

Reference: C.N.116.2016.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. 004-2016-PCM issued on 16 January 2016 (copy attached), the state of emergency declared in the Constitutional Province of Callao has been extended for 45 days, with effect from 18 January 2016.

It should be recalled that the Permanent Mission has duly reported to the Secretariat the declaration of a state of emergency in the aforementioned locality through note No. 7-1-SG/67 dated 11 December 2015.

During the state of emergency, the rights relating to liberty and security of person and the inviolability of the home, recognized in article 2, paragraphs 9 and 24 (f), of the Political Constitution of Peru and in articles 17 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 Constitutional Province of Callao

Supreme Decree No. 004-2016-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, 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 and throughout the national territory or in a part thereof, 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, inviolability of the home, freedom of assembly and freedom of movement in the territory may be restricted or suspended;

That the constitutional Government has an obligation to guarantee the right of citizens to order, public peace and security;

That, by Supreme Decree No. 083-2015-PCM, issued on 4 December 2015, a state of emergency was declared in the Constitutional Province of Callao for a period of forty-five (45) calendar days, with effect from the date of issuance of that instrument, which provides that the National Police of Peru shall maintain control of public order.

That, by means of note No. 16-2016-DIRGEN PNP/SA, the Director General of the National Police of Peru recommended that the state of emergency declared by Supreme Decree No. 083-2015-PCM in the Constitutional Province of Callao be extended, basing that request on note No. 002-2016-REGPOL-CALLAO/JEM-UNIPLO, from the chief of the Callao Police Region, and report No. 001-2016-REGPOL-CALLAO/JEM-UNIPLO, in order to strengthen efforts against public insecurity and organized crimes in all its forms;

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

In accordance with article 118, paragraphs 4 and 14, and article 137, paragraph 1, of the Political Constitution of Peru, and article 4, paragraphs 2 (b) and 2 (d), 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;

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Hereby decrees:

Article 1: Extension of the state of emergency

The state of emergency in the Constitutional Province of Callao is hereby extended for a period of forty-five (45) calendar days, with effect from 18 January 2016. The National Police of Peru shall maintain public order.

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 and the inviolability of the home, recognized in article 2, paragraphs 9 and 24 (f), of the Political Constitution of Peru, shall be suspended.

Article 3: Endorsement

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

Done at Government House, Lima, on 15 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

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

7 April 2016



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