

Reference: C.N.117.2016.TREATIES-IV.4 (Depositary Notification)

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

PERU: 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 17 March 2016.

(Translation) (Original: Spanish)

The Permanent Mission of Peru to the United Nations presents its compliments to the Treaty Section of the Office of Legal Affairs, United Nations Secretariat, and, in accordance with article 4 of the International Covenant on Civil and Political Rights, has the honour to inform it that, by Supreme Decree No. 003-2016-PCM, issued on 15 January 2016 (copy attached), the state of emergency declared in the District of Echarate in the Province of La Convención, Department of Cusco, has been extended for 60 days, with effect from 21 January 2016.

It should be recalled that the Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned place, the most recent communication being note No. 7-1-SG/64 of 11 December 2015.

During the state of emergency, the rights relating to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru and in articles 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, respectively, are suspended in order to consolidate peace in the area and in the country.

The Permanent Mission of Peru to the United Nations takes this opportunity to convey to the Secretariat the renewed assurances of its highest consideration.

New York, 16 March 2016

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Extension of the state of emergency declared in the District of Echarate in the Province of La Convención, Department of Cusco

Supreme Decree No. 003-2016-PCM

The President of the Republic

Considering:

That, by Supreme Decree No. 079-2015-PCM, issued on 12 November 2015, the state of emergency in the District of Echarate in the Province of La Convención, Department of Cusco, was extended for a period of sixty (60) calendar days, with effect from 22 November 2015;

That Supreme Decree No. 085-2015-PCM dated 10 December 2015 defined the scope of action of the armed forces and the National Police of Peru in the VRAEM regions which are currently under a state of emergency, directing their mission towards resisting remaining terrorists and directly combatting illegal drug trafficking and other illicit activities, respectively;

That, while the state of emergency referred to in the preceding paragraph is about to expire, the Director General of the National Police of Peru has reported, in note No. 07-2016-DIRGEN PNP/SA of 4 January 2016, that the circumstances that gave rise to the declaration of a state of emergency still prevail in the above-mentioned province and district; and that it is therefore necessary to extend the state of emergency in order to enable the population, through the presence and appropriate action of the National Police of Peru, to identify with the ends or objectives sought by the national Government, namely the consolidation of peace in the area and in the country as a whole;

That article 137, paragraph 1, of the Political Constitution of Peru provides that the extension of a state of emergency requires a new Supreme Decree;

That by Legislative Decree No. 1186, which regulates the use of force by the National Police of Peru, the use of force in the exercise of police functions, the levels of the use of force and the circumstances and rules of conduct concerning the use of force are defined;

That Legislative Decree No. 1095 establishes the legal framework governing the principles, forms, conditions and limits concerning the use of force by the armed forces within the national territory when discharging their constitutional duties by using their powers and enforcement capabilities to protect society and defend the rule of law in areas where a state of emergency has been declared in which the National Police of Peru is responsible for maintaining public order and that Part II thereof establishes the norms on the use of force by the armed forces in other violent situations;

In accordance with article 118, paragraphs 4 and 14, of the Political Constitution of Peru; and

With the approval of the Council of Ministers and subject to notification of the Congress of the Republic;

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Hereby decrees:

Article 1: Extension of the state of emergency

The state of emergency in the District of Echarate in the Province of La Convención, Department of Cusco, is hereby extended for a period of sixty (60) calendar days, with effect from 21 January 2016.

Article 2: Suspension of constitutional rights

During the state of emergency and in the location referred to in the preceding article, the constitutional rights relating to liberty and security of person, inviolability of the home and freedom of assembly and of movement within the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f) of the Political Constitution of Peru, shall be suspended.

Article 3: Maintenance of public order

The National Police of Peru shall be responsible for maintaining public order during the state of emergency declared in article 1 hereof.

The armed forces shall assist the National Police of Peru in achieving this objective in the District of Echarate in the Province of La Convención, Department of Cusco.

Article 4: Parameters of action by the armed forces and the National Police of Peru

The armed forces and the National Police of Peru shall act in accordance with Legislative Decree No. 1095 and Legislative Decree No. 1186, respectively, and in accordance with Supreme Decree No. 085-2015-PCM which stipulates that the armed forces focus their mission on combatting the activities of remaining terrorists and that the National Police of Peru focus their mission on combatting illegal drug trafficking and other illicit activities.

Article 5: Endorsement

The present Supreme Decree shall be endorsed by the President of the Council of Ministers, the Minister of Defence, the Minister of the Interior and the Minister of Justice and Human Rights.

Done at Government House, Lima, on 14 January 2016.

Ollanta Humala Tasso
Constitutional President of the Republic

Ana María Sánchez de Ríos
Minister for Foreign Affairs
Acting President of the Council of Ministers

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Jakke Valakivi Álvarez
Minister of Defence

José Luis Pérez Guadalupe
Minister of the Interior and
Acting Minister of Justice and Human Rights

7 April 2016

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the bottom.

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