

Reference: C.N.847.2016.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 31 October 2016.

(Translation) (Original: Spanish)

**Extension of the state of emergency declared in the District of Echarate
in the Province of La Convención, Department of Cusco**

Supreme Decree No. 045-2016-PCM

The President of the Republic

Considering:

That, by Supreme Decree No. 032-2016-PCM, issued on 12 May 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 20 May 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 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 areas in which a state of emergency has been declared, one of them being the District of Echarate in the Province of La Convención (Department of Cusco), in order to focus their mission in combatting remaining terrorists and carrying 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 National Police of Peru has reported, in note No. 449-2016-DGPNP/SA of 28 June 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 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 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: 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 19 July 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 National Police of Peru shall be responsible for maintaining public order during the state of emergency declared in article 1 hereof.

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The armed forces shall assist the National Police of Peru 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 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 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 11 July 2016.

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

14 November 2016



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