

Reference: C.N.969.2016.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 14 November 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. 076-2016-PCM, published on 6 October 2016 (copy attached), a state of emergency has been declared for 60 days, with effect from 11 October 2016, in the Districts of Huanta, Ayahuanco, Santillana, Chaca, Sivia, Llochegua, Canayre, Uchuraccay and Pucacolpa, in the Province of Huanta; in the Districts of San Miguel, Anco, Ayna, Chungui, Oronccoy, Santa Rosa, Tambo, Samugari and Anchihuay, in the Province of La Mar, in the Department of Ayacucho; in the Districts of Pampas, Huachocolpa, Quishuar, Salcabamba, Salcahuasi, Surcubamba, Tintaypuncu, Roble, Santiago de Tucuma and Andaymarca, in the Province of Tayacaja, in the Department of Huancavelica; in the Districts of Echarate, Megantoni, Kimbiri, Pichari, Vilcabamba, Inkawasi, Villa Kintiarina and Villa Virgen, in the Province of La Convención, in the Department of Cusco; in the Districts of Llaylla, Mazamari, Pampa Hermosa, Pangoa, Vizcatán del Ene and Río Tambo, in the Province of Satipo; in the Districts of Andamarca and Comas, in the Province of Concepción; and in the Districts of Santo Domingo de Acobamba and Pariahuanca, in the Province of Huancayo, in the Department of Junín.

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 9, 12, 17 and 21 of the International Covenant on Civil and Political Rights, will be suspended in order to consolidate peace in the area and in the country as a whole.

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, 10 November 2016

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**State of emergency declared in various districts of the Departments of Ayacucho, Huancavelica, Cusco and Junín**

**Supreme Decree No. 076-2016-PCM**

The President of the Republic

Considering:

That article 44 of the Political Constitution of Peru provides that the primary duties of the State include guaranteeing the full enjoyment of fundamental rights, protecting the population from security threats and promoting the general welfare based on justice and the comprehensive and balanced development of the nation;

That the constitutional Government has an obligation to guarantee the right of citizens to order, public peace and the proper functioning of basic services;

That Legislative Decree No. 1095 established the legal framework governing the principles, forms, conditions and limits concerning the use of force by the armed forces in the national territory, establishing in article 4 thereof that the intervention of the armed forces to defend the rule of law and to protect society is carried out within the national territory in order to confront a hostile group by conducting military operations, subject to a declaration of a state of emergency, when the armed forces assume control of internal order;

That article 12 of the aforementioned Legislative Decree No. 1095 establishes that for the duration of the state of emergency, the joint command of the armed forces designates the operational command for the control of public order, with the participation of the National Police of Peru, which subject to coordination, complies with whatever provisions are set out by the operational command;

That, pursuant to article 3 of the Decree in question, hostile groups are defined as a plurality of individuals in the national territory who meet the three conditions of (i) having a minimum degree of organization; (ii) having the capacity and intention of confronting the State in a prolonged manner by means of firearms; and (iii) participating in the hostilities or collaborating in their conduct;

That, in this connection, the remaining terrorists, owing to their actions and as a result of their collaboration with and the participation of drug traffickers, constitute a hostile group, falling under the aforementioned definition;

That, also, article 13.2 of the Decree establishes that the use of force by the armed forces against a hostile group during a state of emergency is subject to the rules of engagement, and operations are conducted in accordance with international humanitarian law;

That, in note No. 4773 CCFFAA/SG of 9 September 2016 and in note No. 5135 CCFFAA/D-3/DCT of 27 September 2016, the joint command of the armed forces reported that the circumstances for a declaration of a state of emergency still prevail in the Districts of Huanta, Ayahuanco, Santillana, Chaca, Sivia, Llochegua, Canayre, Uchuraccay and Pucacolpa, in the Province of Huanta; in the Districts of San Miguel, Anco, Ayna, Chungui, Oronccoy, Santa Rosa, Tambo, Samugari and Anchiuay in the Province of La Mar, in the Department of Ayacucho; in the Districts of Pampas, Huachocolpa, Quishuar, Salcabamba, Salcahuasi, Surcubamba, Tintaypuncu, Roble, Santiago de

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Tucuma and Andaymarca in the Province of Tayacaja, in the Department of Huancavelica; in the Districts of Echarate, Megantoni, Kimbiri, Pichari, Vilcabamba, Inkawasi, Villa Kintiarina and Villa Virgen, in the Province of La Convención, in the Department of Cusco; in the Districts of Llaylla, Mazamari, Pampa Hermosa, Pangoa, Vizcatán del Ene and Río Tambo, in the Province of Satipo; in the Districts of Andamarca and Comas, in the Province of Concepción; and in the Districts of Santo Domingo de Acobamba and Pariahuanca, in the Province of Huancayo, in the Department of Junín, recommending that the armed forces take control of public order of the aforementioned districts with the support of the National Police of Peru, in order to secure the area of influence of the territory to be declared under a state of emergency and to maintain a united command by conducting joint operations;

That Supreme Decree No. 085-2015-PCM of 11 December 2015 set out the limits of the scope of action of the armed forces and the National Police of Peru in the areas in which a state of emergency has been declared, indicating that the intervention of the armed forces in the Apurímac, Ene and Mantaro river valley be conducted solely to counter terrorism, leaving to the National Police of Peru activities to address drug trafficking and other crime, and that the said instrument should be repealed, as there are sufficient elements to prove that the remaining terrorists and drug traffickers are conducting their activities jointly;

That, also, by Supreme Decree No. 071-2016-PCM of 15 September 2016, the state of emergency in effect until 11 October 2016 in the District of Echarate, in the Province of La Convención, in the Department of Cusco, pursuant to which the National Police of Peru was made responsible for public order, was extended;

That, pursuant to the recommendations of the joint command of the armed forces, a state of emergency giving control of public order to the armed forces in the District of Echarate, in the Province of La Convención, in the Department of Cusco, should be declared in effect from 11 September 2016, requiring that Supreme Decree No. 071-2016-PCM should be repealed;

That, pursuant to the provisions of article 118, paragraphs 4 and 14, article 137, paragraph 1, of the Political Constitution of Peru, and article 4, paragraph 2 (b), of Act No. 29158, Organic Law of the Executive Branch; and with the approval of the Council of Ministers and subject to notification of the Congress of the Republic;

Hereby decrees:

Article 1. Declaration of a state of emergency

A state of emergency is hereby declared in the Districts of Huanta, Ayahuanco, Santillana, Chaca, Sivia, Llochegua, Canayre, Uchuraccay and Pucacolpa, in the Province of Huanta; in the Districts of San Miguel, Anco, Ayna, Chungui, Oronccoy, Santa Rosa, Tambo, Samugari and Anchiuay, in the Province of La Mar, in the Department of Ayacucho; in the Districts of Pampas, Huachocolpa, Quishuar, Salcabamba, Salcahuasi, Surcubamba, Tintaypuncu, Roble, Santiago de Tucuma and Andaymarca, in the Province of Tayacaja, in the Department of Huancavelica; in the Districts of Echarate, Megantoni, Kimbiri, Pichari, Vilcabamba, Inkawasi, Villa Kintiarina and Villa Virgen, in the Province of La Convención, in the Department of Cusco; in the Districts of Llaylla, Mazamari, Pampa Hermosa, Pangoa, Vizcatán del Ene and Río Tambo, in the Province of Satipo; in the Districts of Andamarca and Comas, in the Province of Concepción; and in the Districts of Santo Domingo de Acobamba and Pariahuanca, in the Province of Huancayo, in the Department of Junín for a period of 60 days, beginning on 11 October 2016.

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Article 2. Suspension of constitutional rights

During the state of emergency and in the locations 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 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. Control of public order

The armed forces shall assume control of public order for the duration of the state of emergency declared in article 1 of the present Supreme Decree. The National Police of Peru shall support the armed forces to that end in the districts where a state of emergency has been declared.

Article 4. Intervention of the armed forces

The actions of the armed forces shall be governed by the rules of international humanitarian law, in accordance with the provisions of Legislative Decree No. 1095.

Article 5. Repeal

Supreme Decree No. 085-2015-PCM and Supreme Decree No. 071-2016-PCM shall be repealed beginning 11 October 2016.

Article 6. 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 5 October 2016.

Pedro Pablo Kuczynski Godard  
President of the Republic

Fernando Zavala Lombardi  
President of the Council of Ministers

Mariano González Fernández  
Minister of Defence

Carlos Basombrio Iglesias  
Minister of the Interior

María Soledad Pérez Tello  
Minister of Justice and Human Rights

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29 December 2016



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