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INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

NEW YORK, 16 DECEMBER 1966

GUATEMALA: 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 15 July 2010.

(Translation) (Original: Spanish)

J/I /831

New York, 3 June 2010

Sir,

I have the honour to inform you, in your capacity as depositary of the International Covenant on Civil and Political Rights, the following notification by the Government of Guatemala in accordance with article 4, paragraph 3, of the Covenant.

In this connection, on 27 May 2010, the President of the Republic of Guatemala, in the Council of Ministers, issued the Government Decree 14-2010 declaring a disaster emergency in the territory of the Departments of Escuintla, Sacatepéquez and Guatemala for a period of 30 days, from the entry into force of the Decree, owing to the eruption of the Pacaya volcano.

Subsequently, Mr. Álvaro Colom Caballeros, President of the Republic of Guatemala, in the Council of Ministers, issued Government Decree No. 15-2010 dated 29 May 2010 declaring a national disaster emergency for a period of 30 days from the entry into force of the Decree, owing to the natural disaster caused by tropical storm Agatha and the continuous rains affecting the country.

In this connection, I request your good offices in communicating the contents of this notification and the respective Government decrees attached herewith to the other States parties.

Accept, Sir, the assurances of my highest consideration.

(Signed) Gert Rosenthal
 Permanent Representative

Guatemala City, 31 May 2010

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Sir,

I have the honour to inform you, in accordance with article 4, paragraphs 1 and 3, of the International Covenant on Civil and Political Rights, that on 27 May 2010, Mr. Álvaro Colom Caballeros, President of the Republic of Guatemala, in the Council of Ministers, issued Government Decree 14-2010 declaring a disaster emergency in the territory of the Departments of Escuintla, Sacatepéquez and Guatemala for a period of 30 days, from the entry into force of the Decree, owing to the eruption of the Pacaya volcano.

The declaration was issued with a view to safeguarding the well-being, safety and freedom from disturbance of persons and their property in the above-mentioned departments, and to prevent or reduce the impacts of the eruption.

In this connection, measures were adopted that partially restrict the content of articles 12 and 21 of the International Covenant on Civil and Political Rights, including:

1. Centralization under the National Coordinating Office for the Reduction of Natural or Man-made Disasters (CONRED) of all activities to prevent, mitigate or respond to the harmful effects of the volcanic eruption, in the manner and under the conditions the situation requires;
2. Prohibition of vehicular movement and parking in designated places or areas and at designated times, restriction of departure by vehicle from populated districts or inspection of vehicles;
3. Restriction of the right to free movement and positioning of cordons to restrict vehicular traffic and prevent individuals from gaining access to affected areas, as circumstances require;
4. Encouragement of the relocation of inhabitants of homes in areas declared "High Risk";
5. Requirement that individuals provide whatever assistance and cooperation is necessary to ensure adequate management of the situation in affected areas; and
6. Orders to evacuate the residents of areas affected or likely to be affected.

In addition, Mr. Álvaro Colom Caballeros, President of the Republic of Guatemala, in the Council of Ministers, issued Government Decree No. 15-2010 of 29 May 2010 declaring a national disaster emergency for a period of 30 days from the entry into force of the Decree, owing to the natural disaster caused by tropical storm Agatha and the continuous rains affecting the country.

In this connection, measures that partially restrict the content of articles 12 and 21 of the International Covenant on Civil and Political Rights were adopted, including:

1. Centralization under the National Coordinating Office for the Reduction of Natural or Man-made Disasters (CONRED) of all activities to prevent, mitigate or respond to the harmful effects of tropical storm Agatha and the continuous rains affecting the country;
2. Prohibition of vehicular movement and parking in designated places or areas and at designated times, restriction of departure by vehicle from populated districts or inspection of vehicles;

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3. Suspension of public services, and, as required, of services provided by private companies;
4. Determination of the conditions under which the rights to strike or protest may be exercised, or prohibition or suspension of such activities when they are politically motivated;
5. Restriction of the right to hold public meetings, demonstrations or other displays, and, as appropriate, prevention of such gatherings, even when they are of a private nature;
6. Dispersal by force of any group, public meeting or demonstration either held without due authorization or held with such authorization but involving the use of weapons or other means of violence. Such meetings shall be dispersed if participants remain against orders to disband;
7. Restriction of the right to free movement through the establishment of safety cordons, restriction of vehicular traffic and prevention of entry to and exit from affected areas or zones, as circumstances should require;
8. Orders to evacuate the residents of affected "High Risk" regions or areas;
9. Requirement that individuals provide whatever assistance and cooperation is necessary to ensure adequate management of the situation in affected areas;
10. Establishment of maximum or minimum prices for essential goods and prevention of the hoarding of such items.

Accordingly, I should be grateful if you would inform the other States parties to the Convention.

Accept, Sir, the assurances of my highest consideration.

(Signed) Miguel Ángel Ibarra G.
Deputy Minister for Foreign Affairs
Head of Office

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Government Decree No. 14-2010

The President of the Republic

Whereas:

While it is the obligation of the State and its authorities to afford the residents of the nation the full enjoyment of the rights guaranteed under the Political Constitution of the Republic, in cases of disaster emergency the full exercise of certain rights may be suspended by virtue of a declaration by the President of the Republic in the Council of Ministers categorizing the nature and gravity of the given situation, applying such relevant legal measures as are strictly necessary in accordance with the Public Order Act.

Whereas:

The consequences of the eruption of the Pacaya volcano have particularly affected the Departments of Escuintla, Sacatepéquez and Guatemala, resulting in personal and material losses, and with a view to safeguarding the well-being, safety and freedom from disturbance of persons and their property, and to prevent or reduce the effects of the disaster emergency, urgent measures are imperative, requiring the issuance of a Government Decree declaring a disaster emergency in the above-mentioned departments.

Therefore:

In exercise of the functions conferred under articles 138 and 183, paragraphs (e) and (f) of the Political Constitution of the Republic of Guatemala and on the basis of articles 1, 2, 14 and 15 of the Public Order Act.

In the Council of Ministers

Hereby decrees:

Article 1. Declaration. A disaster emergency is hereby declared in the departments of Escuintla, Sacatepéquez and Guatemala, owing to the eruption of the Pacaya volcano.

Article 2. Justification. The disaster emergency is declared with a view to safeguarding the well-being, safety and freedom from disturbance of persons and their property in the above-mentioned departments, and consequently, to prevent or reduce the effects of the eruption.

Article 3.* Duration. The disaster emergency is declared for a period of 30 days from the entry into force of the present Government Decree.

* Article 1 of Government Decree No. 16-2010 of 5 July 2010 extended the duration of the disaster emergency by 30 additional days.

* Article 1 of Government Decree No. 17-2010 of 2 August 2010 extended the duration by 30 additional days.

Article 4.* Restricted rights. In the Departments of Escuintla, Sacatepéquez and Guatemala,

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the full exercise of the rights recognized in article 5 of the Constitution are only restricted in reference to the following: "Every person has the right to do what the law does not prohibit and is not required to comply with orders that are not based on and issued in accordance with the law." The rights recognized in article 26 of the Constitution are also restricted for the period indicated in Article 3 of the present Decree.

* Amended in article 5 of Congressional Decree No. 23-2010 of 14 June 2010.

Article 5. Measures. Throughout the duration of the disaster emergency, the following measures shall be established:

1. Centralization under the National Coordinating Office for the Reduction of Natural or Man-made Disasters (CONRED) of all activities to prevent, mitigate and respond to the harmful effects of the volcanic eruption in the manner and under the conditions the situation requires;
2. Prohibition of vehicular movement and parking in designated places or areas and at designated times, restriction of departure by vehicle from populated districts or inspection of vehicles;
3. Restriction of the right to free movement and positioning of cordons to restrict vehicular traffic and prevent individuals from gaining access to affected areas, as circumstances require;
4. Encouragement of the relocation of inhabitants of homes in areas declared "High Risk";
5. Requirement that individuals provide whatever assistance and cooperation is necessary to ensure adequate management of the situation in affected areas; and
6. Orders to evacuate the residents of areas affected or likely to be affected.

Article 6. Suspension of educational activities. The Ministry of Education shall address the need to suspend educational activities in both public and private institutions in the above-mentioned departments.

Article 7. Protection of persons and their property. The Ministry of the Interior shall immediately take all measures required to guarantee the safety of persons and their property, prevent any infringement of the law and ensure the maintenance of peace and public order.

Article 8. Collaboration. All agencies and departments under the Executive Branch as well as health sector agencies shall participate and collaborate within the scope of their responsibilities in implementing the actions prescribed by the National Coordinating Office for the Reduction of Natural or Man-made Disasters (CONRED) to guarantee the provision of basic public services.

Article 9. Convocation. The Congress of the Republic shall be informed of the contents of the present Government Decree pursuant to articles 138 and 139 of the Political Constitution of the Republic of Guatemala, and shall, in a timely manner, be presented with a report detailing the events and measures adopted during the emergency, in accordance with article 32 of the Public Order Act.

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Article 10. Entry into force. The present Government Decree shall enter into force immediately and shall be published in the Official Gazette of Central America.

Done at Guatemala City, 27 May 2010.

For publication and implementation

Álvaro Colom Caballeros

Rafael Espada
Vice-President of the Republic

Carlos Noel Menocal Chávez
Minister of the Interior

Vivian Haydée Mack Chang
Deputy Minister of Internal Administration
and Systems Development in the
Ministry of Finance
Head of Office

Miguel Angel Ibarra G.
Deputy Minister for Foreign Affairs
Head of Office

Dennis Alonzo Mazariegos
Minister of Education

Major General Abraham Valenzuela González
Minister of Defence

Josué Estuardo Villatoro Monterroso
Fifth Deputy Minister of Communications,
Infrastructure and Housing
Head of Office

Edgar Alfredo Rodríguez
Minister of Labour and Social Security

Rubén Estuardo Morales Monroy
Minister for the Economy

Juan Alfonso de León García
Minister of Agriculture,
Livestock and Food

Guillermo Enrique Echeverría Peralta
Deputy Minister of Public Health

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and Social Welfare

Romeo Augusto Rodríguez Menéndez
Deputy Minister of Energy and Mining
Head of Energy Sector
Head of Office

Jerónimo Lancerio Chingo
Minister of Culture and Sports

Luis Alberto Ferraté Felice
Minister of the Environment
and Natural Resources

Carlos Larios Ochaita
Secretary-General
Office of the President of the Republic

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Government Decree No. 15-2010

The President of the Republic

Whereas:

While it is the obligation of the State and its authorities to afford the residents of the nation the full enjoyment of the rights guaranteed under the Political Constitution of the Republic, in cases of disaster emergency, the full exercise of certain rights may be suspended by virtue of a declaration by the President of the Republic in the Council of Ministers categorizing the nature and gravity of the given situation, applying such relevant legal measures as are strictly necessary in accordance with the Public Order Act.

Whereas:

The consequences of tropical storm Agatha have affected the entire national territory, resulting in loss of human life and substantial material damage, seriously affecting the country's infrastructure and communications network, and with a view to safeguarding Guatemalan people's lives, well-being and safety, a Government Decree is required, declaring a disaster emergency throughout the national territory.

Therefore:

In exercise of the functions conferred under articles 138 and 183, paragraphs (e) and (f), of the Political Constitution of the Republic of Guatemala and on the basis of articles 1, 2, 14 and 15 of National Constituent Assembly Decree No. 7 (the Public Order Act).

Hereby decrees:

Article 1. Declaration. A disaster emergency is hereby declared throughout the national territory owing to the natural disaster caused by tropical storm Agatha and the continuous rains affecting the country.

Article 2. Justification. The disaster emergency is declared with a view to safeguarding Guatemalan people's lives, as well as their well-being and safety, which are threatened by the above-mentioned storm and associated rains.

Article 3.* Duration. The disaster emergency is declared for a period of 30 days from the entry into force of the present Government Decree.

* Article 1 of Government Decree No. 16-2010 of 5 July 2010 extended the duration of the disaster emergency by 30 additional days.

* Article 1 of Government Decree No. 17-2010 of 2 August 2010 extended the duration by 30 additional days.

Article 4.* Restricted rights. The full exercise of the rights recognized in article 5 of the Constitution are only restricted in reference to the following: "Every person has the right to do what the

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law does not prohibit and is not required to comply with orders that are not based on and issued in accordance with the law.” The rights recognized in article 26 and article 116, paragraph 2, of the Political Constitution of the Republic of Guatemala are restricted for the period indicated in Article 3 of the present Decree.

* Amended in article 2 of Congressional Decree No. 23-2010 of 14 June 2010.

Article 5.* Measures. Throughout the duration of the disaster emergency, the following measures shall be established:

1. Centralization under the National Coordinating Office for the Reduction of Natural or Man-made Disasters (CONRED) of all activities to prevent, mitigate and respond to the harmful effects of tropical storm Agatha and the continuous rains affecting the country;
2. Prohibition of vehicular movement and parking in designated places or areas and at designated times, restriction of departure by vehicle from populated districts or inspection of vehicles;
3. Deleted;
4. Determination of the conditions under which the rights to strike or protest may be exercised, or prohibition or suspension of such activities when they are politically motivated;
5. Restriction of the right to hold public meetings, demonstrations or other displays, and, as appropriate, prevention of such gatherings, even when they are of a private nature;
6. Deleted;
7. Restriction of the right to free movement through the establishment of safety cordons, restriction of vehicular traffic and prevention of entry to and exit from affected areas or zones, as circumstances should require;
8. Orders to evacuate the residents of affected “High Risk” regions or areas;
9. Requirement that individuals provide whatever assistance and cooperation is necessary to ensure adequate management of the situation in affected areas;
10. Prevention of the hoarding of essential goods.

* Article 3 of Congressional Decree No. 23-2010 of 14 June 2010 deleted paragraphs 3 and 6 and amended paragraph 10.

Article 6. Suspension of educational activities. The Ministry of Education shall address the need to suspend educational activities in both public and private institutions.

Article 7. Protection of persons and their property. The Ministry of the Interior shall immediately take all measures required to guarantee the safety of persons and their property, prevent any infringement of the law and ensure the maintenance of peace and public order.

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Article 8. Collaboration. All agencies and departments under the Executive Branch as well as health sector agencies shall participate and collaborate within the scope of their responsibilities in implementing the actions prescribed by the National Coordinating Office for the Reduction of Natural or Man-made Disasters (CONRED) to guarantee the provision of basic public services.

Article 9. Donations. Donations shall be allocated and recorded in the name of the State of Guatemala and coordinated by the National Coordinating Office for the Reduction of Natural or Man-made Disasters (CONRED). The donations received shall not be subject to the provisions set out in article 53, paragraph 3, of Decree No. 101-87 of the Congress of the Republic (Organic Law on the Budget).

Article 10. Acquisition of goods and services. Exemption from the requirement of a competitive bidding process, as set out in Decree No. 57-92 of the Congress of the Republic (State Contracting Act and rules), shall be authorized for the purchase of goods and services and contracting of labour to implement and supervise work related to the goals of the present Decree, under the strict responsibility of the appropriate departments.

Article 11. Convocation. The Congress of the Republic shall be informed of the contents of the present Government Decree pursuant to articles 136 and 136* of the Political Constitution of the Republic of Guatemala, and shall, in a timely manner, be presented with a report detailing the events and measures adopted during the emergency, in accordance with article 32 of the Public Order Act.

Article 12. Entry into force. The present Government Decree shall enter into force immediately and shall be published in the Official Gazette of Central America.

Done at Guatemala City, 29 May 2010.

For publication and implementation

Álvaro Colom Caballeros

Rafael Espada
Vice-President of the Republic

Carlos Noel Menocal Chávez
Minister of the Interior

Vivian Haydée Mack Chang
Deputy Minister of Internal Administration
and Systems Development in the Ministry of Finance
Head of Office

Miguel Angel Ibarra G.
Deputy Minister for Foreign Affairs
Head of Office
Dennis Alonzo Mazariegos
Minister of Education

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Major General Abraham Valenzuela González
Minister of Defence

Guillermo Andrés Castillo Ruiz
Minister of Communications,
Infrastructure and Housing

Edgar Alfredo Rodríguez
Minister of Labour and Social Security

Rubén Estuardo Morales Monroy
Minister for the Economy

Juan Alfonso de León García
Minister of Agriculture,
Livestock and Food

Ludwin Werner Ovalle Cabrera
Minister of Public Health and
Social Welfare

Romeo Augusto Rodríguez Menéndez
Deputy Minister of Energy and Mining
Head of Energy Sector
Head of Office

Jerónimo Lancerio Chingo
Minister of Culture and Sports

Luis Alberto Ferraté Felice
Minister of the Environment
and Natural Resources

Carlos Larios Ochaita
Secretary-General
Office of the President of the Republic

10 December 2010



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