

Reference: C.N.838.2016.TREATIES-IV.4 (Depositary Notification)

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 28 September 2016.

(Translation) (Original: Spanish)

J/1/1119  
New York, 27 September 2016

Sir,

I have the honour to inform you that on 19 September 2016, by Government Decree No. 5-2016, published on 20 September 2016 in the Official Gazette, the Government of Guatemala declared a state of emergency throughout Guatemala because of the heavy and constant rainfall affecting the country.

Subsequently, by Government Decree No. 6-2016 of 21 September 2016, published on 22 September 2016, the Government of Guatemala repealed Government Decree No. 5-2016, because of the differing and widespread interpretations among the population about the purposes for which the Decree had been issued.

In this connection, I request your good offices to transmit the attached Government Decrees to the Member States.

Accept, Sir, the assurance of my highest consideration.

*(Signed)* Jorge Skinner-Klée Arenales  
Ambassador  
Permanent Representative

J/1/1139  
New York, 3 October 2016

Sir,

I have the honour to write to you, further to Note No. J/1/1119 of 27 September 2016 concerning Decree No. 5-2016 published on 20 September 2016 and Decree No. 6-2016 published on 22 September 2016, whereby Guatemala declared and subsequently lifted the national state of emergency.

In this regard and in accordance with article 4 of the International Covenant on Civil and Political Rights, I wish to inform you that the Government of Guatemala has decided to revoke the suspension of the following articles under Government Decree No. 6-2016:

1. Article 12: Movement
2. Article 19: Freedom of expression
3. Article 21: Peaceful assembly
4. Article 22: Association

In this connection, I request your good offices in informing the States Parties of the specific provisions referred to above concerning derogation.

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

*(Signed)* Jorge Skinner-Klée Arenales  
Ambassador  
Permanent Representative

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**Executive Branch**  
**Office of the President of the Republic**  
**Declaring a state of emergency throughout the territory of the Republic, in particular in at-risk**  
**areas of municipalities, river mouths, rivers, settlements, basins, gorges and ravines.**  
**Government Decree No. 5-2016**  
**Guatemala City, 19 September 2016**

THE PRESIDENT OF THE REPUBLIC,

WHEREAS it is incumbent upon the State and its authorities to guarantee the inhabitants of the Republic full enjoyment of their rights under the Political Constitution of the Republic of Guatemala; the full application of some rights may be suspended during natural disasters, subject to a declaration by the President of the Republic, in concert with the Cabinet, assessing each individual situation according to its nature and gravity and applying such urgent legal measures as are strictly necessary in accordance with the provisions of the Public Order Act,

WHEREAS owing to continuous heavy rainfall throughout the territory of the Republic of Guatemala, all measures and actions must be taken as a matter of urgency to assist, reconstruct and rehabilitate vulnerable areas and take decisions and measures for the purpose of avoiding natural disasters which might jeopardize the population in general, to which end a decree is hereby issued declaring a state of emergency throughout the territory of the Republic of Guatemala,

WHEREAS the National Coordination Office for the Reduction of Natural and Man-made Disasters (CONRED) is an institution of the Guatemalan State established to prevent, mitigate and assist in dealing with the damage caused by disasters and to participate in rehabilitation and reconstruction, its functions are set forth in Legislative Decree No. 109-96 as coordinator of the activities of public and private entities to that end, and it is the overriding authority for measures to address natural or man-made disasters,

THEREFORE, in exercise of the powers conferred on him by articles 1, 2, 3, 138, 182 and 183 (f) of the Political Constitution of the Republic of Guatemala and on the basis of article 139 of the Constitution; and articles 1, 2, 6, 8, 25, 28, 31, 32, 34 and 36 of Decree No. 7 of the National Constituent Assembly: Public Order Act,

IN CONCERT WITH THE CABINET,

DECREES AS FOLLOWS:

Article 1. Declaration. A state of emergency is hereby declared throughout the territory of the Republic, in particular in at-risk areas of municipalities, river mouths, rivers, settlements, basins, gorges and ravines.

Article 2. Justification. The state of emergency is declared further to the identification of vulnerable areas by the National Coordination Office for the Reduction of Natural and Man-made Disasters (CONRED) as a result of landslides caused by continuous heavy rainfall in some municipalities and vulnerable areas of the Republic of Guatemala, which have damaged housing and caused loss of life, impairing production activities and human development.

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Article 3. Purpose. The purpose of the national state of emergency is to prohibit and prevent the population from remaining in, or having access to, certain areas classified as vulnerable or at risk; to take the necessary measures to mitigate the damage already caused by continuous heavy rainfall in order to prevent further consequences; to enable, in places where circumstances so warrant, the necessary actions to be taken to avoid or reduce the impact of the rainfall; and, above all, to protect the lives, physical integrity and safety of the affected, vulnerable or at-risk population and to safeguard their property.

Article 4. Period of application. The state of emergency is declared for a period of fifteen (15) days, beginning on the date that the present Decree enters into force.

Article 5. Rights subject to restriction. The full application of the rights set forth in articles 5 and 26 of the Political Constitution of the Republic of Guatemala shall be restricted for the period specified in the preceding article.

Article 6. Measures. During the state of emergency, the following measures shall be taken:

(a) All necessary measures shall be taken to deal with the damage resulting from continuous heavy rainfall throughout the territory of the Republic of Guatemala, which has triggered landslides that have deluged the community with mud and stones, causing loss of life and destroying housing in several municipalities of the Republic, and to mitigate the risk that this could present if the rain persists; these measures shall be taken in such manner, circumstances and places as the situation requires and shall be coordinated by the National Coordination Office for the Reduction of Natural and Man-made Disasters (CONRED);

(b) The right of liberty of movement shall be restricted and persons in affected or seriously at-risk locations shall be either removed from or allowed to remain in their homes, as circumstances require;

(c) Cordons sanitaires shall be established to restrict the movement of vehicles and prevent the entry of persons into affected or seriously at-risk areas, as circumstances require;

(d) All private individuals shall be required to provide the assistance and cooperation deemed essential for controlling the situation in affected areas more effectively;

(e) Residents of housing located in the so-called "high-risk" areas shall be encouraged to relocate, and priority shall be given to residents of those areas;

(f) The civilian and military authorities, under the coordination of the National Coordination Office for the Reduction of Natural and Man-made Disasters (CONRED), shall be ordered to take all necessary measures to protect and safeguard the lives, physical integrity, safety and property of persons living in the places in question and ensure the provision of basic and essential public services;

(g) Conditions on exercising the right to strike or declare work stoppages shall be established; strikes and work stoppages shall be prohibited or impeded if organized for political purposes;

(h) In vulnerable or at-risk areas, open-air meetings, public demonstrations or other events shall be restricted and, as necessary, prevented from taking place even when they are private;

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(i) Any group, meeting or public demonstration in which weapons might be used or acts of violence might occur shall be forcibly dispersed without prior warning; and

(j) Media and broadcasting agencies shall be ordered to refrain from publishing anything that in the opinion of the authority would contribute to or incite the disruption of public order. In the event of failure to comply with such prevention measures, and without prejudice to other measures, those responsible shall be charged with disobedience.

Article 7. Procurement. Under Decree No. 57-92 of the Congress of the Republic of Guatemala: State Contracting Act, as long as the state of emergency remains in force, public entities and units shall not be required to seek bids or quotations for the procurement of goods, supplies, works and services essential for addressing situations arising from the state of emergency declared by the present Government Decree which have caused, or could imminently cause, the suspension of public services. In any case, procurement processes shall be publicized as required by the implementing regulations of the State Contracting Act.

Article 8. Donations, humanitarian aid and assistance, recovery and related assistance. Donations, humanitarian aid and assistance, recovery and related assistance for providing assistance to, rehabilitating and rebuilding the territory of the Republic of Guatemala shall be addressed to and registered with the National Coordination Office for the Reduction of Natural and Man-made Disasters (CONRED) and duly supported by a request for international humanitarian aid and assistance issued through the Ministry of Foreign Affairs of the Republic of Guatemala, and shall in all cases comply with the customs, tariff and non-tariff requirements and rules in force in the country, which shall be communicated to international cooperating agencies along with the request for humanitarian assistance. Where donations are addressed to other public institutions or to national or international non-governmental organizations duly accredited and represented in the country, the addressee shall endorse them over to the National Coordination Office before undertaking the procedures for importing the donations. Imported donations shall be duly supported by the rules and requirements established by the National Coordination Office. In all cases, the entry of exempt donations shall remain under the control and supervision of the Tax Administration Superintendency (SAT). Recipients of donations that reach the country after the state of emergency has formally ended will have to comply with the ordinary procedures for applying to the Superintendency for a tax exemption before the latter can authorize the entry of those donations into Guatemala. Such donations shall be governed not by Decree No. 101-97 of the Congress of the Republic: Budget Act, but by Legislative Decree No. 109-96: Act establishing the National Coordination Office for the Reduction of Natural and Man-made Disasters and its implementing regulations, under which donations are exempt from all taxes, including import tariff duties and value-added tax.

Article 9. Cooperation. All entities and units of the executive branch, as well as those indicated in article 4 of Decree No. 109-96 of the Congress of the Republic of Guatemala, shall participate and cooperate within their sphere of competence in order to ensure that the measures decided upon for guaranteeing the provision of essential public services to the population are implemented.

Article 10. Protection of persons and their property. The Ministry of the Interior shall take all necessary measures forthwith to ensure the safety of persons and their property, prevent any unlawful act and guarantee the maintenance of peace and public order.

Article 11. Administrative and budgetary management. The Ministry of Public Finance is hereby authorized to identify and allocate such budgetary resources as are necessary to ensure that in

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case of emergency, financial resources can be transferred to spending units in accordance with the law.

Article 12. Report. In accordance with the provisions of article 32 of the Public Order Act, a detailed report on the events that occurred and the measures that were taken during the emergency shall be submitted to the Congress of the Republic of Guatemala.

Article 13. Entry into force. The present Government Decree shall enter into force immediately and shall be published in the *Diario de Centro America* (Central American Gazette).

IT SHALL BE KNOWN AND COMMUNICATED.

(Signed) Jimmy Morales Cabrera  
President of the Republic of Guatemala

(Signed) Jafeth Ernesto Cabrera Franco  
Vice-President of the Republic

(Signed) Francisco Manuel Rivas Lara  
Minister of the Interior

(Signed) Alicia Virginia Castillo Sosa  
Deputy Minister for Foreign Affairs  
Acting Minister

(Signed) Williams Agberto Mansilla Fernández  
Minister of National Defence

(Signed) Aldo Estuardo García Morales  
Minister of Communications, Infrastructure and Housing

(Signed) Julio Héctor Estrada  
Minister of Public Finance

(Signed) José Guillermo Moreno Córdón  
Minister of Social Development

(Signed) Oscar Hugo López Rivas  
Minister of Education

(Signed) Mario Méndez Montenegro  
Minister of Agriculture, Livestock and Food

(Signed) Rubén Estuardo Morales Monroy  
Minister of the Economy

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*(Signed)* Lucrecia María Hernández Mack  
Minister of Public Health and Social Assistance

*(Signed)* Aura Leticia Teleguario Sincal de González  
Minister of Labour and Social Welfare

*(Signed)* Luis Alfonso Chang Navarro  
Minister of Energy and Mines

*(Signed)* José Luis Chea Urruela  
Minister of Culture and Sports

*(Signed)* Sydney Alexander Samuels Milson  
Minister of the Environment and Natural Resources

*(Signed)* Carlos Adolfo Martínez Gularte  
Secretary-General of the Office of the President of the Republic

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**Executive Branch  
Office of the President of the Republic  
Government Decree No. 6-2016  
Guatemala City, 21 September 2016**

THE VICE-PRESIDENT OF THE REPUBLIC, in his capacity as Acting President

WHEREAS in Government Decree No. 5-2016 of 19 September 2016, published in the *Diario de Centro America* (Central American Gazette) on 20 September 2016, the President of the Republic, in concert with the Cabinet, declared a state of emergency throughout the territory of the Republic for a period of fifteen (15) days, in particular in at-risk areas of municipalities, river mouths, rivers, settlements, basins, gorges and ravines,

WHEREAS the aforesaid state of emergency has given rise to controversy and has been the subject of varying and wide-ranging interpretations among the population as to the purposes for which it was declared and should therefore be lifted under a corresponding legal provision,

THEREFORE, in exercise of the powers conferred on him by articles 1, 2, 3, 138, 182 and 183 (f) of the Political Constitution of the Republic of Guatemala and on the basis of article 139 of the Constitution; and articles 1, 2, 6, 8, 25, 28, 31, 32, 34 and 36 of Decree No. 7 of the National Constituent Assembly: Public Order Act,

IN CONCERT WITH THE CABINET,

DECREES AS FOLLOWS:

Article 1. Government Decree 5-2016 of 19 September 2016 issued by the President of the Republic in concert with the Cabinet, declaring a state of emergency for fifteen (15) days, is hereby revoked.

Article 2. Entry into force. The present Decree shall enter into force immediately and shall be published in the *Diario de Centro America* (Central American Gazette).

IT SHALL BE KNOWN AND COMMUNICATED.

(Signed) Jafeth Ernesto Cabrera Franco

(Signed) Mario René Álvarez Galán  
Second Deputy Minister of the Interior  
Acting Minister

(Signed) Anamaria Diéguez  
Deputy Minister for Foreign Affairs  
Acting Minister

(Signed) Williams Agberto Mansilla Fernández  
Minister of National Defence

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(Signed) Julio Héctor Estrada Domínguez  
Minister of Public Finance

(Signed) Aldo Estuardo García Morales  
Minister of Communications, Infrastructure and Housing

(Signed) Oscar Hugo López Rivas  
Minister of Education

(Signed) Mario Méndez Montenegro  
Minister of Agriculture, Livestock and Food

(Signed) Edwin Giovanni Verbena de León  
Deputy Minister of Investment and Competition  
Ministry of the Economy  
Acting Minister

(Signed) Edgar Rolando González Barreno  
Deputy Minister of Public Health and Social Assistance  
Acting Minister

(Signed) José Guillermo Gándara Espino  
Deputy Minister of Labour Administration  
Acting Minister

(Signed) Luis Alfonso Chang Navarro  
Minister of Energy and Mines

(Signed) José Luis Chen Urruela  
Minister of Culture and Sports

(Signed) Sydney Alexander Samuels Milson  
Minister of the Environment and Natural Resources

(Signed) José Guillermo Moreno Córdón  
Minister of Social Development

(Signed) Carlos Adolfo Martínez Gularte  
Secretary-General of the Office of the President of the Republic

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9 November 2016



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