

URGENT

PRESS RELEASE

INTERNATIONAL COMMISSION OF JURISTS

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IMMEDIATE

Geneva, 3 November 1977

FABRICATED CHARGES AGAINST DEFENCE

LAWYERS IN URUGUAY

The International Commission of Jurists has just received information of the arrest and prosecution of four more defence lawyers in Uruguay. All of them are victims of what can only be described as fabricated charges, arising out of the proper performance of their professional duties on behalf of their clients.

The effect of these arrests, coupled with earlier arrests and the many cases where defence lawyers have been compelled to flee the country, has produced a situation where, as in Argentina, it has now become almost impossible for a prisoner charged with a political offence to obtain the services of an experienced penal (criminal) lawyer.

Having brought all other aspects of the justice system in political and security cases under military control, it seems that the intention of the Uruguayan military authorities is now to drive out of their courts all civilian defence advocates, leaving the prisoners to be defended only by official military defenders who lack both the independence and the legal competence to represent them adequately.

The following are particulars of the four cases:-

Dr Rodolfo SCHURMANN PACHECO

Dr Schurmann, aged 55, is one of the most distinguished penal lawyers in Uruguay. Assistant Professor in Penal Law at the University of Montevideo, he has been a public defender in the ordinary (civilian) criminal courts for many years, appointed by the Supreme Court. He has published numerous works on penal law and has an international reputation. His law firm has been involved in the defence of numerous political prisoners detained by the military authorities for political activities. He has never been politically active in any way.

He was arrested by the military forces in the early hours of 30 September, 1977. He has now been charged by a military examining magistrate with three offences arising out of his defence of a political prisoner named Olivari. It is alleged that he had not been authorised in writing by Olivari to act as his counsel. A written authorisation has to be filed by the advocate in the court file. Dr Schurmann states that he had filed one, and on noticing that it was missing he handed in a second authorisation, which has also disappeared. On this basis he has been charged:-

- (1) with an offence under the military code known as "assistance to a subversive organisation" on the basis that he had not been appointed by Olivari and therefore was assisting him in a voluntary capacity, tending thereby to protect a man who belonged to a subversive association;
- (2) with "usurpation of functions" by usurping the role of the military defender who should have been appointed to defend Olivari in the absence of a written authorisation;
- (3) with "disrespect to the Court" since he had protested against his detention and charges.

These charges are as preposterous as they seem. No lawyer in Uruguay has ever before been charged in this way. In the not infrequent cases where a written authorisation is missing from the file, the lawyer is simply asked to obtain another one and file it.

Dr FRAGA

Dr Fraga was an associate of Dr Schurmann working in his firm, who was assisting him in the defence of Olivari. In the course of the proceedings against Dr Schurmann he stated that he also was one of Olivari's defence lawyers.

For this he was charged with making a false declaration (lit: 'ideological falsification') since, according to the examining magistrate, he had stated something which was not true.

Dr Emilio BIASCO

Dr Emilio Biasco submitted a petition to the government administration on behalf of a client who had been dismissed from his post in the civil service as being subversive. As a result of a statement in the petition, based on the instructions of his client, Dr Biasco has been charged with the military offence of "making an attack upon the reputation (lit. 'the moral force') of the army".

Dr Hugo FABBRI

Dr Fabbri, aged 65, is a very well-known and experienced specialist in penal (criminal) law.

Dr Fabbri had submitted a petition to a civilian court which contained certain observations about the conduct of some members of the army. The civilian court referred the matter to a military magistrate. Dr Fabbri was arrested on 21 October 1977 and immediately charged with the same offence of "making an attack on the reputation of the army".

It is known that one of Dr Fabbri's daughters, who was convicted five years ago by a civilian court as a Tupamaro guerrilla, has recently been removed

for further interrogation by the army authorities from the prison where she was detained. It has been reported that she was severely tortured during this interrogation. It is thought likely, but there is no direct evidence, that Dr Fabbri's petition related to the removal of his daughter from the prison without the authorisation of the court.

The International Commission of Jurists is protesting to the Uruguayan authorities about these cases, and will urge lawyers' organisations throughout the world to do the same.
