

GUATEMALA

CCPR

DEROGATIONS: NOTIFICATIONS UNDER ARTICLE 4 (3) OF THE COVENANT

23 November 1998
(Dated 20 November 1998)

By Decree No. 1-98 of 31 October 1998, declaration of the state of public disaster throughout the national territory for a period of thirty (30) days, in order to resolve the hazardous situation caused by Hurricane Mitch and to mitigate its effects.

26 July 2001
(Dated 26 July 2001)

By Government Decree No. 2-2001, extension of the state of emergency established by Government Decree No. 1-2001, for an additional 30 days throughout the national territory.

The Government Decree No. 1-2001 was not supplied to the Secretary-General. Moreover, the articles of the Covenant which were derogated from were not indicated.

2 August 2001
(Dated 2 August 2001)

By Government Decree No. 3-2001, establishment of a state of emergency for a period of 30 days in the Department of Totonicapán with immediate effect. The articles of the Covenant which were derogated from were not indicated.

10 August 2001
(Dated 6 August 2001)

State of emergency declared by Decree No. 3-2001 has been rescinded by Government Decree No. 4-2001 with immediate effect.

14 October 2005

On 14 October 2005, the Secretary-General received from the Government of Guatemala a notification made under article 4 (3) of the above Covenant, notifying of a derogation from obligations under the Covenant.

The decision was adopted by the Congress of Guatemala on 6 October 2005 in Legislative Decree No. 70-2005, and it entered into force on 10 October 2005. The Decree recognizes a state of national disaster in the affected areas for a period of 30 days.

The Government of Guatemala specified that it has derogated from the provisions relating to the right of liberty of movement and the right of freedom of action, except for the right of persons not to be harassed for their opinions or for acts which do not violate the law. Moreover, the articles of the Covenant which were derogated from were not indicated.

5 September 2006

On 5 September 2006, the Secretary-General received from the Government of Guatemala a notification made under article 4 (3) of the above Covenant, notifying a declaration of a state of emergency in the municipalities of Concepción Tutuapa, Ixchiguán, San Miguel Ixtahuacán, Tajumulco and Tejuela, in the Department of San Marcos of the Republic of Guatemala.

The State of emergency was declared by Governmental Decree No. 1-2006 of 28 August 2006.

18 September 2006

On 18 September 2006, the Secretary-General received from the Government of Guatemala a communication informing him of Government Decree No. 2-2006 of 31 August 2006, which repeals article 4, paragraph (d), of Government Decree No. 1-2006, which was sent earlier.

18 December 2006

...by Government Decrees Nos. 5-2006 and 6-2006, the President of the Republic declared a state of emergency in some municipalities in the Departments of San Marcos, Huehuetenango and Quetzaltenango. The state of emergency remained in effect for eight days from the date indicated in the decrees, i.e., 17 November 2006.

9 May 2008
(Dated 7 May 2008)

...by Government Decree No. 1-2008 of 7 May 2008, a state of emergency has been declared throughout the territory of the Republic of Guatemala.

Government Decree No. 1-2008, which entered into force immediately, will remain in effect for 15 days and will be applicable throughout the national territory. Accordingly, the exercise of the rights and freedoms guaranteed under articles 9, 19, 21, 22 (para. 1) and 22 (para. 2) of the International Covenant on Civil and Political Rights has been restricted.

12 May 2008

On 12 May 2008, the Secretary-General received from the Government of Guatemala a letter dated 8 May 2008 from the Minister for Foreign Affairs of Guatemala providing information on the state of emergency declared in the Republic of Guatemala by Government Decree No. 1-2008.

27 May 2008

In compliance with article 4, paragraph 3 of the International Covenant on Civil and Political Rights, the Government of Guatemala wishes to inform the Secretary-General that the state of emergency established by Government Decree No. 1-2008 expired on 22 May 2008. Accordingly, the rights and guarantees suspended by this Decree have been restored.

24 June 2008

...by Government Decree No. 3-2008 the President of the Republic has decreed a state of emergency in the municipality of San Juan Sacatepéquez in the Department of Guatemala. The state of emergency will remain in effect for a period of 15 days from 22 June 2008.

14 October 2008

On 14 October 2008, the Government of Guatemala notified the Secretary-General that by Decree

No. 07-2008 various measures were adopted to suspend certain rights in the Municipality of Coatepeque in the Department of Quetzaltenango. The Decree remained in force for 15 days as of 5 October 2008.

27 April 2009
(Dated 24 April 2009)

...by Governmental Decree No. 5-2009, a state of emergency was declared in the municipality of Huehuetenango, Department of Huehuetenango, for a period of 15 days.

7 May 2009

On 25 April 2009, the President of the Republic of Guatemala repealed, by Government Decree 6-2009, the state of emergency in the Municipality of Huehuetenango, Department of Huehuetenango, that had been declared by Government Decree 5-2009.

20 May 2009
(Dated 6 May 2009)

...by Government Decree No. 7-2009, a public health emergency has been declared throughout the national territory, with a view to preventing and mitigating the effects of the influenza A (H1N1) epidemic.

Government Decree No. 7-2009, which was declared for a period of thirty (30) days, limits the rights and freedoms contained in articles 12, 19 and 21 of the International Covenant on Civil and Political Rights.

On 12 May 2009, by Government Decree No. 8-2009, the President of the Republic repealed Government Decree No.7-2009 dated 6 May 2009.

8 February 2010

...by Government Decree No. 14-2009 of 22 December 2009, the President of the Republic declared a state of emergency in the Department of San Marcos. The Decree entered into force immediately for a period of fifteen (15) days during which the exercise of the rights and freedoms guaranteed under articles 9, 12, 19 and 21 of the International Covenant on Civil and Political Rights has been

restricted.

8 February 2010

...by Government Decrees Nos. 01-2010 of 5 January 2010 and 02-2010 of 20 January 2010, the President of the Republic extended the state of emergency in the Department of San Marcos declared by Government Decree 14-2009 of 22 December 2009, each for a period of fifteen (15) days.

16 March 2010

...by Government Decree No. 08-2010 of 18 March 2010, the President of the Republic extended the state of emergency in the Department of San Marcos for a period of fifteen (15) days.

16 July 2010

...by Government Decree No. 4-2010 of 5 February 2010, the President of the Republic extended the state of emergency (Decree 14-2009 of 22 december 2009) in the Department of San Marcos for a period of fifteen (15) days.

26 February 2010

...by Government Decree No. 6-2010 of 19 February 2010, the President of the Republic extended the state of emergency (Decree 14-2009 of 22 december 2009) in the Department of San Marcos for a period of fifteen (15) days.

28 June 2010

...by Government Decrees No. 9-2010 of 7 April 2010 and No. 11-2010 of 16 April 2010, the President of the Republic extended the state of emergency (Decree 14-2009 of 22 december 2009) in the Department of San Marcos for a period of fifteen (15) days respectively.

23 April 2010

...by Government Decrees No. 09-2010 of 7 April 2010 and No. 11-2010 of 16 April 2010, the President of the Republic extended the state of emergency (Decree 08-2009 of 18 March 2010) in the Department of San Marcos for a period of fifteen (15) days respectively.

28 June 2010

...by Government Decree No. 13-2010 of 17 May 2010, the President of the Republic declared a state of emergency in the Department of San Marcos for a period of fifteen (15) days. The Decree restricted the exercise of the rights and freedoms referred to in articles 9, 12, 19 and 21 of the Covenant. The state of emergency concluded 15 days after it was declared.

31 May 2010

...by Government Decree No. 14-2010, owing to the eruption of the Pacaya volcano, the President of the Republic declared a disaster emergency in the territory of the Departments of Escuintla, Sacatepéquez and Guatemala for a period of 30 days, partially restricting the rights and freedoms referred to in articles 12 and 21 of the Covenant.

15 July 2010

...by Government Decree No. 15-2010 of 29 May 2010, owing to the natural disaster caused by tropical storm Agatha and the continuous rain affecting the country, the President of the Republic declared a national disaster emergency for a period of 30 days. On 25 June 2010, by Government Decree No. 16-2010, the disaster emergency was extended for a further 30 days in the Departments of Escuintla, Sacatepéquez and Guatemala owing to the continuance of the circumstances that led to the issuance of Government Decrees Nos. 14-2010 and 15-2010.

In each case, measures were adopted that partially restrict the content of articles 12 and 21 of the International Covenant.

2 August 2010

...by Government Decree 17-2010 of 22 July 2010, the President of the Republic extended for a

further 30 days the disaster emergency proclaimed by Government Decree 14-2010.

28 June 2010

... by Government Decree No. 6-2010 of 19 February 2010 extended the state of emergency in the Department of San Marcos, Guatemala.

The Government Decree entered into force immediately and has been issued for a period of fifteen (15) days in the Department of San Marcos, Guatemala. The exercise of the rights and freedoms established in articles 12, 19, paragraph 2 and 21 of the International Covenant on Civil and Political Rights has been partially restricted.

28 June 2010

In a note received on 28 June 2010, the Government of Guatemala informed the Secretary-General that the State of public emergency declared by Government Decree 11-2010 of 16 April 2010 in the Department of San Marcos ended 15 days after its declaration.

28 December 2010

... by Government Decree No. 23-2010 of 19 December 2010, the President of the Republic of Guatemala declared a state of siege in the Department of Alta Verapaz for a period of 30 days from the entry into force of the Decree in response to the need to regain control of the region where drugs traffickers have a strong presence, and where a series of violent events have taken place. Measures were adopted restricting the full application of articles 9, 12 and 21 of the Covenant.

27 January 2011

... by Government Decree 01-2011, the state of siege is being extended because the conditions that led to the issuance of Government Decree No. 23-2010 [...] still persist.

25 May 2011

... by Government Decree No. 4-2011 in the Council of Ministers, the President of the Republic of

Guatemala declared a state of emergency in the Department of Petén for a period of thirty (30) days, beginning on the date of the entry into force of the aforesaid Decree. Accordingly, the exercise of the rights and freedoms established in articles 9, 12 and 21 of the International Covenant on Civil and Political Rights have been restricted, as necessary.

21 June 2011

... by Government decree No. 5-2011, the state of emergency declared by Government Decree 4-2011 is extended for an additional period of 30 days in the Department of Petén. Measures restricting the application of articles 9, 12 and 21 of the Covenant remain in effect.

21 July 2011

... by Government Decree No. 6-2011, the President of Guatemala extended for an additional 30 days the state of emergency in the Department of Petén declared by Government Decree No. 4-2011 and extended by Government Decree No. 5-2011. Measures restricting the application of articles 9, 12 and 21 of the Covenant remain in effect.

25 August 2011

... by Government Decree No. 7-2011, the President of the Republic of Guatemala, in the Council of Ministers, declared a state of emergency in the Department of Petén for 30 days as of 14 August 2011. The exercise of the rights and freedoms set out in articles 9, 12 and 21 of the Covenant have been restricted.

6 September 2011

In a note received on 6 September 2011, the Government of Guatemala informed the Secretary-General that the state of public emergency declared by Government Decree 6-2011, dated 14 July 2011, ended on 17 August 2011.

12 October 2011

... by Government Decree 9-2011, the Vice-President of the Republic of Guatemala, acting in the

Council of Ministers and on the authority of the President of the Republic, declared a state of public emergency in the Department of Santa Rosa for a period of thirty (30) days as from the date of the entry into force of that Decree. In that connection, measures restricting the application of articles 9, 12 and 21 of the International Covenant on Civil and Political Rights were taken.

14 October 2011

... on 14 August 2011, the President of the Republic of Guatemala, in the Council of Ministers, through Government Decree No. 7-2011, declared a state of emergency in the Department of Petén, Guatemala, for a period of thirty (30) days.

Because of the continuation of the conditions that led to declare the above-mentioned state of emergency, by Government Decree No. 8-2011, dated 13 September, 2011, the President of the Republic of Guatemala again extended the state of emergency for an additional 30 days in the Department of Petén, Guatemala.

20 October 2011

On 15 October 2011, the President of the Republic of Guatemala declared in the Council of Ministers, by Government decree No. 10-2011, a state of emergency throughout the national territory, to run for thirty days starting from the date of entry into force of that decree. Measures have been adopted to derogate as necessary from the provisions of articles 9, 12 and 21 of the aforementioned International Covenant.