

12. Hong Kong: Police response to student pro-democracy protest an alarming sign (Press release) [amnesty.org/en/news/hong-kong-police-response-student-pro-democracy-protest-alarming-sign-2014-09-27](http://www.amnesty.org/en/news/hong-kong-police-response-student-pro-democracy-protest-alarming-sign-2014-09-27)
13. Hong Kong: Women and girls attacked as police fail to protect peaceful protesters (Press release) www.amnesty.org/en/news/hong-kong-women-and-girls-attacked-police-fail-protect-peaceful-protesters-2014-10-04
14. Hong Kong: Police officers must face justice for attack on protester (Press release) www.amnesty.org/en/news/hong-kong-police-officers-must-face-justice-attack-protester-2014-10-15
15. Hong Kong: Heavy-handed policing will only inflame protests (Press release) www.amnesty.org/en/for-media/press-releases/hong-kong-heavy-handed-policing-will-only-inflame-protests-2014-11-28
16. Hong Kong: The government has to put an end to the exploitation of migrant domestic workers (Press release) www.amnesty.org/en/for-media/press-releases/hong-kong-government-has-put-end-exploitation-migrant-domestic-workers-2014

COLOMBIA

Republic of Colombia

Head of state and government: **Juan Manuel Santos Calderón**

The peace talks between the government and the guerrilla group, the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, FARC) continued to make progress, despite a three-week suspension of negotiations towards the end of the year. The two sides reached partial agreements on several key issues. The peace process emerged as a key theme in the May presidential election, which was won by the incumbent Juan Manuel Santos following a second round in June.¹ The election campaign was marred by a scandal involving the wiretapping of government and FARC negotiators by elements within the security forces and

intelligence services in an attempt to derail the peace process. Despite the ongoing peace talks, human rights violations and violations of international humanitarian law (IHL) continued to be committed by both sides, as well as by paramilitary groups operating alone or in collusion with or with the acquiescence of sectors of the security forces. Indigenous People, Afro-descendant and peasant farmer communities, women and girls, human rights defenders, community activists and trade unionists bore the brunt of the human rights consequences of the 50-year-long armed conflict. Such abuses included forced displacements, unlawful killings, hostage taking and abductions, death threats, enforced disappearances, torture and sexual violence. The government promoted legislation that threatened to exacerbate impunity and undermine the little progress made in recent years to bring to justice some of those suspected of crimes under international law and other human rights abuses and violations.

INTERNAL ARMED CONFLICT

The civilian population, especially Indigenous, Afro-descendant and peasant farmer communities, as well as human rights defenders continued to be the most affected by the armed conflict. According to the latest figures available from the NGO CODHES (Consultoría para los Derechos Humanos y el Desplazamiento), almost 220,000 people were forcibly displaced in 2013.

According to the National Indigenous Organization of Colombia (Organización Nacional Indígena de Colombia, ONIC), 10 Indigenous people were killed for conflict-related reasons and at least 2,819 forcibly displaced in the first nine months of 2014.² In 2013, 30 killings and 3,185 victims of forced displacement were recorded.

On 12 September, two Embera Doviida Indigenous leaders were killed in Alto Baudó Municipality, Chocó Department, reportedly

by the guerrilla group, National Liberation Army (Ejército de Liberación Nacional, ELN).

Afro-descendant communities in the south western port city of Buenaventura were the target of a growing wave of violence, including killings and enforced disappearances, carried out mostly by paramilitaries and criminal gangs. Some of the victims were dismembered. The violence was concentrated in poor areas of the city earmarked for the development of port infrastructure and other economic projects.³

The sheer scale of human rights abuses was underscored by a report published by the state's National Centre of Historic Memory in 2013. It concluded that between 1985 and 2012, almost 220,000 people were killed, 80% of them civilians. At least 25,000 people were the victims of enforced disappearances, carried out mostly by paramilitaries and the security forces. Some 27,000 people were kidnapped between 1970 and 2010, mostly by guerrilla groups, and more than 5 million people were forcibly displaced between 1985 and 2012. By November, the government had registered more than 7 million victims.

PEACE PROCESS

The peace negotiations, held in Havana, Cuba, between the government and the FARC continued to offer the best chance in over a decade to put an end to hostilities. However, on 17 November, the government suspended talks in protest at the capture of an army general by the FARC in Chocó Department. He was released on 30 November and talks resumed on 10 December. On 17 December, the FARC declared a unilateral ceasefire that began on 20 December.

At the end of the year, the two sides had reached partial agreements on three of the six agenda items. A framework agreement on a fourth, on victims' rights, was made public in June.

The framework agreement marked a significant step forward as both sides acknowledged their responsibility for human rights abuses, that victims' rights lay at the

heart of the peace process and that these rights were non-negotiable. The framework agreement did not, however, make an explicit commitment to guarantee justice for all victims. There were fears this could undermine the long-term viability of an eventual peace agreement.⁴

SOCIAL PROTEST

Senior state officials claimed that a national strike by peasant farmers in April had been infiltrated by guerrilla groups. This placed demonstrators at risk of revenge attacks by paramilitaries. In May, paramilitaries sent a death threat to human rights defenders accusing them of organizing the strike, which they claimed was supported by guerrilla groups.⁵

Similar accusations by the authorities were made during protests by Indigenous communities in October 2013, a national peasant farmer strike in August 2013, and peasant farmer demonstrations in Catatumbo in June 2013. There were allegations that the security forces used excessive and disproportionate force during the protests. The UN High Commissioner for Human Rights stated that nine protesters, five bystanders and one police officer were killed with firearms during the protests in 2013.

SECURITY FORCES

Extrajudicial executions by the security forces continued to be reported, albeit in fewer numbers than during the administration of President Álvaro Uribe (2002-2010). However, the Office of the Attorney General failed to make progress in bringing to justice most of those responsible for these crimes, especially senior officers. Many cases continued to be referred to military courts. These courts, which are neither independent nor impartial, failed to deliver justice. According to the report on the situation of human rights in Colombia published by the UN High Commissioner for Human Rights in January, 48 cases of extrajudicial executions attributed to the security forces

were transferred to the military justice system and “numerous other cases were transferred directly by civilian prosecutors” in the first eight months of 2013.

PARAMILITARIES

The Justice and Peace Law (Law 975 of 2005), through which thousands of paramilitaries who laid down their arms in a government-sponsored process were to benefit from a maximum of eight years in prison in return for confessions about human rights violations, failed to respect the right of victims to truth, justice and reparation. The process began in 2005, but by September 2014, only 63 paramilitaries had been convicted of human rights violations under Law 975. Most of the 30,000 paramilitaries who reportedly laid down their arms failed to submit themselves to the limited scrutiny of Law 975.

These groups, which the government referred to as criminal gangs (*bandas criminales*, Bacrim), continued to operate and to commit serious human rights violations, either alone or in collusion with or with the acquiescence of sectors of the security forces. Such groups targeted human rights defenders, community leaders and trade unionists, as well as Indigenous, Afro-descendant and peasant farmer communities.⁶

Around 160 paramilitaries who submitted themselves to Law 975 were eligible for release in 2014. Some were high-ranking leaders who had been in prison on remand but had served the maximum eight years stipulated in Law 975. Many were expected to return to their original areas of operation, raising concerns about the impact on the safety of victims and human rights defenders in these areas.

GUERRILLA GROUPS

Guerrilla groups committed serious human rights abuses and violations of international humanitarian law, especially against communities in rural areas.

Despite the FARC's public commitment to end kidnappings, cases continued to be reported. The NGO Pais Libre reported 233 kidnappings in the first nine months of 2014, compared to 299 in the whole of 2013. Most kidnappings were attributed to common criminals, with guerrilla groups responsible for 21% and paramilitaries for 3% of the total.

Landmines, mostly laid by the FARC, continued to kill and maim civilians and members of the security forces. Guerrilla groups, as well as paramilitary groups, continued to conscript children, mostly in rural areas, forcing many families to flee their homes to protect their children. The FARC also carried out indiscriminate attacks that placed civilians at risk.

IMPUNITY

Impunity remained a hallmark of the conflict, with very few perpetrators of human rights abuses held to account. The government's support of legislation that threatened to boost impunity called into question its commitment to the right of victims to truth and justice.

In October, the government presented two bills to Congress. The first sought to expand the crimes that could be considered acts of service under the remit of the military justice system. The second could ensure that human rights violations committed by the security forces would not be investigated as criminal actions, but rather in a manner to determine whether or not they constitute breaches of international humanitarian law. This could result in those responsible escaping criminal prosecution by presenting the crime as a proportionate action in the course of armed conflict.

In September, 12 UN human rights experts warned that Senate Bill No. 85, which was under discussion in Congress at the time of writing, would be a step backwards for human rights: “[I]f adopted, Bill No.85 could seriously weaken the independence and impartiality of the judiciary ... Its adoption would also ... represent a major setback in the Colombian state's long-

standing fight against impunity for cases of violations of international humanitarian law and international human rights law.” The bill listed a number of crimes that would be dealt with exclusively by the military justice system, including homicide and breaches of international humanitarian law. Since extrajudicial executions are not a separate crime in the Criminal Code, they could be defined as homicide and thus investigated by military prosecutors.

In August 2013, the Constitutional Court had upheld the constitutionality of the Legal Framework for Peace, approved by Congress in June 2012. This could enable alleged human rights abusers to evade justice by giving Congress the power to limit criminal trials to those “most responsible” for human rights abuses, and to suspend prison sentences handed down to paramilitary, guerrilla and security force combatants convicted of such crimes. But the Court ruled that the sentences of those “most responsible” could not be suspended if they were responsible for crimes against humanity, genocide or war crimes. However, there was no clear definition of, or criteria to determine, “most responsible”.

LAND RESTITUTION

The Victims and Land Restitution Law, which came into force in 2012, sought to provide full reparation, including land restitution, to some of the victims of the conflict. The legislation was an important step forward in efforts to acknowledge some victims’ right to reparation, but it remained flawed and its implementation progressed slowly. By August 2014, only some 30,000 hectares of land had been adjudicated to peasant farmers and only one 50,000-hectare territory to Indigenous communities. Official figures suggested that in the course of the conflict an estimated 8 million hectares of land had been subject to abandonment or dispossession.

Land claimants and those representing them, including human rights defenders and state officials, were threatened or killed,

mostly by paramilitary groups.⁷ By August 2014, the Office of the Attorney General was investigating the killing of at least 35 individuals who had a suspected association with land restitution. On 8 July, Robinson Álvarez Quemba, a topographer working with the government’s Land Restitution Unit, was shot by an unidentified assailant while working in the municipality of San Roque, Antioquia Department. He died of his injuries three days later.

HUMAN RIGHTS DEFENDERS

Human rights defenders faced grave dangers. The Office in Colombia of the UN High Commissioner for Human Rights recorded 40 killings of human rights defenders between January and September. This compared to more than 70 human rights defenders killed in 2013, according to the NGO Somos Defensores. Indigenous and Afro-descendant leaders, land activists and community leaders were among the victims. According to the NGO, National Trade Union School (*Escuela Nacional Sindical*), 20 members of trade unions were killed by 11 December; at least 27 were killed in 2013.

These attacks, as well as the theft of sensitive information, ongoing death threats and the misuse of the legal system to bring bogus charges against human rights defenders, undermined the work of human rights organizations and fostered a climate of fear. There was an increase in the number of death threats towards the end of 2014. In September and October, more than 100 human rights defenders, community leaders, peace activists, land restitution leaders, politicians and journalists, received a series of mass email death threats from several paramilitary groups.⁸ Only a few of those responsible for threats against and killings of human rights defenders were identified, let alone brought to justice.

The state’s protection programmes, coordinated by the National Protection Unit (Unidad Nacional de Protección, UNP), continued to provide security to thousands

of individuals at risk, including human rights defenders. But these programmes suffered from serious weaknesses, including severe delays in implementing security measures.

In September, the UNP was rocked by a corruption scandal in which senior UNP officials, including the administrative director and secretary general, were accused of taking kickbacks from private contractors to whom the UNP subcontracts most of its protection work. The UNP also acknowledged in September that because of a budget shortfall it would have to withdraw the protection schemes of some beneficiaries.

VIOLENCE AGAINST WOMEN AND GIRLS

All the parties to the conflict carried out rapes and other forms of sexual violence, primarily against women and girls. The authorities continued to fail to implement Constitutional Court Judicial Ruling 092 of 2008. This ordered the authorities to put an end to such crimes and to bring to justice those responsible.

In June, President Santos signed into law legislation on conflict-related sexual violence (Law 1719).⁹ The law defined such violence as a war crime and a crime against humanity. It addressed a number of specific practices that continued to be carried out in the conflict, including sexual slavery and sexual exploitation, and enforced sterilization, prostitution, abortion, pregnancy and nudity. Under the law, no statute of limitations is applicable in cases of genocide, crimes against humanity and war crimes.

US ASSISTANCE

US assistance to Colombia continued to fall. In 2014, the USA allocated some US\$214.5 million in military and around US\$164.9 million in non-military assistance to Colombia, compared to some US\$228.6 million and around US\$195.9 million, respectively, in 2013. In September 2014, 25% of the total military assistance for the year was released after the US Secretary of State determined

that the Colombian government had made progress in improving human rights.

INTERNATIONAL SCRUTINY

In her report on the human rights situation in Colombia, published in January, the UN High Commissioner for Human Rights congratulated the Colombian government on “its determined pursuit of a negotiated end to the internal armed conflict”, but noted that all parties to the conflict were still responsible for human rights abuses and violations. The report also stated that the unwillingness of state institutions “to accept responsibility for human rights violations undermines further advances in human rights”.

In August, the Inter-American Commission on Human Rights (IACHR) published its report on the human rights situation in Colombia. The report welcomed progress in the peace talks but noted that the armed conflict continued to have a serious impact on human rights. It warned that the human rights situation could not be resolved without also addressing the problem of impunity.

In March, the IACHR requested that the Colombian government adopt precautionary measures for Bogotá Mayor Gustavo Petro and that his removal from office, ordered by the Office of the Procurator General in January, be suspended until the IACHR could rule on the case. The government initially refused to comply with the request and only reversed its decision after it was ordered to do so by Colombia’s Constitutional Court in April.

The UN Human Rights Council adopted the outcome of the September 2013 Universal Periodic Review of Colombia. Amnesty International welcomed Colombia’s support of recommendations to fight impunity, but reiterated its concerns that legislation to broaden the scope of military jurisdiction and the Legal Framework for Peace would seriously undermine efforts to combat impunity.

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1. Colombia: Open letter to Presidential candidates. Putting human rights at the heart of the election campaign (AMR 23/014/2014)
www.amnesty.org/en/library/info/AMR23/014/2014/en
 2. Colombia: Two Indigenous leaders killed, third at risk (AMR/23/001/2014)
www.amnesty.org/en/library/info/AMR23/001/2014/en
 3. Colombia: Death threats received in “humanitarian zone” (AMR 23/016/2014)
www.amnesty.org/en/library/info/AMR23/016/2014/en
 4. Historic Colombia-FARC declaration fails to guarantee victims’ right to justice
www.amnesty.org/en/for-media/press-releases/historic-colombia-farc-declaration-fails-guarantee-victims-right-justice-20
 5. Colombia: Paramilitaries threaten human rights activists (AMR 23/017/2014)
www.amnesty.org/en/library/info/AMR23/017/2014/en
 6. Colombia: Election candidates receive death threats (AMR 23/005/2014)
www.amnesty.org/en/library/info/AMR23/005/2014/en
 7. Colombia: Land rights activists threatened in Colombia (AMR 23/019/2014)
www.amnesty.org/en/library/info/AMR23/019/2014/en
 8. Colombia: Mass death threats to human rights defenders (AMR 23/030/2014)
www.amnesty.org/en/library/info/AMR23/030/2014/en
 9. Colombia: New law aims to address impunity for conflict-related crimes of sexual violence (AMR 23/24/2014)
www.amnesty.org/en/library/info/AMR23/024/2014/en

CONGO (REPUBLIC OF)

Republic of Congo

Head of state and government: **Denis Sassou Nguesso**

Serious human rights violations including cases of rape and other sexual violence, arbitrary arrests and detention, excessive use of force, and torture and other ill-treatment were committed, including during the mass forced expulsion of people from

the Democratic Republic of the Congo (DRC). Freedoms of expression, assembly and association were restricted.

REFUGEES’ AND MIGRANTS’ RIGHTS

More than 179,000 foreign nationals from the DRC, including refugees and asylum-seekers, were forcibly returned during police operation “Mbata ya Mokolo”. Some DRC nationals who remained were in hiding, fearing deportation. The operation was carried out by police in cities nationwide, ostensibly to reduce irregular immigration and criminality, and targeted people from the DRC in particular.

FREEDOM OF EXPRESSION

Freedom of expression including press freedom was seriously limited including in relation to proposed constitutional amendments to allow President Nguesso a third term in office. Journalists were subject to harassment and intimidation by the police and local authorities. Human rights defenders feared for their security and were consequently reluctant to denounce violations involving high-profile officers.

On 26 September, Cameroonian journalist Elie Smith was expelled following a statement by the Ministry of the Interior accusing him of “seditious and subversive acts” and “intelligence with foreign powers working against the interests of the Republic of Congo”. Local human rights organizations claimed that the decision was politically motivated.

On 23 September, freelance journalist Sadio Kanté was forced to leave the country, accused of illegal residence among other charges. She denied all the allegations.

FREEDOM OF ASSEMBLY

Freedom of peaceful assembly, especially for trade unions and perceived or actual political opponents of the government, was severely restricted during the year.

On 4 November, police burst into the Brazzaville residence of Clément Mierassa, opposition leader and president of the