

LEGAL FRAMEWORK

Section 24.2 Spanish Constitution

• RIGHT TO DEFENCE: secrecy of suspect-lawyer communications

Section 542.3 Organic Law on the Judiciary

- SECRET
 - Obligation
 - Protection

Section 199.2 Spanish Criminal Code

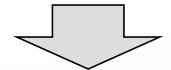
• Breach the obligation of secrecy: PUNISHMENT

Section 51.2 of the Organic Law of Penitentiary

- Non intervention of lawyer-suspect comunications
 - Exceptions: judicial order and conections with terrorism

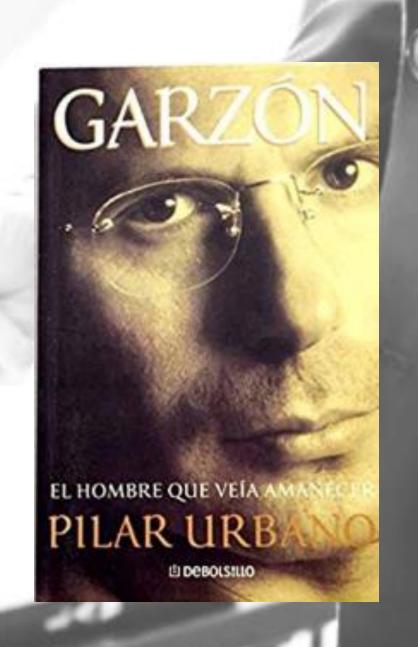
MILESTONE

Gürtel case



conviction of Judge Garzón





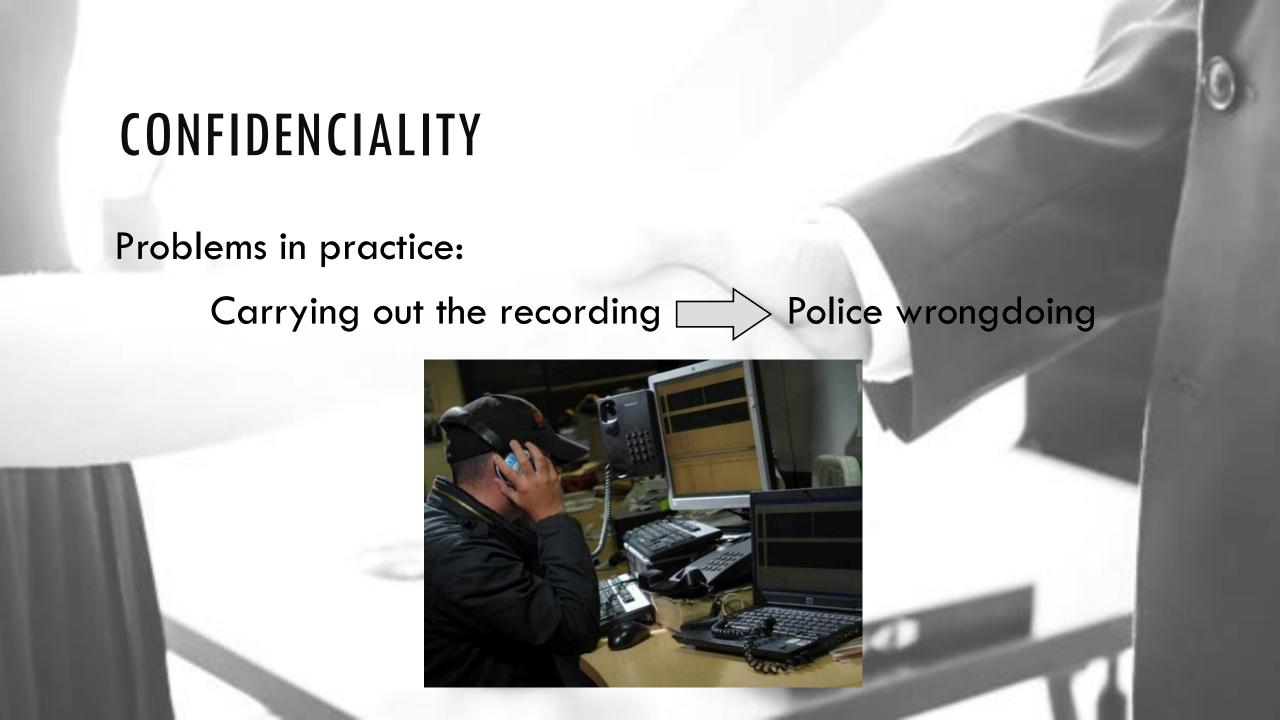
SPANISH CRIMINAL PROCEDURE CODE

- Section 416.2: defence lawyer is exempt to testify

Reformed by Law 13/2015

- Section 118 lawyer-client communications are confidential

Crime fraud exception: legal uncertainty.



LEZO CASE

Intervention lawyer-client conversation: falsification of a medical report





El juez del 'caso Lezo' intervino las conversaciones entre Villar Mir y sus abogados

IN-HOUSE LAWYERS/ TAX ADVISORS

- Messi case
- Ruling Spanish Supreme Court 1887/2017

• Treasury department scrap professional secrecy

Hacienda retirará al abogado interno de empresa el secreto profesional

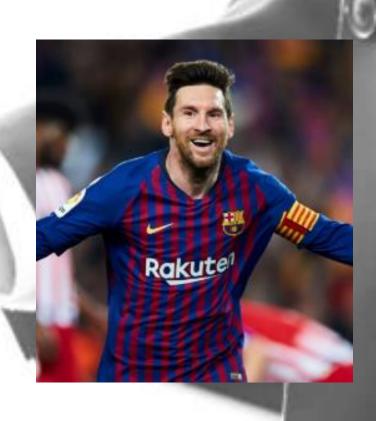
BORRADOR/ Así lo plantea de cara a la reforma de la Ley General Tributaria que traspondrá la Directiva que incrementa los controles sobre los asesores fiscales. Estos deberán informar de operaciones "sospechosas" desde julio de 2018.

facienda retirará al abagado rofesional. Así lo plantes en ya parte de que el abografo in abierto nara la elaboración de En el borrador, el Ministerio tace va una declaración de in

nalizados por Hacienda (ver

to. Señala que le tienen lo de la Abogacia, un Decreto Tribunal de Justicia de la UE dijo, en un asumo de Compe





ECHR

Sérvulo & Associados – Sociedades de Advogados RI. c. Portugal 3 of September 2015

- Article 8 of the Convention: private and family life
- Investigating judge: warrants to seize computer files and emails 35 keywords: "financial contributions", "funding"

Separate opinion Judge Saragoça da Matta: Too large a scope for investigation

