

The Bill has been denounced by the legal and other professions affected by it. The Madrid College of Advocates has demanded its withdrawal, categorizing it as illegal and contrary to the traditions of the Spanish bar. The law was drawn up by the government without any consultation with the legal or other professions.

Its principal features, as it affects the Bar, are the regulation of the general conditions of the profession by the government (Art. 2); its subjection to political control as "an organic agent of the political order" (Art. 5); the control of the officers of the Colleges of Advocates by giving them the status of civil servants and by requiring every candidate for office to swear fidelity to the principles of the National Movement (i.e. General Franco's party) and to the fundamental laws of the country (Art. 5); the extension of the right to vote to non-practising advocates, with voting by post or by proxy (Art. 7; this is aimed at ensuring political control of elections); all decisions and actions contrary to the principles of the National Movement and the fundamental laws are declared null and void (Art. 8). All these provisions indicate the government's determination to subject completely the Colleges of Advocates, like those of other professions, to the will of the government.

Uruguay

The apprehensions expressed in REVIEW No. 8 about the deterioration in the Rule of Law in Uruguay, which provoked such strong reactions in some quarters, are unfortunately proving to be only too well-founded. Although the guerilla activities against which the state of emergency was proclaimed have been brought under effective control, the military intervention in the government of the country, so far from receding, has been intensified and now extended into the economic sphere. It seems that one of the objectives of some of the military leaders is to root out the political corruption against which the Tupamaros themselves were fighting. It is perhaps for this reason that the left wing "broad front" of the communist, socialist and christian democratic parties at first gave qualified support to the increased military intervention.

The true balance of power between the civilian and military authorities was revealed in February 1973 when the army and air force chiefs took over the radio and television stations and forced the resignation of the Cabinet. They obtained the replacement of the Defence Minister by a retired army general. The Defence Minister had, with the approval of President Bordaberry, supported a senator whose criticisms of the army led to an army statement that they "would prevent politicians making public accusations against them". A national security council has been created to "assist the President in creating the conditions necessary for realising the national objectives". Most of the important posts in economic enterprises and banks are being taken over by military officers. In these and other ways, the armed forces are now sharing control with the government.

In spite of protestations by President Bordaberry that freedom and democratic institutions are being maintained, Uruguay can hardly be

regarded as a parliamentary democracy. Having the support of only one-third of the Parliament, the government were unable to obtain an extension beyond 31 May, 1973, of the suspension of the "guarantee of individual security" under the Constitution. They are now legislating by decree under the notorious law of State Security.

Under this Law the political prisoners continue to be detained for long periods in prison without being brought to trial. The torture of suspects continues and another prisoner, Fernandez Mendieta, has died. His relatives were told of his death on the day following his arrest. Two senators have stated publicly that there is definite proof that he died as a result of violent tortures.

The thousands of people who have been arrested for supposed connection with the activities of the guerilla groups are now subject to the jurisdiction of military courts under Law 14068.7/72. The way in which these courts operate has been the subject of a memorandum on Military Justice in Uruguay prepared by five defence lawyers (Drs Jorge Arias, Azucena Berrutti, Alberto Caymaris, Mirka I. Garmendia, and Fernando Urioste). The President of the College of Advocates has conveyed it to the Minister of National Defence and it has been referred to the Military Supreme Court, and discussed in the Legislative Committee of the Senate.

Among the complaints put forward in the Memorandum are the distrust shown by the military courts towards defence lawyers, the lack of independence of the military judges, their lack of proper training for their increased jurisdiction, the incompetence of the court officials, the intolerable delays in all proceedings, the long period of detention (usually lasting several months) before it is decided whether a prisoner shall be brought to trial or released, the nomination by the courts of unqualified military "public defenders" to represent the accused (even in cases where they have stated the names of lawyers they wish to represent them), the difficulties for lawyers in obtaining interviews with prisoners and the presence of guards to control and censor the interviews, the removal of prisoners to places remote from their relatives and lawyers, the unwillingness of courts to listen to arguments based on procedural issues, the joint trials of unrelated cases, the clogging up of the machinery for appeals through bureaucratic incompetence, and finally the disregard by the military authorities of decisions by military courts, including those for the release of prisoners.

Given this general situation, it is perhaps not surprising that the Government of Uruguay has not replied to the proposal made by the International Commission of Jurists to be allowed to send an impartial mission to study the problem of terrorism and the rule of law in Uruguay (see REVIEW No. 9, p. 1). This proposal was in response to a suggestion made by the Government of Uruguay at the time of our article in REVIEW No. 8. At that time, however, the Government enjoyed greater freedom of decision than it now has.

Note:

The above note was written before the Decree of June 27, 1973, by which President Bordaberry, with the support of the armed forces, dissolved the parliament. On the following day he dissolved the 19 elected municipal councils of Uruguay, thus completing the establishment of a military based dictatorship. His action contrasts with the successful maintenance of democratic institutions by President Allende in Chile when subjected to similar pressures.