

Translated from Spanish

Permanent Mission of Peru to the United Nations

7-1-SG/ 10

The Permanent Mission of Peru to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to refer to note LA/COD/4 of 3 March 2021 concerning the note transmitted by the Permanent Mission of the Bolivarian Republic Of Venezuela to the United Nations in connection with paragraph 12 (c) of General Assembly resolution 75/139.

In accordance with the procedure set forth in paragraph 11 (b) of that resolution, the Permanent Mission of Peru has the honour to transmit herewith a report concerning measures adopted by the Peruvian State to strengthen the external protection of the premises of the Embassy of the Bolivarian Republic of Venezuela and to investigate the incident that took place on 20 February 2021.

In the wake of the incident, the premises of the Embassy and Consulate of the Bolivarian Republic of Venezuela have been duly secured by the security personnel of the Peruvian State, which fulfil, on a daily basis, the guarantees enshrined in the Vienna Convention of Diplomatic Relations and the relevant internal regulations providing for diplomatic premises in Peru to be duly secured.

Peru and the Bolivian Republic of Venezuela are developing and intensifying their diplomatic relations based on the principles of friendship, respect, cooperation and mutual understanding.

The Permanent Mission of Peru to the United Nations takes this opportunity to convey to the Secretary-General the renewed assurances of its highest consideration.

New York, 4 April 2022

H.E. Mr. António Guterres

Secretary-General of the United Nations

Report of the Government of Peru further to note LA/COD/4 dated 3 March 2021 from the Legal Counsel of the United Nations

The Government of Peru wishes to transmit the following information regarding the incident that took place on 20 February 2021 in the immediate vicinity of the Embassy of the Bolivarian Republic of Venezuela in the city of Lima, which was described in note No. 00050 of 21 February 2021 from the Permanent Mission of Venezuela to the United Nations, annexed to note LA/COD/4 dated 3 March 2021 from the Legal Counsel of the United Nations:

1. The Vienna Convention on Diplomatic Relations was approved by virtue of Decree-Law No. 17243 of 29 November 1968 and has been in force for Peru since 17 January 1969. In accordance with the Convention, particularly article 22, paragraph 2 thereof, the Peruvian State, acting through the Embassy Protection Division of the Peruvian National Police, provides external protection to the premises of diplomatic missions and residences of heads of missions accredited to Peru.
2. The premises of the Consular Section of the Bolivarian Republic of Venezuela, at No. 298 Arequipa Avenue, Cercado de Lima, have external security provided by a permanent, 24-hour police presence, in 12-hour shifts, in constant communication with police headquarters.
3. Through information disseminated on social media, the Division became aware of a call for a social protest that would be held on 20 February 2021 in front of the consular premises of the Bolivarian Republic of Venezuela in Lima. The Consular Section had informed the Ministry of Foreign Affairs that it was aware that a march on its premises had been planned for 27 February 2021.
4. It should be noted that, when a diplomatic or consular mission has information regarding a protest or situation that could affect the integrity of its premises and or/officials, it informs the Ministry of Foreign Affairs, which in turn asks the Division to attend to the matter urgently and strengthen the security of those facilities and personnel. At the same time, the Political Constitution of Peru guarantees the right of peaceful assembly, without weapons, and freedom of conscience, information, opinion, expression and the dissemination of ideas. Accordingly, there is no persecution based on ideas or beliefs and no offence of opinion. The exercise of those rights, subject to the responsibilities set out by law, are cornerstones of democracy and the rule of law in Peru.

5. In view of the situation, the Division strengthened the security of the consular premises of Venezuela in Lima by deploying four police personnel under the command of a Division officer. Reinforcements amounting to seven police personnel were deployed to the Petit Thouars police station, which is closest to the location and has jurisdiction over the area, in addition to 41 police personnel from the Black Eagles Unit, Special Operations Section, Peruvian National Police Centre 1. The Chief of Lima Regional Police, General Jorge Angulo Tejada, attended the scene of the incident.

6. According to police estimates, some 200 individuals attended the protest, which took place between approximately 1845 hours and 1920 hours. No fatal accidents, wounds or personal injuries were recorded.

7. The police personnel of the Petit Thouars police station, which has jurisdiction over public security at the scene of the incident, compiled a police report in which the interior security officer of the consular premises, Adrián José Urbameja Patete, a Venezuelan citizen bearing foreign national booklet No. 04363116, stated that window panes on the second floor, overlooking Arequipa Avenue, had been broken, but that he had not recognized the perpetrators and could not identify those responsible.

8. The police complaint to the Office of the Public Prosecutor regarding that regrettable incident was handled by the 17th Provincial Prosecutor's Office, Lima, which opened a preliminary investigation regarding the criminal damage and offences against property allegedly committed at the location.

9. The investigation was conducted by the Provincial Criminal Prosecutor's Office, Second Section, Fourth Corporate Criminal Prosecutor's Office covering Cercado de Lima, Breña, Rímac and Jesús María. A diplomatic officer of the Consular Section of the Embassy of Venezuela, Jeancarlo Evans Leon, a Venezuelan national bearing identity card No. 13698958, attended virtually and endorsed the complaint. However, Mr. Evans stated that he had not recognized the people who caused the damage, and he did not provide information that could lead to the identification of those responsible.

10. Further to the necessary proceedings and inquiries, in the light of the documents and available information gathered by the police and prosecutors, the Office of the Public Prosecutor stated on 20 September 2021 that it would not formalize or proceed with the preliminary investigation, as no defendant had been identified who could be duly singled out as the alleged perpetrator of the acts.

The Consular Section of the Embassy of Venezuela was informed of that decision. Accordingly, once the legal time limit had elapsed without the complainant having taken action in a judicial setting, the investigation was definitively closed.

11. Given that it was not possible to determine the identity or responsibility of the alleged perpetrators or their connection to the incident, the law provides that a new investigation could be opened if a sufficient basis for so doing were to emerge, provided that criminal proceedings were not time-barred.

12. In order to ensure that such situations do not recur, the Embassy Protection Division has strengthened the permanent police presence at the location and at the residence of the Bolivarian Republic of Venezuela, including continuous mobile patrols in the area.

Lima, 22 December 2021