

Reference: C.N.988.2016.TREATIES-IV.4 (Depositary Notification)

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

ECUADOR: NOTIFICATION UNDER ARTICLE 4 (3)¹

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

The above notification was originally received on 29 December 2016. Subsequently, on 3 February 2017, Ecuador provided the Secretary-General with further required information.

(Translation) (Original: Spanish)

Note No. 4-2-217/2016

The Permanent Mission of Ecuador to the United Nations presents its compliments to the United Nations Secretariat and has the honour to attach a copy of Executive Decree No. 1276 of 14 December 2016, signed by the Constitutional President of the Republic of Ecuador, declaring a state of emergency in the province of Morona Santiago following clashes between uniformed forces and members of the local community near the “La Esperanza” mining camp, in accordance with national law, based on articles 164 et seq. of the Constitution of the Republic and articles 29 and 32 of the Public Security Act, for a period of thirty days.

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

New York, 21 December 2016

¹ Refer to depositary notification C.N.63.2017.TREATIES-IV.4 dated 2 March 2017 (Notification under article 4 (3): Ecuador)

Note No. 4-2-14/2017

The Permanent Mission of Ecuador to the United Nations presents its compliments to the United Nations Secretariat and has the honour to refer to notes verbales No. 4-2-217/2016 of 21 December 2016 and No. 4-2-12/2017 of 17 January 2017, by which it informed the Secretariat that, because of the attacks on members of the National Police and Armed Forces in the cantons of San Juan Bosco and Limón Indaza, in the La Esperanza sector, perpetrated in December 2016 by unlawfully armed groups, the Government of the Republic of Ecuador had decided, in order to protect the rights and the internal, public and human security of the inhabitants of the Province of Morona Santiago, to declare a state of emergency in those areas by Executive Decrees No. 1276 of 14 December 2016 and No. 1294 of 12 January 2017.

In that connection, the Permanent Mission of Ecuador to the United Nations has the honour to inform the Secretariat that, in accordance with article 3 of the aforementioned Executive Decrees and, in particular, the provision in article 4 of the International Covenant on Civil and Political Rights, the rights contained in articles 12, 17, 19, 21 and 22 of the Covenant have been suspended.

The Permanent Mission of Ecuador to the United Nations, in accordance with article 4, paragraph 3, of the International Covenant on Civil and Political Rights, respectfully requests the Secretariat to inform all States Parties to the Covenant of this measure.

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

New York, 3 February 2017

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No. 1276

**Rafael Correa Delgado
Constitutional President of the Republic**

Considering:

That the first two paragraphs of article 1 of the Constitution of the Republic provide that:

“Ecuador is a constitutional State of rights and justice, a social, democratic, sovereign, independent, unitary, intercultural, multinational and secular State. It is organized as a republic and is governed using a decentralized approach.

Sovereignty lies with the people, whose will is the basis of all authority, and it is exercised through public bodies using direct participatory forms of government as provided for by the Constitution”;

That article 3, paragraph 8, of the Constitution of the Republic stipulates that one of the State’s prime duties is guaranteeing its inhabitants the right to a culture of peace, to integral security and to live in a democratic society free of corruption;

That article 66, paragraph 3 (a), of the Constitution of the Republic provides that the State recognizes and guarantees the right of persons to personal well-being, which includes bodily, psychological and moral safety;

That article 164 of the Constitution of the Republic empowers the President of the Republic to declare a state of emergency in all or part of the national territory in the event of aggression, international or domestic armed conflict, severe domestic unrest, public calamity or natural disaster. The declaration of a state of emergency shall not interrupt the activities of the State’s duties;

That article 393 of the Constitution of the Republic stipulates that the State shall guarantee human safety by means of integrated policies and actions to ensure the peaceful coexistence of persons, to promote a culture of peace and to prevent forms of violence and discrimination and the perpetration of offences and crimes. The planning and application of these policies shall be entrusted to specialized bodies at the different levels of government;

That article 32 of the Public and State Security Act provides that a state of emergency may be declared in the following situations: aggression, international or domestic armed conflict, severe domestic unrest, public calamity or natural disaster;

That article 35 of the Public and State Security Act provides as follows: When a state of emergency has been declared, and if the President of the Republic has ordered the use of the Armed Forces and the National Police, measures shall be coordinated to ensure that the Armed Forces support the National Police, who are responsible for law enforcement until public order has been restored;

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That today, on 14 December 2016, members of the National Police and Armed Forces were attacked in the province of Morona Santiago, in the cantons of San Juan Bosco and Limón Indaza, by unlawfully armed groups, resulting in one fatality and a number of wounded reported thus far and therefore representing an attack against public safety, the integrity of persons and peaceful coexistence;

That in order to prevent further acts of violence that could threaten the fundamental rights of citizens, it will be necessary to identify the group or groups of unlawfully armed persons who gathered to carry out these acts of aggression;

That some local communications media have been used as a platform to instigate and incite these acts of aggression and violence;

That the Minister of Security Coordination, by official letter No. MICS-DM-2016-0978 of 14 December 2016, requested the declaration of a state of emergency;

In exercise of the powers conferred upon him by articles 164 et seq. of the Constitution of the Republic, and articles 29, 32 et seq. of the Public and State Security Act,

Hereby decrees:

Article 1. A state of emergency is declared in the territory of the Province of Morona Santiago because the attacks on members of the National Police and Armed Forces in the Province of Morona Santiago, cantons of San Juan Bosco and Limón Indaza, by unlawfully armed groups have undermined public safety, the integrity of persons and peaceful coexistence, and have resulted in serious internal disruption in that province of the Amazon region.

Article 2. The National Police and Armed Forces shall be mobilized to enforce law and order in the Province of Morona Santiago.

The Minister of National Defence and the Minister of the Interior, through the Joint Command of the Armed Forces and the National Police, shall take the necessary measures to guarantee to the inhabitants of the Province of Morona Santiago internal, public and human security, which are rights protected by the Constitution of the Republic and the fundamental duty of the State.

Article 3. The rights set out in article 66, paragraphs 13, 14 and 22, of the Constitution of the Republic, together with the right to information under article 165, paragraph 4, of the Constitution, shall be suspended in the Province of Morona Santiago, with reference to: the right to freedom of expression and opinion; freedom of association and assembly; freedom of movement; and the right to inviolability of the home, as certain citizens are attempting to incite violence constituting a risk to life and bodily safety. The Ministry of Security Coordination shall determine the form of implementation of this measure.

Article 4. This state of emergency shall remain in force for 30 days as from the date of signature of the present executive decree. The territorial scope of application is the Province of Morona Santiago.

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Article 5. This declaration shall be communicated to the National Assembly, the Constitutional Court, the Organization of American States and the United Nations.

Article 6. The Minister of Defence and the Minister of the Interior shall be responsible for executing this executive decree, which shall enter into force on the date of issue, without prejudice to the publication thereof in the Official Gazette.

DONE at San Francisco de Quito, Metropolitan District, on 14 December 2016.

(Signed) Rafael Correa Delgado
Constitutional President of the Republic

2 March 2017



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