

Reference: C.N.595.2016.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 11 August 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. 041-2016-PCM issued on 23 June 2016 (copy attached), a state of emergency has been declared for 45 days in the Provinces of Santa and Casma, Department of Áncash, with effect from 24 June 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 places, the most recent communication being note No. 7-1-SG/65 of 2 August 2016.

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, 10 August 2016

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**Extension of the state of emergency declared in the Provinces of Santa and Casma,
Department of Áncash**

Supreme Decree No. 041-2016-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, by means of note No. 400-2016-DGPNP/SA, the Director General of the National Police of Peru recommends extending the state of emergency declared in the Provinces of Santa and Casma, Department of Áncash, in order to strengthen the fight against insecurity and organized crime in its various forms, and restore the principle of authority, basing that recommendation on note No. 173-2016-DIRNOP PNP/EM-UNIPLOPE, from the National Directorate of Police Operations of the National Police of Peru, and report No. 025-2016-REGPOL-ANCASH/DIVPOL-CH/JEF, from the Chief of the Chimbote Police Division of the National Police of Peru, which indicate that the declaration of a state of emergency has reduced the crime rate in those provinces, as a result of the actions of the National Police of Peru, including action taken in the case of flagrant offences and preventive and operational police patrols, and it is therefore necessary to extend the state of emergency declared by means of Supreme Decree No. 009-2016-PCM in order to continue the frontal assault on common and organized crime in its various forms;

That, by Supreme Decree No. 009-2016-PCM, published in the Official Journal, El Peruano, on 10 February 2016, a state of emergency was declared in the Provinces of Santa and Casma, Department of Áncash, for a period of forty-five (45) calendar days;

That, subsequently, by Supreme Decree Nos. 020-2016-PCM and 029-2016-PCM, the above-mentioned period was extended for forty-five (45) calendar days, from 26 March 2016 and from 10 May 2016, respectively;

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

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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: Extension of the state of emergency

The state of emergency in the Provinces of Santa and Casma, Department of Áncash, is hereby extended for a period of forty-five (45) calendar days, with effect from 24 June 2016. The National Police of Peru shall maintain public order.

Article 2: Suspension of constitutional rights

During the extension of the state of emergency and in the locations 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 22 June 2016.

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

18 August 2016



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