

Reference: C.N.554.2016.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. 093-2015-PCM issued on 24 December 2015 (copy attached), a state of emergency has been declared for 45 days in the Provinces of Santa and Casma, Department of Áncash.

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, 24 June 2016

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 on the Internet 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>.

Declaration of a state of emergency in the Provinces of Santa and Casma, Department of Áncash

Supreme Decree No. 093-2015-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, by means of note No. 720-2015-DIRGEN PNP/S-A, the Director General of the National Police of Peru requested that a state of emergency be declared in the Provinces of Santa and Casma, Department of Áncash, in order to combat ordinary and organized crime in all its forms more effectively, basing that request on note No. 2024-2015-REGPOL-ANCASH/SEC, from the chief of the Áncash Police Region, and report No. 037-2015-REGPOL-ANCASH/DIVPOL-CH/SEC, which communicate the problems related to the increase in crime rate in the said provinces, in view of the high level of danger and the climate of insecurity and violence, where such crimes as contract killing, homicide, extortion and the likes are being committed;

That, in view of the occurrence of events disrupting public order and affecting the normal conduct of activities by the population in the Provinces of Santa and Casma, it is necessary to take the measures envisaged in the Constitution for the restoration of public order;

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;

Hereby decrees:

Article 1: Declaration of a state of emergency

A state of emergency in the Provinces of Santa and Casma, Department of Áncash, is hereby declared for a period of forty-five (45) calendar days, with effect from the date of publication of this

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instrument. During the state of emergency, 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 24 December 2015.

Ollanta Humala Tasso
President of the Republic

Pedro Cateriano Bellido
President of the Council of Ministers

José Luis Pérez Guadalupe
Minister of the Interior

Aldo Vásquez Ríos
Minister of Justice and Human Rights

5 August 2016

A handwritten signature in black ink, consisting of stylized, overlapping loops and lines, positioned below the date.

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