

17 January 2020

## **Chile: Harassment and smear campaign against human rights defender Daniel Urrutia Laubreaux**

On 3 January 2020, judge **Daniel Urrutia Laubreaux** received a disciplinary complaint after summoning the mayor of the Santiago Metropolitan region, Felipe Guevara, to court, in relation to the arbitrary detention of a peaceful protester. The Court of Appeals of Santiago is currently determining whether or not to open a disciplinary case against the judge. This complaint is part of a series of attacks which appear to be aimed at preventing the judge from acting independently.

[Daniel Urrutia Laubreaux](#) is a supervisory judge<sup>1</sup> and human rights defender who has ruled in cases against the Chilean State, State police, and public administration personnel. Throughout his career as a judge, he has actively defended human rights, including the voting rights of persons in pretrial detention, the rights of minors in provisional detention and the right to freedom of assembly and association, among others.

Since October 2019, when the social and political crisis began in Chile, Daniel Urrutia Laubreaux has been constantly harassed for ruling in cases related to the exercise of civil and political rights. He has publicly spoken out on human rights violations and "state terrorism" committed in the context of the social outbursts in the country. This has led to various incidents, including suspected phone surveillance, defamation, judicial harassment and smear campaign in retaliation for his work as a judge and human rights defender. Since January 2020, he has been targeted with attacks on social networks with individuals calling for his dismissal using the hashtag #RemociónJuezUrrutia, as well as pronouncements by former government authorities such as former Congressman Gustavo Hasbún, who stated that Urrutia "is an embarrassment to the Judicial Branch".

This is not the first time that the judge has been harassed for his work in defense of public freedoms in Chile. In June 2006, he visited the Santiago Sur Pretrial Detention Center, where he found that more than 100 inmates were sleeping outdoors. He sent a harsh report on the issue to the Supreme Court Prosecutor's Office and the Court of Appeals in

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<sup>1</sup> Supervisory judges are mandated to safeguard the rights of individuals during criminal proceedings.

Santiago. Soon after, unknown individuals shot at his office. In 2009, he had to take unpaid leave and move to Mexico for three years due to the harassment he had been subjected to by senior judicial authorities, which could have affected his independence as a judge.

In February 2019, the Inter-American Commission on Human Rights presented Case 12.955, *Daniel Urrutia Laubreaux v. Chile* to the Inter-American Court of Human Rights. The public hearing will be held on 30 January 2020 in San José, Costa Rica. The case is related to an academic project carried out by the human rights defender in which he criticised the Supreme Court of Justice for its involvement in human rights violations during the dictatorship, and demanded a public apology for the crimes committed. For this reason, his work was censored, a sanction which was later reduced to a warning.

Front Line Defenders is concerned about the harassment and threats against Daniel Urrutia Laubreaux, which appear to be directly linked to his work defending human rights and democracy in Chile, especially in the context of the current political and social crisis.

### **Front Line Defenders urges the authorities in Chile to:**

1. Carry out an immediate, thorough and impartial investigation into the harassment and smear campaign against Daniel Urrutia Laubreaux, in order to identify those responsible, bring them before a competent and impartial tribunal, and apply to them the sanctions provided for by law;
2. Take all necessary measures, in consultation with Daniel Urrutia Laubreaux, to safeguard his physical and psychological integrity;
3. Guarantee in all circumstances that all human rights defenders in Chile can carry out their legitimate work in defence of human rights without fear of reprisals and free from all types of arbitrary restrictions, including judicial harassment.

Front Line Defenders respectfully reminds you that the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by consensus by the UN General Assembly on 9 December 1998, recognises the legitimacy of the activities of human rights defenders, their right to freedom of association and to carry out their activities without fear of reprisals. We would particularly draw attention to Article 12 (2): *“The State shall take all necessary measures to ensure the protection by the*

*competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration” and to Article 18 (2): “Individuals, groups, and non-governmental organisations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes.”*

Please inform us of any actions that may be taken with regard to the above case.

Yours sincerely,



Andrew Anderson  
Executive Director