negatively predisposed governments towards the Colombian population in need for international protection.

The Colombian State, through its relevant institutions, must promote regional or bilateral agreements to care for the victims abroad, that promote guarantees for their rights, their restitution and assistance to reincorporate in the host countries and for return processes. In the border areas, such mechanisms should

take a bi-national collaborative approach, especially focused on regional development, taking into consideration the specific cultural and community characteristics of the back-and-forth migration movements.

The Foreign Affairs Ministry, embassies, consulates, and other Colombian State entities involved in migration affairs must promote accessible and specific information channels on the mechanisms to access the Victims' Law and the Integrated System of Truth, Justice, Reparations and Non-repetition, and other State instruments made available to those who have had to leave in exile. Similarly, the personnel that provides information must receive training on assisting victims in exile and seek to provide an environment of confidentiality, trust, and psycho-social care in the processes of requesting refugee and asylum status in the receiving States. Lastly, regarding assistance during the reception stage, it is recommended that the host countries establish cooperation mechanisms with organizations that work on human rights or with forced migrant populations with the necessary independence to assist the victims.

It is also recommended to promote agreements with the main host countries of Colombians to ensure the recognition of university and technical degrees and pension contributions, among others.

### **Reparations for the Exiled Population**

The Commission recommends revising and restructuring the provisions related to reparations of Victims in Law 1448/2011. Such reparations must address the dimensions of damages and impacts such as: effects related to individual and collective identity; truncating of social, political and community leadership; individual and family psycho-social impacts, and assistance in the design of routes for voluntary return processes. In this exercise, the Commission requests revising existing guidelines related to returning and to design a specific program for refugees, persons who have requested refugee status and victims abroad. This program should contemplate differentiated measures of access to rights according to the needs, damages, and losses of the exile experiences.

The reparations for victims abroad must be comprehensive, differentiated and transforming, and must include the reparations features contemplated for victims in Colombia: indemnity, restitution, satisfaction, rehabilitation and guarantees of non-repetition, as well as differentiated approaches regarding age, gender, sexual diversity, ethnicity, diverse functional capacities, and age. This should apply both to victims who choose to remain abroad and for those who decide to return. To this end, the State must guarantee the financial resources necessary to ensure that the reparation measures are proportional to the damages caused and to the reconstruction of the lives of the victims. Comprehensiveness must also include specific guarantees or coordination and consistency between administrative and judicial reparations, including those contained in the sanctions for reparations to be declared by the Special Jurisdiction for Peace (JEP). The national government must design and implement a special collective reparations program with a differentiated approach for the ethnic communities in border areas and abroad, with due participation of the members of the various communities and potential victims that qualify for collective reparations in the formulation, implementation, and monitoring of the program.

In this regard, the national government and the Ministry of Foreign Affairs must carry out the activities necessary to establish bi-national and multilateral agreements for the recognition of the Victims' Law –once exile has been recognized as a human rights violation and application of the provision has been extended to

an extra-territorial level. These agreements will seek to obtain authorization and cooperation to enable the Colombian government to implement the measures contained in this law in the places where the victims are located, in the case of those who live outside the country. The measures on humanitarian aid, care, assistance, truth, justice, and reparations, and guarantees of non-repetition shall apply to the victims abroad and shall not, under any circumstance, restrict, substitute or cancel the State's protection regarding the international protection obtained or requested by the victims.

The participation of the victims abroad in the National Task Group for Victims must be guaranteed to enable them to effectively contribute to the measures related to care, assistance and reparations established in the Victims's Law.

Additionally, following the guidelines on good practices on fulfillment of the decisions of the Inter-American Commission on Human Rights (IACHR), it is recommended to create special mechanisms for payment of the indemnities<sup>4</sup>. Even though Colombia has a law to this effect<sup>5</sup>, it does not include specific mechanisms for administrative reparations for exiles, resolution of this must be a top priority. It is fundamental to follow this IACHR recommendation, considering the high percentage of victims who are abroad and the recent increase in departures due to the persistence of the internal armed conflict.

### **Participation and Adaptation of Spaces for Institutional Participation made Available to Victims Abroad**

The institutional spaces for citizen participation by the victims, exiles, and refugees abroad have been limited since their incorporation in terms of representativeness in the Protocol for Effective Participation by the Victims. The recognition of exile and cross-border displacement as victimizing events, as well as of the extra-territorial nature of the exiles and refugees, implies reformulating the existing bodies, spaces and mechanisms. In this regard, the Truth Commission recommends the UARIV to design specific participation protocols to ensure the specific enjoyment of rights provided by the entities of the Truth, Justice, and Reparations System, as well as in the implementation of programs, projects and actions related to victims.

Such protocols should be designed with the participation of the exiles and accompanying organizations, in coordination with the Ministry of Foreign Affairs and the competent entities. The national government must instruct the Ministry of Foreign Affairs through the embassies and consulates in the host countries, to inform the refugees, exiles, and other persons under international protection on how they can participate in the development of such instruments.

Regarding the Integrated System of Truth, Justice, Reparations and Non-repetition (SIVJRNR), it is recommended to create a clearer and more coordinated route for the participation of victims abroad, exiles and refugees between the Unit for the Search of Disappeared Persons (UBPD) and the Special Jurisdiction for Peace (JEP). The current access paths are fragmented, and the consulates and embassies do not have updated information on how to ensure the participation of people in the host countries.

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4 OAS, «The IACHR publishes the Guide».

5 Congress of the Republic of Colombia, Law 288/1996; Congress of the Republic of Colombia.

## Spaces for International Oversight and Coordination

In the interviews with the victims and dialogues with officials from the authorities related to forced migration and international protection, it was found that there are debates and gray areas regarding the applicability of the international law on refugees, the migration laws, and the national protection systems in the case of Colombia. To address these topics, the Commission recommends the national government to promote an *International Conference on Peace and Exile*, with the participation of civil society and representatives of the victims abroad. The outcome of this event should be a framework document to harmonize the legal instruments and regulations of the countries, as well as proposals for comprehensive treatment in terms of access to the rights and properties of Colombian exiles.

To ensure fulfillment of the agreements arising from the conference, a channel for international assistance and oversight should be established to ensure that the Colombian State and the participating countries with bi-national agreements incorporate the provisions and promote the necessary debates for the international protection of Colombian exiles.

## Necessary Conditions for a Dignified Return and Non-repetition

Point Five of the Peace Agreement on victims acknowledges the importance of the victims who left the country as a result of violations to human rights and international humanitarian law in connection with the armed conflict, which translates into the consideration and implementation of return plans that include care and assistance. However, despite the nominal recognition of the exiles and refugees in the universe of the victims, there are obstacles for coordinating the legal framework established for returning, because no mechanisms are in place for the effective application of the measures and programs announced in the Agreement. In this regard, the Truth Commission recommends the Ministry of Foreign Affairs, through the Colombia Nos Une program, as well as the UARIV, to create coordination mechanisms to enable the implementation of the provisions of the Peace Agreement related to return and repatriation processes, which should be carried out respecting the principles of voluntariness, safety, and dignity.

Regarding coordination mechanisms, they must promote the creation of a comprehensive return policy that incorporates the provisions of Law 1565/2012, the Victims' Law, and the language in the Peace Agreement regarding return plans. Such policy must seek for the plans, programs and projects currently established for the victims to include the damages and impacts of life in exile, as well as appropriate measures to ensure access to the goods and services involved in the return processes. Specifically, they must include measures in the development plans with a territorial approach to assure their return. These instruments should contemplate, as a minimum: 1) programs of access to housing; 2) advice on validating pensions abroad with the general pensions system; 3) programs of access to basic, middle and higher education for victims in exile, and second and third generations, including measures to expedite the process of validating titles obtained abroad; and 4) comprehensive health plans with specialized attention in psychology and psychiatry, and programs of interest for people with disabilities and seniors.

In this regard, entities of the National System for Assistance and Comprehensive Reparations for Victims and the Colombian Pensions Administration (Colpensiones, for the Spanish original) are called upon to incorporate such measures and design instruments to assure the effective enjoyment of the rights of the victims abroad, exiles and refugees. Special consideration should be given to incorporating differentiated

approaches and the differentiated effects regarding exile and cross-border displacement. The Truth Commission gives special consideration to the second generations and proposes the creation of specific paths for regularizing the migration status of family members born abroad, and assistance for children and teenagers for their effective social inclusion and the reconstruction of their identities.

### **Access to Justice for the Victims Abroad**

Both the national government and the state control bodies must promote effective mechanisms to enable victims abroad to have access to justice and follow up on legal proceedings or land restitution processes they have in the country. This implies defining specific routes at the various institutions to guarantee, repair and enforce the rights of exiles that demand them. Additionally, in the case of officials of the justice sector who lost their employment for having to leave the country to protect their lives from the persecution of armed actors and the lack of protection from the State, the corresponding authorities must address the claims of such victims to reestablish their good names and their rights. In this regard, the Public Prosecutor Office and other State entities must coordinate measures of international cooperation to guarantee, promote and make effective the participation of victims abroad in the Integrated System of Truth, Justice, Reparations and Non-repetition.

Regarding the participation of exiled victims in the mechanisms of the SIVJRNR, the Commission recommends that exile and refuge –given the systematic nature, permanence, and magnitude of the violation– be included in the cases within the jurisdiction of the JEP. To this end (and in processing the other cases within the jurisdiction of the JEP), virtual channels must be enabled and made official to carry out judicial hearings from abroad with procedural guarantees. It is also recommended to adopt a protocol for psycho-social and legal preparation for the victims to participate in such hearings. The Commission also calls upon the State to recognize the search for disappeared persons as a right and a priority of its institutions. Consequently, mechanisms must be arranged to enable victims abroad to have access to the work of the UBPD, as well as mechanisms to follow up on such actions, including facilitating means for an effective search over the period of operation of the Unit. To this end, it is recommended to develop a protocol to enable exiled victims to provide information *ante mortem* on the persons held to have disappeared during the armed conflict. Additionally, the right to restitution of the mortal remains to relatives who request it must be guaranteed.



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