

Reference: C.N.846.2016.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 14 September 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. 070-2016-PCM, issued on 11 September 2016 (copy attached), the state of emergency declared in the Districts of Huanta, Ayahuanco, Santillana, Chaca, Sivia, Llohegua, Canayre, Uchuraccay and Pucacolpa in the Province of Huanta, in the Districts of San Miguel, Anco, Ayna, Chungui, Santa Rosa, Tambo, Samugari and Anchihuay in the Province of La Mar, Department of Ayacucho; in the Districts of Pampas, Huachocolpa, Quishuar, Salcabamba, Salcahuasi, Surcubamba, Tintay Puncu, Roble and Andaymarca in the Province of Tayacaja, Department of Huancavelica; in the Districts of Kimbiri, Pichari, Vilcabamba, Inkawasi, Villa Kintiarina and Villa Virgen in the Province of La Convención, Department of Cusco; in the Districts of Llaylla, Mazamari, Pampa Hermosa, Pangoa, Vizcátan del Ene and Río Tambo in the Province of Satipo, in the Districts of Andamarca and Comas in the Province of Concepción, and in the Districts of Santo Domingo de Acobamba and Pariahuanca in the Province of Huancayo, Department of Junín, has been extended for 30 days, with effect from 11 September 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, 14 September 2016

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Declaration and extension of the state of emergency in various districts and provinces of the Departments of Ayacucho, Huancavelica, Cusco and Junín

Supreme Decree No. 070-2016-PCM

The President of the Republic

Considering:

That, by Supreme Decree No. 044-2016-PCM, issued on 12 July 2016, the state of emergency in the Districts of Huanta, Ayahuanco, Santillana, Chaca, Sivia, Llochegua, Canayre, Uchuraccay and Pucacolpa in the Province of Huanta, in the Districts of San Miguel, Anco, Ayna, Chungui, Santa Rosa, Tambo, Samugari and Anchiuay in the Province of La Mar, Department of Ayacucho; in the Districts of Pampas, Huachocolpa, Quishuar, Salcabamba, Salcahuasi, Surcubamba, Tintay Puncu, Roble and Andaymarca in the Province of Tayacaja, Department of Huancavelica; in the Districts of Kimbiri, Pichari, Vilcabamba, Inkawasi, Villa Kintiarina and Villa Virgen in the Province of La Convención, Department of Cusco; in the Districts of Llaylla, Mazamari, Pampa Hermosa, Pangoa, Vizcatán del Ene and Río Tambo in the Province of Satipo, in the Districts of Andamarca and Comas in the Province of Concepción, and in the Districts of Santo Domingo de Acobamba and Pariahuanca in the Province of Huancayo, Department of Junín, was extended for 60 calendar days, with effect from 13 July 2016;

That under Act No. 30445, published on 29 May 2016, the District of Santiago de Tucuma in the Province of Tayacaja, Department of Huancavelica, was formed, with Santiago de Tucuma as its capital.

That under Act No. 30457, published on 15 June 2016, the District of Oronccoy in the Province of La Mar, Department of Ayacucho, was formed, with Oronccoy as its capital.

That, furthermore, under Act No. 30481, published on 6 July 2016, the District of Megantoni in the Province of La Convención, Department of Cusco, was formed, with the town of Camisea as its capital.

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 National Police of Peru 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 hostilities or collaborate in their realization;

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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 National Police of Peru 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, in accordance with the report of the Director General of the National Police of Peru, in note No. 612-2016-DGPNP/SA dated 1 September 2016, the circumstances that gave rise to the declaration of a state of emergency in the above-mentioned provinces and districts still prevail; and that it is therefore necessary to extend it for an additional period of 30 calendar days, in order to enable the population, through the presence and corresponding action of the National Police of Peru, 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, in addition, the National Police of Peru requested that a state of emergency be declared in the District of Santiago de Tucuma in the Province of Tayacaja, Department of Huancavelica; in the District of Oroncoy in the Province of La Mar, Department of Ayacucho, and in the District of Megantoni in the Province of La Convención, Department of Cusco, in light of the fact that these districts are located within the provinces where a state of emergency has been declared;

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;

That Legislative Decree No. 1186, the Legislative Decree regulating the use of force by the National Police of Peru, clarifies the use of force in the performance of police duties, the levels of use of force, 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: Declaration of a state of emergency

A state of emergency in the District of Santiago de Tucuma in the Province of Tayacaja, Department of Huancavelica; in the District of Oroncoy in the Province of La Mar, Department of Ayacucho; and in the District of Megantoni in the Province of La Convención, Department of Cusco, is hereby declared for a period of thirty (30) calendar days, with effect from 11 September 2016.

Article 2: Extension of the state of emergency

The state of emergency in the Districts of Huanta, Ayahuanco, Santillana, Chaca, Sivia, Llochegua, Canayre, Uchuraccay and Pucacolpa in the Province of Huanta, in the Districts of San Miguel, Anco, Ayna, Chungui, Santa Rosa, Tambo, Samugari, and Anchiway in the Province of La

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Mar, Department of Ayacucho; in the Districts of Pampas, Huachocolpa, Quishuar, Salcabamba, Salcahuasi, Surcubamba, Tintay Puncu, Roble and Andaymarca in the Province of Tayacaja, Department of Huancavelica; in the Districts of Kimbiri, Pichari, Vilcabamba, Inkawasi, Villa Kintiarina and Villa Virgen in the Province of La Convención, Department of Cusco; in the Districts of Llaylla, Mazamari, Pampa Hermosa, Pangoa, Vizcatán del Ene and Río Tambo in the Province of Satipo, in the Districts of Andamarca and Comas in the Province of Concepción, and in the Districts of Santo Domingo de Acobamba and Pariahuanca in the Province of Huancayo, Department of Junín, is hereby extended for a period of thirty (30) calendar days, with effect from 11 September 2016.

Article 3: Suspension of constitutional rights

During the state of emergency and in the locations referred to in the preceding articles, 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 4: Maintenance of public order

The National Police of Peru shall be responsible for maintaining public order during the state of emergency declared in the districts and provinces indicated in articles 1 and 2 hereof.

The armed forces shall assist the National Police of Peru in achieving this objective in the departments, provinces and districts in which a state of emergency has been declared.

Article 5: Parameters of action by the armed forces and the National Police of Peru

The armed forces and the National Police of Peru shall act in accordance with Legislative Decree Nos. 1095 and 1186, respectively, as well as with the provisions of Supreme Decree No. 085-2015-PCM, which provides that the mission of the armed forces shall be to counteract hostile groups (the remaining terrorists) and the mission of the National Police of Peru shall be to carry out a frontal assault on the illicit trafficking in drugs and other illegal activities.

Article 6: 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 10 September 2016.

Mercedes Rosalba Araoz Fernandez
Second Vice President of the Republic
in charge of the Office of the President of the Republic

Fernando Zavala Lombardi
President of the Council of Ministers

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Mariano González Fernández
Minister of Defense

Carlos Basombrío Iglesias
Minister of the Interior

María Soledad Pérez Tello
Minister of Justice and Human Rights

9 November 2016

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

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