

Reference: C.N.137.2023.TREATIES-IV.4 (Depositary Notification)

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS
NEW YORK, 16 DECEMBER 1966

EL SALVADOR: NOTIFICATION UNDER ARTICLE 4 (3)¹

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

The above action was effected on 19 May 2023.

(Translation) (Original: Spanish)

DNU-048-2023

The Permanent Mission of the Republic of El Salvador to the United Nations presents its compliments to the Office of Legal Affairs of the United Nations Secretariat in reference to the mandate provided in article 4, paragraph 3, of the International Covenant on Civil and Political Rights, according to which any State Party to the Covenant availing itself of the right of derogation shall immediately inform the other States Parties, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated, and shall give notice of any circumstances that led to the termination of such derogation or make a general comment on its application.

The Permanent Mission of the Republic of El Salvador to the United Nations, in follow up to its note verbale DNU-149-2022 of 23 November [2022], wishes to inform the Office of Legal Affairs of the United Nations that the Legislative Assembly of the Republic of El Salvador has successively adopted the Legislative Decrees annexed hereto, each of which has consecutively extended, for a period of 30 days, the state of emergency throughout the national territory, in view of the need to maintain the necessary exceptional measures to safeguard the life, security and personal integrity of the population.

Pursuant to Legislative Decrees [No. 569 of 15 November 2022,] No. 611 of 14 December 2022, No. 644 of 11 January 2023, No. 661 of 14 February 2023, No. 687 of 15 March 2023 and No. 719 of 13 April 2023, the following fundamental rights remain provisionally suspended:

- Article 12, paragraph 2 (Right to a hearing and right of defence)
- Article 13, paragraph 2 (Period of administrative detention)
- Article 24 (Inviolability of correspondence).

¹ The texts of Legislative Decrees No. 569 of 15 November 2022, No. 611 of 14 December 2022, No. 644 of 11 January 2023, No. 661 of 14 February 2023, No. 687 of 15 March 2023 and No. 719 of 13 April 2023, attached to the notification, are on file with the Secretary-General and are available for consultation.

These constitutional guarantees have been suspended in accordance with the same powers that the Constitution of the Republic grants to the Legislative Assembly of El Salvador, pursuant to article 131, paragraph 27; and article 29.

By virtue of the foregoing, and taking into account compliance with article 4, paragraph 3, of the International Covenant on Civil and Political Rights, El Salvador would like to reiterate that, owing to the exceptional circumstances that are endangering the lives of the population and for the well-founded reasons set forth in the aforementioned Legislative Decrees, it has decided to make use of its right of derogation with respect to the guarantees included in articles 14, 17 and 22 of the Covenant for the provisional period set forth in each of the aforementioned Decrees. The Government of El Salvador will greatly appreciate the valuable support of the Office of Legal Affairs of the United Nations Secretariat in taking note of and registering the present notification.

The Permanent Mission of El Salvador to the United Nations would like to reiterate the message of the Government of El Salvador that the protection of the right to life and personal integrity of the people of El Salvador will always be the priority and that, in that regard, El Salvador is implementing the measures necessary to guarantee the life and integrity of its people, who have been systematically affected by violence and criminal acts committed by gangs and organized crime groups that are heavily armed and profit from the extortion of people in the most vulnerable sectors.

The Permanent Mission of El Salvador to the United Nations takes this opportunity to convey to the Office of Legal Affairs of the United Nations Secretariat the renewed assurances of its highest consideration.

New York, 19 May 2023

22 May 2023

A handwritten signature in black ink, consisting of stylized initials 'DN' with a horizontal line underneath.