

Reference: C.N.540.2016.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 28 June 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. 018-2016-PCM, issued on 17 March 2016 (copy attached), the state of emergency declared in the District of Echarate in the Province of La Convención, Department of Cusco, has been extended for 60 days, with effect from 21 March 2016.

It should be recalled that the Permanent Mission has duly reported to the Secretariat previous extensions of the state of emergency in the aforementioned place, the most recent communication being note No. 7-1-SG/14 of 16 March 2016.

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 17, 12, 21 and 9 of the International Covenant on Civil and Political Rights, are suspended.

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, 24 June 2016

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Supreme Decree extending the state of emergency declared in the District of Echarate in the Province of La Convención, Department of Cusco

Supreme Decree No. 018-2016-PCM

The President of the Republic

Considering:

That, by Supreme Decree No. 003-2016-PCM, issued on 15 January 2016, the state of emergency in the District of Echarate in the Province of La Convención, Department of Cusco, was extended for a period of sixty (60) calendar days, with effect from 21 January 2016;

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; and 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 Peruvian National Police is responsible for public order, discharging its constitutional duties by using its powers and enforcement capabilities to protect society and defend the rule of law, are set forth in Title II thereof;

That pursuant to article 3 of Legislative Decree No. 1095, hostile groups are defined as a plurality of individuals in the national territory who (i) have a minimum degree of organization; (ii) have the capacity and intention of confronting the State in a prolonged manner by means of firearms; and (iii) participate in the hostilities or collaborate in their realization;

That Supreme Decree No. 085-2015-PCM, of 10 December 2015, set out the limits of the scope of action of the armed forces and the Peruvian National Police in the areas of the valley of the Apurímac, Ene and Mantaro rivers in which a state of emergency has been declared, their mission being to counteract the remaining terrorists and to carry out a frontal assault on the illicit trafficking in drugs and other illegal activities, respectively;

That in this connection, the remaining terrorists constitute a hostile group, falling under the aforementioned definition;

That, while the state of emergency referred to in the first paragraph is about to expire, the Director General of the Peruvian National Police has reported, in note No. 182-2016-DGPNP/SA of 14 March 2016, that the circumstances that gave rise to the declaration of a state of emergency in the above-mentioned district still prevail; and that it is therefore necessary to extend it, in order to enable the population, through the presence and corresponding action of the Peruvian National Police, to identify with the ends or objectives sought by the national Government, namely the consolidation of peace in the area and in the country as a whole;

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

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That Legislative Decree No. 1186, the Legislative Decree regulating the use of force by the Peruvian National Police, clarifies the use of force in the performance of police duties, the levels of use of force, and the circumstances in which force may be used and the rules of conduct in the use of force;

In accordance with article 118, paragraphs 4 and 14, of the Political Constitution of Peru; and

With the approval of the Council of Ministers and subject to notification of the Congress of the Republic;

Hereby decrees:

Article 1: Extension of the state of emergency

The state of emergency in the District of Echarate in the Province of La Convención, Department of Cusco, is hereby extended for a period of sixty (60) calendar days, with effect from 21 March 2016.

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, inviolability of the home and freedom of assembly and of 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: Maintenance of public order

The Peruvian National Police shall be responsible for maintaining public order during the state of emergency declared in article 1 hereof.

The armed forces shall assist the Peruvian National Police in achieving this objective in the District of Echarate in the Province of La Convención, Department of Cusco in which a state of emergency has been declared.

Article 4: Parameters of action by the armed forces and the Peruvian National Police

The armed forces and the Peruvian National Police shall act in accordance with Legislative Decree No. 1095 and Legislative Decree No. 1186, respectively, and in accordance with Supreme Decree No. 085-2015-PCM which stipulates that the armed forces focus their mission on combatting the activities of hostile groups (remaining terrorists) and that the Peruvian National Police focus its mission on combatting illegal drug trafficking and other illicit activities.

Article 5: 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 16 March 2016.

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Ollanta Humala Tasso
President of the Republic

Pedro Cateriano Bellido
President of the Council of Ministers

Jakke Valakivi Álvarez
Minister of Defence

José Luis Pérez Guadalupe
Minister of the Interior

Aldo Vásquez Ríos
Minister of Justice and Human Rights

2 August 2016

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the bottom.

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