

Reference: C.N.989.2016.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 21 December 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 reference to note No. 7-1-SG/106 of 21 December 2016¹, in accordance with article 4 of the [International] Covenant on Civil and Political Rights and article 27 of the American Convention on Human Rights, has the honour to inform it that, by Supreme Decree No. 088-2016-PCM, issued on 29 November 2016 (copy attached), a state of emergency is declared for thirty (30) days, in the Province of San Román, Department of Puno, with effect from the aforementioned date.

During the state of emergency, the constitutional rights to liberty and security of person, inviolability of the home, freedom of assembly and freedom of movement in the territory, recognized in article 2, paragraphs 9, 11, 12 and 24 (f), of the Political Constitution of Peru, and in articles 9, 12, 17 and 21 of the International Covenant on Civil and Political Rights, will be suspended in order to consolidate peace in the area and in the country as a whole.

The Permanent Mission of Peru to the United Nations takes this opportunity to convey to the Treaty Section of the Office of Legal Affairs, United Nations Secretariat, the renewed assurances of its highest consideration.

New York, 6 January 2017

¹ On 21 December 2016, the Permanent Mission of Peru to the United Nations notified the Secretary-General by note verbale No. 7-1-SG/106 of 21 December 2016 of this declaration of a state of emergency. Subsequently, the Permanent Mission transmitted a revised note verbale, No. 7-1-SG/02 of 6 January 2017, transmitted in this depositary notification.

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 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/Pages/Login.aspx?lang=_en.

Declaration of a state of emergency in the Province of San Román, Department of Puno

Supreme Decree No. 088-2016-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 human 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, decree the states of emergency stipulated therein, for a fixed duration in all or part of the national territory, 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, in view of the occurrence of events that have disrupted public order and affected the normal conduct of the population's activities in the Province of San Román, Department of Puno, it is necessary to adopt the measures envisaged in the Constitution to for the restoration of public order;

That by note No. 162-2016-DIRNOP-REGPOLPUNO of 29 November 2016, the Puno Regional Police District of the National Police of Peru has requested the declaration of a state of emergency in the Province of San Román, Department of Puno, to strengthen the fight against crime, given the high levels of public insecurity;

In accordance with the provisions of article 118, paragraphs 4 and 14, and article 137, paragraph 1, of the Political Constitution of Peru, and article 4, paragraphs 2 (b) and (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 state of emergency

A state of emergency is hereby declared for a period of thirty (30) calendar days in the Province of San Román, Department of Puno. The National Police of Peru shall maintain public order with the support of the armed forces.

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Article 2. Suspension of constitutional rights

During the state of emergency referred to in the previous article and in the location described in the same article, the constitutional rights relating to liberty and security of person, inviolability of the home, and freedom of assembly and movement in the territory, recognized in article 2, paragraphs 9, 11, 12 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, the Minister of Defence and the Minister of Justice and Human Rights.

Done at Government House, Lima, on 29 November 2016.

Martín Alberto Vizcarra Cornejo
First 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

Mariano González Fernández
Minister of Defence

Carlos Basombrío Iglesias
Minister of the Interior

María Soledad Pérez Tello
Minister of Justice and Human Rights

21 February 2017



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