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Reference: C.N.837.2008.TREATIES-25 (Depositary Notification)

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS  
NEW YORK, 16 DECEMBER 1966

COLOMBIA: NOTIFICATION UNDER ARTICLE 4 (3)

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

The above action was effected on 16 October 2008.

(Translation) (Original: Spanish)

Sir,

In accordance with the principles set forth in article 16 of Act No. 137 of 1994, and in consonance with article 4 of the International Covenant on Civil and Political Rights, I hereby inform you that, by Legislative Decree No. 3929 of 9 October 2008, a copy of which is appended hereto, a nationwide state of internal disturbance has been declared for 90 days.

The Government will continue to comply with the provisions of the Constitution, and will submit a report detailing the reasons for the declaration of the state of internal disturbance to Congress.

Accept, Sir, the renewed assurances of my highest consideration.

Attention: Treaty Services of Ministries of Foreign Affairs and of international organizations concerned. Depositary notifications are currently issued in both hard copy and electronic format. Depositary notifications are made available to the Permanent Missions to the United Nations at the following e-mail address: [missions@un.int](mailto:missions@un.int). Such notifications are also available in the United Nations Treaty Collection on the Internet at <http://untreaty.un.org>, where interested individuals can subscribe to directly receive depositary notifications by e-mail through a new automated subscription service. Depositary notifications are available for pick-up by the Permanent Missions in Room NL-300.

Department of the Office of the President

Decree No. 3929 of 2008 declaring a state of internal disturbance

The President of the Republic of Colombia in exercise of the authority vested in him by article 213 of the Constitution

WHEREAS:

As provided for in article 213 of the Constitution of Colombia, the President of the Republic, in the event of a grave disturbance of public order posing an imminent threat to institutional stability, the security of the State and social harmony, may declare a state of internal disturbance nationwide or locally and take the necessary measures to resolve the causes of the disturbance and to prevent it from spreading;

The system of administration of justice is not functioning normally and properly, thereby imperilling institutional stability and the proper functioning of the judiciary to the grave detriment of public and social order;

This situation prevents the State from achieving its goals of serving the community, promoting general prosperity, guaranteeing effective enjoyment of the rights enshrined in the Constitution and ensuring social harmony among citizens and the effective enjoyment of a just order;

The National Police, Department of Citizen Safety, Strategic Information Unit, reports that the past 35 days have seen the release of over 2,720 people arrested on charges of homicide, personal injury, theft and drug trafficking, inter alia, resulting in serious harm to the general interest, public order, the security of the State and social harmony;

The Attorney General reports the imminent release from prison, on the expiration of time limits in criminal proceedings against parties charged with offences connected with the tragic events surrounding the taking of the Supreme Court building, kidnapping and other serious offences; this constitutes a factor undermining public order and leading to instances of impunity with a failure to protect fundamental rights and imminent destabilization of institutions, to the detriment of the rule of law enshrined in the Constitution;

As a consequence of the paralysation of judicial activities it is not possible to continue the investigation of a number of offences in the absence of a functioning accusatorial criminal system, resulting in freedom for those who kidnapped and subsequently murdered Santiago Lozano, a child in the village of Chía;

In various cases involving charges brought under the procedure established by Act No. 906 deadlines are approaching without the public prosecutor, within the 30 days provided for by the Act, being able to formulate charges, so that offences dealt with under this legislation may benefit from impunity;

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The Public Prosecutor's Office, headed by the Government Prosecutor, in view of the situation of the system of administration of justice in Colombia, which has ceased to function for the past 37 days, and bearing in mind that this is a fundamental public service required to function on an ongoing basis by constitutional mandate, respectfully requests the Government to take appropriate emergency measures in accordance with the powers granted under the Constitution, the Statute on the Administration of Justice and other related provisions;

The gravity of the situation manifestly imperils institutional stability, the security of the State and social harmony. These factors are an unequivocal indication of destabilization and pose an imminent threat to the proper functioning of legally constituted institutions, public order, and routine access to justice by citizens;

Judicial activity and the system of administration of justice are suffering from serious congestion problems which deny citizens access to justice in order to demand and secure the effective enjoyment of their rights;

As indicated in the report by the Development and Statistical Analysis Unit of the Supreme Council of the Judiciary, over 120,751 cases are awaiting judgements, while protection measures are pending in 36,986 cases, and 25,284 hearings have not been held, including 15,983 hearings relating to legal rights;

The normal powers of the police are not sufficient to prevent the release from prison of criminals and terrorists or to tackle the serious disruption referred to, given the paralysis of the judiciary, so that emergency measures are essential;

The national budget must cover new costs and appropriate budgetary and legal provisions must be adopted for the funding of the new expenditure needed to rectify the situation and allow the system of administration of justice to function normally;

It is necessary to guarantee the normal and proper functioning of the system of administration of justice, which has been adversely affected by the situation obtaining today.

#### DECREES:

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Article 1. The declaration of a nationwide state of internal disturbance for a period of 90 days from the entry into force of this Decree.

Article 2. That the present Decree shall enter into force on the date of its publication.

Hereby notified, published, and in force.

Done at Bogotá, DC

(Signed) Fabio Valencia Cossio  
Minister of the Interior and of Justice

(Signed) Adriana Mejía Hernández  
Deputy Minister for Foreign Affairs  
Head of the Office of the Minister of Foreign Affairs

(Signed) María Cristina Gloria Inés Cortés Arango  
Deputy Minister of Finance and Public Credit  
Head of the Office of the Minister of Finance and Public Credit

(Signed) General Freddy Padilla de León  
Commander General of the Armed Forces  
Head of the Office of the Minister of Defence

(Signed) Andrés Felipe Arias Leyva  
Minister of Agriculture and Rural Development

(Signed) Diego Palacios Betancourt  
Minister of Social Protection

(Signed) Hernán Martínez Torres  
Minister of Mines and Energy

(Signed) Eduardo Muñoz Gómez  
Deputy Minister for External Trade  
Head of the Office of the Minister of Trade, Industry and Tourism

(Signed) Cecilia Vélez White  
Minister of Education

(Signed) Juan Lozano Ramírez  
Minister of the Environment, Housing and National Development

(Signed) María del Rosario Guerra de la Espriella  
Minister of Communications

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(Signed) Andrés Uriel Gallego Henao  
Minister of Transport

(Signed) Paula Marcela Moreno Zapata  
Minister of Culture

10 November 2008

A handwritten signature in black ink, consisting of a stylized, cursive 'P' followed by a flourish.

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