

Reference: C.N.985.2016.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 21 December 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 reference to note no. 7-1-SG/107 of 21 December 2016 ¹, in accordance with article 4 of the [International] Covenant on Civil and Political Rights and with article 27 of the Inter-American Convention on Human Rights, has the honour to inform that, by Supreme Decree No. 093-2016-PCM, issued on 20 December 2016 (copy attached), a state of emergency is declared for thirty (30) days in the Province of Chumbivilcas, Department of Cusco, with effect from the aforementioned date.

During the state of emergency, the constitutional 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 Treaty Section of the Office of Legal Affairs, United Nations Secretariat, the renewed assurances of its highest consideration.

New York, 6 January 2017

¹ On 21 December 2016, the Permanent Mission of Peru to the United Nations notified the Secretary-General by note verbale No. 7-1-SG/107 of 21 December 2016 of this declaration of a state of emergency. Subsequently, the Permanent Mission transmitted a revised note verbale, No. 7-1-SG/03 of 6 January 2017, transmitted in this depositary notification.

Attention: Treaty Services of Ministries of Foreign Affairs and of international organizations concerned. Depositary notifications are issued in electronic format only. Depositary notifications are made available to the Permanent Missions to the United Nations in the United Nations Treaty Collection at <https://treaties.un.org>, under "Depositary Notifications (CNs)". In addition, the Permanent Missions, as well as other interested individuals, can subscribe to receive depositary notifications by e-mail through the Treaty Section's "Automated Subscription Services", which is also available at https://treaties.un.org/Pages/Login.aspx?lang=_en.

**Declaration of a state of emergency in the Province of Chumbivilcas, Department of Cusco
Supreme Decree No. 093-2016-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 general welfare based on justice and the comprehensive and balanced development of the nation;

That furthermore article 137 of the Constitution provides that the President of the Republic may, with the consent of the Council of Ministers and upon notifying Congress or the Standing Committee, declare the states of emergency stipulated therein, for a fixed duration in all or part of the national territory, including a state of emergency declared in the event of a disturbance of the peace or public order, a disaster, or serious circumstances affecting the life of the nation, during which time the exercise of the constitutional rights of liberty and security of person, the inviolability of the home and freedom of assembly and movement in the territory may be restricted or suspended;

That by Note No. 942-2016-DGPNP/SA, the Director General of the National Police of Peru asked the Minister of the Interior to declare a state of emergency in the Province of Chumbivilcas, Department of Cusco, in order to ensure the maintenance of public order and forestall acts of violence or any criminal act which might be committed in that area; that request being based on Report No. 018-2016-DIRNOP-PNP/FRENPOL-ESPINAR-SEC on social conflicts observed in the aforementioned province;

That in view of the occurrence of events disrupting the public order and affecting the normal course of the population's activities in the Province of Chumbivilcas, Department of Cusco, it is necessary to adopt the measures envisaged in the Constitution for the restoration of public order;

That Legislative Decree No. 1186, which regulates the use of force by the National Police of Peru, clarifies the parameters for the use of force by the Police, the levels of force which may be used, the circumstances when force may be used and the rules of conduct in that event;

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 in the national territory, insofar as Title II thereof sets forth the rules for the use of force in other violent situations, in areas in which a state of emergency has been declared and where the National Police of Peru is responsible for maintaining public order, discharging its constitutional duties by using its powers and enforcement capabilities to protect society and defend the rule of law;

In accordance with article 118, paragraphs 4 and 14, and article 137, paragraph 1, of the Political Constitution of Peru, and article 4, subparagraphs 2 (b) and (d) of Act No. 29158, the Organic Law of the Executive Branch; and

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With the approval of the Council of Ministers and subject to the 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 Province of Chumbivilcas, Department of Cusco, for a period of thirty (30) calendar days. The National Police of Peru shall maintain public order with the support of the armed forces.

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 the 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: The action of the National Police of Peru and of the armed forces

The National Police of Peru and the armed forces shall act in conformity with the provisions of Legislative Decree No. 1188 and Legislative Decree No. 1095, respectively.

Article 4: Endorsement

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

Done at Government House, Lima, on 20 December 2016.

Pedro Pablo Kuczynski Godard
President of the Republic

Fernando Zavala Lombardi
President of the Council of Ministers

Jorge Nieto Montesinos
Minister of Defence

Carlos Basombrio Iglesias
Minister of the Interior

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María Soledad Pérez Tello
Minister of Justice and Human Rights

21 February 2017



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