

MEDIA RESTRICTIONS

Apple Daily, the only pro-democracy daily newspaper in Hong Kong, was forced to cease operation on 24 June after police arrested the paper's founder Jimmy Lai, five senior executives and two editorial staff under the NSL. Police accused the newspaper of "colluding with foreign forces" by publishing articles relating to sanctions imposed on Chinese and Hong Kong government officials by foreign governments. The authorities subsequently froze HK\$18 million (US\$2.32 million) of assets owned by companies linked to *Apple Daily*. On 29 December, senior executives and board members of Stand News were arrested for "seditious publications", an archaic colonial-era provision last amended in the 1970s. National security police officers raided the online news outlet and authorities confirmed that they froze more than HK\$61 million (approximately US\$7.8 million) in assets. Stand News ceased operation on the same day.

The government heavily restructured public broadcaster Radio Television Hong Kong (RTHK), removing all the videos in its online archive, dismissing hosts who were critical of the government, and cancelling shows that did not follow official lines.

LGBTI PEOPLE'S RIGHTS

The government failed to grant same-sex couples in Hong Kong equal rights and continued to recognize same-sex partnership rights in a piecemeal manner. In March, a gay widower filed a judicial review against the government after he was not recognized as the next-of-kin of his late husband, preventing him from identifying his spouse's body or making funeral arrangements. He later withdrew the legal challenge as the government clarified that there was no distinction between same-sex couples and heterosexual couples in policies related to such matters. In June the High Court ruled that the subsidized housing policy constitutes discrimination on grounds of sexual orientation, and that same-sex couples should be allowed to own subsidized housing.

Despite setting up an inter-departmental working group on gender recognition in 2014 and carrying out a consultation in 2017, the Hong Kong government made no progress towards drafting a gender-recognition law.

The Taiwan Gay Sports and Movement Association decided to not send any teams to join the Gay Games to be held in Hong Kong in 2023 because of the risks posed by the NSL.

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1. *China: Further Information: Transferred 1,000km from family, medical care needed: Yu Wensheng* (Index: ASA 17/3729/2021), 22 February
 2. *China: Further Information: Prominent Legal Scholar Indicted for Subversion – Xu Zhiyong* (Index: ASA 17/4912/2021), 24 October
 3. *China: Activist detained for reporting torture: Li Qiaochu* (Index: ASA 17/3784/2021), 4 March
 4. *China: Activist on Hunger Strike After Travel Ban – Yang Maodong* (Index: ASA 17/3599/2021), 1 February
 5. *China: Further Information: Lawyer Faces Charges for Reporting Torture – Chang Weiping* (Index: ASA 17/4023/2021), 28 April
 6. *China: "Like We Were Enemies in a War": China's Mass Internment, Torture and Persecution of Muslims in Xinjiang* (Index: ASA 17/4137/2021), 10 June
 7. *China: Further Information: Uyghur Held in Solitary Confinement for Two Years – Ekpar Asat* (Index: ASA 17/4022/2021), 26 April
 8. *China: Further Information: Uyghur Again Detained Incommunicado – Mahira Yakub* (Index: ASA 17/3491/2021), 7 January
 9. *Hong Kong: In the Name of National Security* (Index: ASA 17/4197/2021), 29 June
 10. "Amnesty International to close its Hong Kong offices", 25 October

COLOMBIA

Republic of Colombia

Head of state and government: Iván Duque Márquez

Crimes under international law and human rights violations in the context of the ongoing armed conflict increased in the departments of Chocó, Cauca, Valle del Cauca, Nariño and Norte de Santander. Eight children were killed by the security forces targeting the armed groups the Revolutionary Armed Forces of Colombia (FARC-EP) and the National Liberation Army (ELN) in Chocó, Guaviare, and Caquetá departments. Killings of former FARC-EP combatants increased. At least

100,000 people were forcibly displaced or confined as a result of the ongoing conflict, particularly affecting the rights of Indigenous peoples and Afro-descendants. In the context of the National Strike, there were numerous reports of excessive use of force by the security forces against peaceful protesters, particularly in Cali. Police arbitrarily detained and tortured protesters and there were reports of sexual and gender-based violence against women and LGBTI people. At least 100 people sustained eye trauma due to the unlawful and excessive use of less lethal weapons by members of the Mobile Anti-Riot Squad (ESMAD). Killings and threats against human rights defenders reached alarming levels.

BACKGROUND

More than 28 million people were fully vaccinated against Covid-19 between February and 31 December, according to the Ministry of Health. As of 31 December, there had been 129,942 Covid-19 deaths during the year.

Thousands of people peacefully protested as part of the National Strike, which began on 28 April. The protests were initially triggered by proposed tax reforms, which the government sought to impose during a social crisis exacerbated by the Covid-19 pandemic. The tax proposal was withdrawn following pressure from the mass mobilizations. However, the social upheaval continued and encompassed broader social demands, calls for justice for human rights violations, and protests about the slow implementation of the 2016 Peace Agreement and the continuing violence in various regions of the country.

The UN Security Council extended the mandate of the UN Verification Mission in Colombia to 2022.

RIGHT TO TRUTH, JUSTICE AND REPARATION

In October, the Constitutional Court extended the Truth and Reconciliation Commission's mandate to 27 June 2022.

Compliance with the 2016 Peace Agreement between the FARC-EP and the Colombian state remained slow, according to the Kroc Institute, which monitors compliance with the Agreement. There were concerns about the significantly slower progress on comprehensive rural reform (point 1), the ending of the armed conflict (point 3) and solving the problem of illicit drugs (point 4).

In the first half of 2021, two meetings of the National Commission for Security Guarantees were held. The mandate of this Commission, established by the Peace Agreement and involving the participation of civil society, is to create a public policy for dismantling armed groups. No further meetings were held despite civil society members' request for progress.

Forty-one cases of homicide or enforced disappearance of former combatants were reported between January and November, according to the civil society organization Indepaz.

Progress on the voluntary substitution of crops for illicit use was hampered by the complex security situation and the resumption of aerial spraying with glyphosate.

In August, 16 special peace districts for victims were created in compliance with the Peace Agreement.

FREEDOM OF EXPRESSION AND ASSEMBLY

According to the Foundation for Press Freedom (FLIP), illegal profiling was carried out against people who reported police violence on social media during the National Strike. Military intelligence capabilities were aimed at profiling at least 57 journalists by collecting data such as geographic location and social media activity.

The Ministry of Defence promoted a campaign, "The truth in a sea of lies", disseminating publications claiming that reports of police violence were "false news" and "digital terrorism".

The FLIP reported 402 attacks on press workers documenting social demonstrations between April and November; 170 people

received threats and 20 were arbitrarily detained in the context of protests.

José Alberto Tejada, a journalist documenting the National Strike in Cali, was the victim of more than 14 security incidents.¹ On 31 August, he was granted provisional measures by the Inter-American Commission on Human Rights (IACHR).

Journalist Claudia Julieta Duque reported that the National Protection Unit of the Ministry of the Interior had collected sensitive data on her movements between February and August without her authorization.

EXCESSIVE AND UNNECESSARY USE OF FORCE

Decree 575, which provided for the deployment of the military in public order operations in eight departments, was issued on 28 May and temporarily suspended by the Council of State in July.

Between 28 April and 30 June, 84 people died in the context of protests; 1,790 people were injured, and 298 human rights defenders were attacked. Of those injured, 103 sustained eye trauma.²

In June, Michelle Bachelet, UN High Commissioner for Human Rights, expressed her deep concern over reports of serious human rights violations by state security forces in Colombia. In December her office published a report stating that they had verified 46 deaths (44 civilians and two police officers) in the context of the protests, mainly in the city of Cali, as well as 60 reports of sexual violence. Of these, the OHCHR verified 16 cases of sexual violence allegedly committed by members of the National Police.

Cali was the epicentre of the police repression of social protest.³ “Operation Siloé”, a joint incursion by members of the National Police, the ESMAD and the Special Operations Group (GOES) in which lethal weapons were used against peaceful protesters, began on 3 May. Kevin Agudelo was shot during a vigil for victims of police violence and died. On 9 and 28 May, the National Police and armed civilians attacked

protesters in Cali, constituting manifestations of urban paramilitarism.

Following multiple complaints about the militarized response and police repression of demonstrations, the IACHR undertook a working visit to Colombia between 8 and 10 June. In its observations and recommendations it called for, among other things, the immediate cessation of the disproportionate use of force by the security forces and the removal of the National Police, including the ESMAD, from the Ministry of Defence in order to ensure that their actions were consistent above all with a civilian rather than a military approach.

Police violence against protesters continued during August, September and October, leading 25 civil society organizations to request that the IACHR activate the Special Monitoring Mechanism for Human Rights in Colombia provided for in its report on its working visit.

As of 27 May, the National Working Group on Enforced Disappearances had reported 775 enforced disappearances in the context of the National Strike; the fate of 327 people remained unknown.

On 5 June, 17-year-old Duván Felipe Barros Gómez disappeared in the context of demonstrations in the capital, Bogotá. After a month-long search by his family, his body was found in the morgue of the forensic facility.

ARBITRARY DETENTION AND TORTURE

According to the NGO Campaign Defending Freedom, 3,275 people were arbitrarily detained in the context of demonstrations between 28 April and 30 June.

On 28 May, Álvaro Herrera, Noé Muñoz, and Sebastián Mejía were beaten and detained by armed civilians and subsequently detained for 24 hours by the National Police in Cali. Álvaro Herrera and Sebastián Mejía reported that they were subjected to torture and other cruel and inhuman treatment during their detention.

INDIGENOUS PEOPLES' RIGHTS

On 9 May, in the context of the National Strike, the Minga Indígena was attacked by armed civilians, with the acquiescence of the National Police.⁴ Ten Indigenous people were seriously injured, including the Indigenous human rights defender, Daniela Soto.

In June, Hermilda Benítez Domico, from the Río Murindó Indigenous Reserve, and Oracio Carupia, an Embera Eyábida Indigenous person, died as a result of landmine explosions in Dabeiba municipality, Antioquia department.

On 28 September, the Ombudsperson's Office issued Early Warning 022 in response to the risk of forced recruitment of Indigenous children and adolescents in the town of La Pedrera, Amazonas department, by FARC-EP dissidents.

GENDER-BASED VIOLENCE

The Black Communities Process reported that between 28 April and July there were at least 15 cases of gender-based violence against Black women in the context of protests in Cali. In addition, the NGO Temblores reported that 491 women experienced police violence in the context of demonstrations and 35 were victims of sexual violence by state officials.

In July, the Cinco Claves civil society network presented a report to the Special Jurisdiction for Peace (JEP), requesting that a national case be opened into sexual violence, reproductive violence and violence motivated by the sexual orientation and/or gender identity of the victims in the context of the armed conflict. In addition, the National Association of Displaced Afro-Colombians presented a report that documented 109 cases of sexual violence committed in the context of the armed conflict against Afro-Colombian women and girls.

On 18 October, the Inter-American Court of Human Rights issued a historical ruling in the case of journalist Jineth Bedoya against Colombia, declaring the state responsible for her physical, sexual and psychological torture in 2000.

SEXUAL AND REPRODUCTIVE RIGHTS

In November, the Constitutional Court failed to issue a ruling on a lawsuit filed in 2020 by the civil society network Causa Justa to decriminalize abortion. A ruling was expected in January 2022.

LGBTI PEOPLE'S RIGHTS

According to the NGO Caribe Afirmativo, five LGBTI people were victims of police violence in the context of protests between 28 April and 10 June.

On 21 May, a young gay man participating in a protest was arbitrarily detained and sexually assaulted at a police station in Soledad, Atlántico department. A guard reportedly incited inmates to sexually abuse him when they learned of his sexual orientation.

HUMAN RIGHTS DEFENDERS

According to the Centre for Research and Popular Education, eight Indigenous human rights defenders were killed in the departments of Cauca, Nariño, Putumayo and La Guajira during the first half of the year: Carmen Ofelia Cumbalaza, a pre-candidate for the Municipal Council of the Movement of Indigenous Authorities of Colombia; María Bernarda Juajibioy; Gilberto Findicué; Aura Esther García; Fernando Esneider Lozada; Geovanny Cabezas, youth leader and Indigenous guard of the Kwe'sx Kiwe Nasa Reserve; and Oneida Argenis Yatacué and her husband Marcelino Yatacué. Between January and 31 October, the OHCHR received 180 allegations of homicides of human rights defenders, of which it verified 67. The highest number of reported killings of human rights defenders were in the departments of Valle del Cauca (31), Cauca (10) and Antioquia (six).

According to the NGO Programa Somos Defensores, between January and September there were 501 threats, 86 killings and 72 attempted killings targeting human rights defenders, 41.6% of which occurred in the context of the National Strike.

The environmentalist Jani Silva was forced to move from her residence in Puerto Asís,

Putumayo department on 23 July when a plan to assassinate her came to light.⁵

On 14 December, Temblores denounced alleged monitoring and interception orders against its members by the Attorney General's Office. The human rights organization documented police violence and represented victims of human rights violations in the context of protests.

FORCED DISPLACEMENT AND CONFINEMENT

According to the UN Office for Humanitarian Affairs, 60,751 people were forcibly displaced, mainly in Chocó, Cauca, Nariño and Norte de Santander departments, and 50,969 people were forcibly confined, meaning they were forced to stay in territories with limited access to food, drinking water and basic services because of the armed conflict. The overwhelming majority of those affected (95%) were Indigenous people or members of Afro-descendant communities.

In July, 4,099 people were forcibly displaced in the town of Ituango, Antioquia department, due to the territorial dispute between FARC-EP dissidents and the Gaitanista Self-Defence Forces of Colombia, a paramilitary group.

VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW

Crimes under international law and human rights violations and abuses in the context of the internal armed conflict continued to claim victims, particularly in rural areas. According to the NGO Dejusticia, on 2 March, three minors were killed when the armed forces bombed a FARC-EP dissident camp in Guaviare department. On 5 July, 17-year-old Yeison Stiven Yule Pequi, from the Altamira Indigenous Reserve, died following a bombing raid by the National Army on a FARC-EP dissident camp in Caquetá department. On 16 September, four minors were killed in a bombing raid by the army on an ELN camp in Chocó department.

On 9 October, two Venezuelan minors were killed, one of them belonging to the bi-national Wayuu Indigenous people, in Tibú

municipality, Norte de Santander department, by armed actors who exercise territorial control in the area.

As of 31 October, the OHCHR confirmed that there had been 43 massacres (the killing of three or more people at the same time and place and by the same alleged perpetrator) and a further 36 were being verified.

IMPUNITY

On 28 January, the JEP charged eight members of the former FARC-EP Secretariat with crimes against humanity and war crimes.

In July, in two separate decisions, the JEP charged 25 former army officials in connection with 127 extrajudicial executions in the Catatumbo region on the northern Caribbean coast between 2002 and 2003, and 120 similar executions between 2007 and 2008. The killings had been falsely presented as rebels killed in combat (known as “false positives”).

Also in July, the Constitutional Court decided to transfer the case of Dilan Cruz, an 18-year-old protester who died at the hands of police in 2019, from the military courts to the civilian justice system.

On 28 October, the ICC prosecutor closed the preliminary examination into Colombia for war crimes and crimes against humanity and signed a cooperation agreement with the government.

REFUGEES' AND MIGRANTS' RIGHTS

On 8 February, the government announced the creation of the Temporary Protection Statute for Venezuelan migrants and refugees to allow their status to be regularized for a period of 10 years.

According to the Regional Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela, as of August, 1,842,390 migrants and refugees from Venezuela remained in Colombia, of whom 1,182,059 had begun their migration regularization process.

On 30 March, the Ombudsperson's Office reported a humanitarian crisis in the department of Arauca due to the arrival of

more than 4,000 people from Venezuela in need of international protection following military operations between the Venezuelan army and armed groups along the border.

In October, between 15,000 and 20,000 migrants and asylum seekers from countries including Haiti, Senegal and Ghana remained stranded in the municipality of Necoclí, Antioquia department, a key transit point for people seeking to cross to Panama. Three people were found dead on 12 October after a boat sank en route from Necoclí to San Blas in Panama.

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1. *Colombia: Protect Journalist at Risk* (Index: AMR 23/4654/2021), 27 August
 2. *Colombia: Amnesty International, PAIS and Temblores, Shoots on Sight: Eye Trauma in the Context of the National Strike* (Index: AMR 23/5005/2021), 26 November
 3. *Colombia: Cali: In the Epicenter of Repression: Human Rights Violations During the 2021 National Strike in Cali* (Index: AMR 23/4405/2021), 30 July
 4. "Colombia: Urgent call for a cease to violence against Indigenous Peoples in the context of the National Strike", 9 May
 5. "Colombia: Amnesty International publishes a 'Letter from the world' demanding protection for defender Jani Silva", 22 April

CONGO (THE)

The Republic of the Congo

Head of state: Denis Sassou Nguesso

Head of government: Anatole Collinet Makosso
(replaced Clément Mouamba in May)

Repression of critical voices continued, with violations of the right to freedom of expression, and arbitrary detention of human rights defenders and civil society activists. Women remained under-represented in decision-making bodies. Insufficient efforts were made to guarantee the accessibility, availability and quality of healthcare and facilities. Environmental damage was caused by mining activities.

BACKGROUND

President Sassou Nguesso was re-elected in March with 88.5% of the vote for a fourth successive term, and after 36 years in power over two separate periods. The integrity of the

electoral process was contested by the opposition and civil society organizations.

The economic and social situation continued to deteriorate, due to the decline in oil revenue, public debt amounting to US\$10 billion, and the Covid-19 pandemic. There were ongoing court cases about charges of corruption involving people close to the president.

In November, the state of emergency was extended for the 27th time since March 2020, imposing restrictive measures to fight the Covid-19 pandemic.

ARBITRARY DETENTION

Civil society activists who were critical of the electoral process or who denounced human rights violations faced judicial harassment.

Alexandre Ibacka Dzabana, coordinator of the Congolese Platform of Human Rights and Democracy NGOs, and Chryst Dongui, vice-president of the association Ras le Bol, were both arrested outside their houses by unidentified men, on 11 March and 25 March respectively. The day before his arrest, Chryst Dongui had attended a press conference to denounce alleged irregularities in the electoral process. Alexandre Ibacka Dzabana had helped to organize a demonstration scheduled for 6 March to call for an inclusive national dialogue between the government, opposition parties and civil society organizations, and the release of political prisoners. The demonstration was banned by the authorities. The men, both human rights activists, were not brought before a prosecutor until 9 April, in contravention of Congolese law, and charged with breach of the state security. They were then sent to Brazzaville central prison where they were held until their release on 13 July, pending trial. During his detention the health of Alexandre Ibacka Dzabana, aged 77, seriously deteriorated but he was denied access to a doctor.

Jean-Marie Michel Mokoko, former candidate for the 2016 presidential election, returned to prison in October after having spent a year in the military hospital of Brazzaville. He was sentenced in 2018 to 20