

In July, the High Court disqualified four elected pro-democracy legislators – Nathan Law, Leung Kwok-hung, Lau Siu-lai and Yiu Chung-yim – for failing to meet the requirements specified in the National People's Congress Standing Committee's interpretation of the Hong Kong Basic Law when they took their oaths of office in October 2016.

In August, the Court of Appeal sentenced Joshua Wong, Alex Chow and Nathan Law to six, seven and eight months' imprisonment respectively for their part in a student-led demonstration in September 2014 which triggered the Umbrella Movement. Joshua Wong and Alex Chow had been found guilty in 2016 of "taking part in an unlawful assembly" and Nathan Law of "inciting others to take part in an unlawful assembly". A magistrates' court originally ordered community service or suspended sentences but prosecutors successfully appealed, seeking harsher penalties.¹⁰ Joshua Wong and Nathan Law were released on bail in October and Alex Chow in November pending their appeals.

The District Court sentenced seven police officers to two years' imprisonment in February for assaulting protester Ken Tsang during the Umbrella Movement protests.

After the sentencing, China's state mouthpieces initiated an orchestrated campaign attacking Hong Kong's judiciary. Appeals were pending at year end.

RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE

In April, the Court of First Instance ruled that the government's refusal to extend work benefits to the same-sex husband of a civil servant was discrimination based on sexual orientation.

In September, the Court of Appeal ruled that the Immigration Department's refusal to grant a dependant visa to the same-sex civil partner of a foreign professional on a work visa was discriminatory. The government appealed against the decisions in both cases.

MACAO SPECIAL ADMINISTRATIVE REGION

In August, the Macao government stopped four Hong Kong journalists from entering Macao to report on the destruction and clean-up work of Typhoon Hato, which media reported caused 10 deaths. In December, Macao's legislature voted to suspend pro-democracy lawmaker Sulu Sou and to remove his legislative immunity. He was elected in September and charged in November for taking part in a May 2016 peaceful protest against Macao's Chief Executive.

1. China: Submission on the draft "National Intelligence Law" ([ASA 17/6412/2017](#))
2. China: Submission on the draft "Supervision Law" ([ASA 17/7553/2017](#))
3. Liu Xiaobo: A giant of human rights who leaves a lasting legacy for China and the world ([Press release](#), 13 July)
4. Further information: China – lawyer on bail remains under tight surveillance: Xie Yang ([ASA 17/6307/2017](#))
5. China: Taiwanese activist sentenced to five years in jail ([Press release](#))
6. Why China must scrap new laws that tighten the authorities' grip on religious practice ([News story](#), 31 August)
7. China's deadly secrets ([ASA 17/5849/2017](#))
8. China: Disclose the whereabouts of two Tibetans who attempted self-immolation ([ASA 17/6098/2017](#))
9. China: Uighur woman incommunicado after secret trial – Buzainafu Abudouexiti ([ASA 17/7168/2017](#))
10. Hong Kong: Freedom of expression under attack as scores of peaceful protesters face "chilling" prosecutions ([News story](#), 26 September)

COLOMBIA

Republic of Colombia

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

The civilian population, especially Indigenous Peoples, Afro-descendant and peasant farmer communities, and human rights defenders, continued to be the main victims of the ongoing armed conflict. Although official figures indicated that there was a decrease in the number of civilians killed in military actions involving

the Revolutionary Armed Forces of Colombia (FARC) and the Colombian security forces from the start of the negotiations to signing of the Peace Agreement in 2016, the armed conflict persisted in 2017 and in some parts of the country it seemed to have intensified. Concerns remained about impunity for crimes committed during the armed conflict. Security forces used excessive force, sometimes causing civilian deaths. Violence against women, particularly sexual violence, persisted.

INTERNAL ARMED CONFLICT

PEACE PROCESS

On 11 October, the Constitutional Court gave backing to the Peace Agreement signed by the Colombian government and the FARC guerrilla group on 24 November 2016. However, at the end of 2017 legislation had yet to be implemented for most of the points in the Peace Agreement.

During separate negotiations in Quito, Ecuador, between the National Liberation Army (ELN) guerrilla group and the Colombian government, the parties declared on 4 September that a bilateral ceasefire would take effect from 1 October until early 2018. The ceasefire was declared in principle for a period of four months, after which the Colombian government and the ELN would begin to discuss a possible peace agreement. However, from October there were various reports of ELN attacks against civilians in contradiction of the ceasefire agreement. ELN acknowledged one such attack: the killing of Aulio Isaramá Forastero, an Indigenous leader from Chocó, by ELN members on 24 October. Civil society organizations in the Department of Chocó issued a call for a “Humanitarian Agreement Now”, directed at the national government and the ELN guerrillas, in order to implement concrete humanitarian actions to stop ethnic communities in Chocó continuing to be put at risk by confrontations in their territories.

Between 28 January and 18 February, 6,803 FARC guerrillas moved into 26 demobilization zones with the support of the

UN Monitoring and Verification Mission in Colombia established by UN Security Council resolution 2261 (2016). The process to verify FARC disarmament, which was due to be completed in 180 days, began on 1 March. On 27 June, the process of surrendering of weapons by individuals ended, and on 15 August the process of removing arms and munitions from the 26 FARC camps was completed. In accordance with the Peace Agreement, the UN Security Council adopted resolution 2377 (2017) approving a second verification mission on the political, economic and social reintegration of FARC members, which commenced on 26 September.

Despite the stipulations in the “Ethnic Chapter” of the Peace Agreement, there were complaints about the lack of guarantees for the effective participation of Indigenous Peoples and Afro-descendant communities in the implementation of the Agreement. On 21 September, members of the Permanent Bureau for Co-ordination with Indigenous Peoples and Organizations declared themselves to be in a state of emergency and permanent assembly to demand that the provisions of the Peace Agreement be fully complied with.

CIVILIAN VICTIMS OF THE ARMED CONFLICT

The Unit for the Victims’ Assistance and Reparation, created in 2011 by Law 1148, recorded a total 8,532,636 victims for the five-decade duration of the armed conflict. This included 363,374 victims of threats, 22,915 victims of sexual offences, 167,809 victims of enforced disappearance, 7,265,072 victims of forced displacement and 11,140 victims of anti-personnel mines. Crimes against 31,047 victims of the armed conflict were recorded for the first time between January and October 2017.

In the departments of Chocó, Cauca, Antioquia and Norte de Santander, among others, crimes under international law and human rights violations persisted, including targeted killings of members of Afro-descendant communities and Indigenous Peoples, collective forced displacements, the forced confinement of communities within their territories (limiting their freedom of

movement and access to essential services and food), the forced recruitment of children, sexual violence, and the use of anti-personnel mines.

Despite the signing of the Peace Agreement, the armed conflict intensified in some areas of Colombia as a result of armed confrontations between ELN guerrillas, paramilitary groups and state forces seeking to fill the power vacuum left by the demobilized FARC guerrillas. On 27 November, 13 people were killed as a result of a confrontation between FARC dissidents and ELN members in Magüí Payán Nariño department. There were complaints about the weak state presence in areas that were historically controlled by the FARC, which facilitated incursions and control by other illegal armed groups, putting Afro-descendant and peasant farmer communities and Indigenous Peoples at risk.

Paramilitary structures continued to operate in various parts of the country, despite their supposed demobilization under the terms of Law 975, passed in 2005. There were reports of paramilitary attacks and threats against leaders of the Peace Community of San José de Apartadó in the department of Antioquia.¹ On 29 December, armed men attempted to kill Germán Graciano Posso, the legal representative of the community. Other community members disarmed them, but were injured in the process. The Peace Community had sought to distance itself from the armed conflict by formally refusing to allow state security forces, guerrilla groups or paramilitary groups to enter their territory. Despite their efforts to remain neutral, people living in San José de Apartadó continued to be victims of attacks, torture, sexual abuse and forced displacement at the hands of all parties to the conflict.

There were reports of paramilitary incursions in the department of Chocó, in northwestern Colombia, particularly affecting Afro-descendant communities and Indigenous Peoples. On 8 February, a group of paramilitaries belonging to the Gaitanista Self-Defence Forces entered the Humanitarian Zone of Nueva Esperanza en

Dios, in the Cacarica River Basin, department of Chocó, searching for several people said to be on a “death list”.² On 6 March, a paramilitary incursion was reported in the town of Peña Azul, municipality of Alto Baudó, Chocó, which resulted in the large-scale displacement of families and the forced confinement of many people within their communities near Peña Azul.³ On 18 April, residents of Puerto Lleras in the Jiguamiandó collective territory, Chocó, reported that they had received threats and that there had been a paramilitary incursion into the Humanitarian Zone of Pueblo Nuevo that put all the inhabitants at risk.⁴

Indigenous Peoples and Afro-Colombian communities continued to be at risk from anti-personnel mines on their territory; the laying of such mines is a grave violation of international humanitarian law. On 11 July, Sebastián Carpio Maheche, from the Wounaan Indigenous community of Juuin Duur in the Embera Wounaan Katio de Quiparadó Reserve in the municipality of Riosucio, Chocó, was injured by an exploding anti-personnel mine.⁵

Clashes between ELN guerrillas, the security forces and paramilitary groups put Indigenous Peoples and Afro-Colombian communities at serious risk.⁶ According to the National Indigenous Organization of Colombia, between 1 November 2016 and 31 July 2017, 3,490 Indigenous people were victims of mass forced displacements, 827 were subjected to forced confinement, 115 received threats and 30 were killed, including community leaders.

The ELN abducted two Dutch journalists on 19 June in the area of El Tarra, Norte de Santander. Both were released on 24 June. According to the Office of the Ombudsperson, hostage-taking by ELN guerrillas continued.

REPARATION FOR VICTIMS

Point 5 of the Peace Agreement created the “Truth, Justice, Reparation and Non-repetition System”, which included the Special Jurisdiction for Peace and judicial mechanisms such as a unit for investigating and dismantling the criminal organizations

that succeeded paramilitarism. Point 5 also defined the position regarding reparations for the victims of the armed conflict. In this context, victims of the armed conflict demanded guarantees of access to justice, as well as guarantees of the right to truth and reparation and, especially, of non-repetition of abuses such as forced displacement and sexual violence, for Indigenous, Afro-descendant and peasant farmer communities at risk. These demands had yet to be met, and the long-term viability of the Peace Agreement was threatened due to the perpetrators of crimes under international law, including war crimes, crimes against humanity and human rights abuses not being brought to justice.

In April Legislative Act No.1 of 2017 was adopted, to ensure Congress would pass legislation implementing Point 5 of the Peace Agreement. One of its provisions provided for the separate – and privileged – treatment of state agents before the law, to the detriment of the rights of victims of crimes by the state in the context of the armed conflict. The law also provided for the possibility that the state would not pursue criminal prosecutions in certain cases – although how this would be implemented was not clear – potentially breaching the obligation of the state to investigate, prosecute and punish grave violations of human rights, undermining the rights of victims to truth and full reparation. On 27 November, Congress approved the Special Jurisdiction for Peace.

POLICE AND SECURITY FORCES

There were allegations of deliberate killings by state forces and allegations of excessive use of force by the Mobile Anti-Riot Squad (ESMAD) during protests in Chocó, Valle del Cauca, Cauca and Catatumbo.

Inhabitants of Buenaventura on the Pacific coast reported police repression of peaceful demonstrations which were part of the “Civic Strike” declared on 16 May to demand that the Colombian government guarantee economic, social and cultural rights and the right of the city’s inhabitants to participate in the implementation of the Peace Agreement

with the FARC. Police, army and navy officers were present in the area. Protesters reported that tear gas was used against peaceful demonstrators. The Ombudsperson reported that approximately 205 children as well as 10 pregnant women and 19 elderly people suffered health complications as a result. In total, health problems as a result of exposure to tear gas were reported by 313 people, and 16 people sustained gunshot injuries or trauma from blunt objects. The “Civic Strike” ended on 7 June.

One Indigenous man, Felipe Castro Basto, was reported to have died in the municipality of Corinto, in the North of Cauca, when ESMAD opened fire on a demonstration by 200 Indigenous people.

The Association of Community Councils Mira, Nulpe and Mataje (Asominuma) reported that, on 5 October, security forces killed nine peasant farmers by indiscriminately firing at a peaceful demonstration in Tumaco (Nariño).

HUMAN RIGHTS DEFENDERS

Human rights defenders continued to be the victims of threats and targeted killings. The Office of the UN High Commissioner for Human Rights reported that at least 105 human rights defenders were killed in Colombia during the year. There was continuing concern over the increase in the number of attacks against defenders, especially community leaders; defenders of land, territory and the environment; and those campaigning in favour of the signing of the Final Agreement with the FARC. There continued to be an alarming rate of attacks against defenders of the rights of Indigenous and Afro-descendant people, peasant farmers and women, calling into question the implementation of the Peace Agreement.

According to the organization Somos Defensores, the number of killings of defenders increased by 31% in the first half of the year compared to the same period in 2016. The killings of women exercising any kind of leadership role increased compared to 2016, with seven such killings occurring in the first six months of 2017.

There were reports of killings of Afro-descendant leaders. On 8 June, Afro-descendant human rights defender Bernardo Cuero Bravo of the National Association of Displaced Afro-Colombians in Malambo, Atlántico, was killed. He had been threatened and attacked many times on account of his work for the community and as a defender of those who had been forcibly displaced. Despite his repeated requests, he had not been granted any protection measures by the National Protection Unit.

In November and December, two land claimant leaders from collective Afro-descendant territories were killed by paramilitaries from the Gaitanistas Self-Defence Forces of Colombia. There were reports of at least 25 other leaders being threatened by paramilitaries in these areas during the year.

Many death threats against human rights defenders and other activists were attributed to paramilitary groups, but in most cases of killings it was difficult to identify which groups were responsible. However, the nature of the work carried out by the victims, many of whom were community leaders or land and environmental rights activists, suggested that several of them may have been killed because of their human rights work. Moreover, it appeared that denouncing abuses was perceived as a threat by regional and local economic and political interests, as well as by various armed groups, including paramilitaries.⁷

VIOLENCE AGAINST WOMEN AND GIRLS

The efforts of women's organizations ensured that the Peace Agreement established that people suspected of committing crimes of sexual violence would be required to appear before transitional justice tribunals. In addition, the Agreement confirmed that such crimes would not be subject to amnesties or pardons, although human rights groups had serious reservations as to whether this provision would be genuinely implemented.

Official statistics showed no progress in access to justice for women survivors of sexual violence, despite repeated allegations

by women's organizations of serious cases of sexual violence perpetrated during the year. According to the organization Sisma Mujer, between 1 January 2016 and 31 July 2017, the Ombudsperson issued 51 statements warning of the risk of sexual violence, including six reports and notes associated with women defenders/leaders, in which he highlighted the extraordinary risks faced by women leaders and human rights defenders.

Due to weak protection mechanisms, there was a heightened risk of gender-based violence, particularly domestic violence against women, in the context of the transition towards peace. Official figures recognized that following the demobilization of the United Self-Defence Forces of Colombia (AUC) in 2005 there was a 28% increase in cases of sexual violence in the communities where ex-combatants from the AUC were reintegrated. However, the government had yet to implement mechanisms for prevention and for ensuring care, assistance, protection and access to justice for women survivors of sexual violence, notably in communities where FARC guerillas were to be reintegrated during the year. There were also weaknesses in mechanisms to ensure that survivors of sexual violence are heard and can participate equally in all bodies responsible for implementing the Peace Agreement.

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1. Colombia: Paramilitary build-up in peace community ([AMR 23/5614/2017](#)); Colombia: Spike in attacks against peace community shows conflict still alive ([News story](#), 21 March)
 2. Colombia: Paramilitary incursion in humanitarian zone ([AMR 23/5685/2017](#))
 3. Colombia: Over 300 displaced due to paramilitary incursion ([AMR 23/5826/2017](#))
 4. Colombia: Further information: Continued paramilitary presence in Chocó ([AMR 23/6082/2017](#))
 5. Colombia: Wounaan Indigenous community in danger ([AMR 23/6774/2017](#))
 6. Colombia: Recent collective displacements and violence indicate the lack of non-repetition guarantees for Chocó's Indigenous Peoples and Afro-Colombian communities ([AMR 23/6946/2017](#))
 7. The human rights situation in Colombia – Amnesty International's written statement to the 34th Session of the UN Human Rights Council (27 February–24 March 2017) ([AMR 23/5573/2017](#))