

8 January 2021

Brazil: human rights lawyer José Vargas Sobrinho Junior detained

On 1 January 2021 human rights defender and lawyer **José Vargas Sobrinho Junior** was detained in Redenção, Pará. The detention is linked to a police investigation into the disappearance of Cicero José Rodrigues de Souza, the President of the Association of Epileptics of Redenção and former candidate of the 2020 Municipal Elections. Cicero José Rodrigues de Souza has been missing since 20 October 2020.

[José Vargas Sobrinho Junior](#) is a human rights defender, university lecturer and lawyer in the state of Pará. José Vargas has dedicated his life's work to the defence of landless rural workers, indigenous people and traditional communities in the state of Pará, the most dangerous region in Brazil for the defense of land rights. The lawyer is well known for his work on emblematic collective cases which goes against the interests of landowners and other economic groups in the region, such as the defence of the victims of the Pau D'Arco massacre, defending landless workers against the JBS company, and for his representation of the Kayapó indigenous people against mining companies in Cumaru do Norte. In recognition for his work in the defence of human rights, particularly on land rights, José Vargas received the 2017 João Canuto Award, granted by the Human Rights Movement (MhuD) and the 2018 Paulo Frota Medal, awarded by the Legislative Assembly of Pará (ALEPA).

On 1 January 2021, at around noon, police arrested José Vargas while he was at home with his wife and two daughters. During the operation, the human rights defender's cellphone and computer were also seized. The human rights defender was escorted by armed police to the Prison facilities of Redenção. According to the version presented by the Civil Police and the Public Ministry, which also participates in the preliminary investigations, the defender's alleged involvement is solely based on evidence of a transcript of some WhatsApp audio. The investigative procedure is still at a preliminary stage, no charges have been formalised against the human rights defender.

On 4 January 2021, a habeas corpus was requested by the OAB (Ordem dos Advogados do Brasil/ Brazilian Bar Association, Redenção/Para section) claiming that José Vargas' arrest was unfairly based on unsubstantial evidence and loose arguments. The OAB stated that José Vargas' arrest was based on "hypothetical premises, without proof in the records" and on a "fanciful thesis raised by the police authorities". A request for his provisional release was also denied, despite the fact that Brazilian law provides for his freedom: the human rights defender is a primary defendant, has family, residence and permanent jobs in Redenção, fulfilling all the requirements under the Code of Criminal Procedure to respond to the process, which is still in preliminary investigation, in freedom. Since the detention, audio files and pictures unrelated to the case have been disseminated on local networks and WhatsApp groups with the clear intention to undermine the credibility of the defender and destroy his public image.

Front Line Defenders has seen a global trend in the misuse of the judicial system to silence human rights defenders by imprisoning them, destroying their reputation and interrupting their work, thus simultaneously silencing the victims of human rights violations they support. José Vargas has a record of being targeted as a human rights defender. He is included in the Program for the Protection of Human Rights Defenders since 2017 due to the increased threats faced by him in

retaliation for his work in the defense of human rights, particularly in relation to his leadership in seeking justice for the survivors of the Pau D'Arco massacre – a case where 10 rural workers were killed by police officers and is still pending resolution. In the past, José Vargas has also been forced to leave the city with his family, as a protective measure due to the increase in threats against his life.

Front Line Defenders recognises the importance of investigating and elucidating all the facts about this very serious case involving Cicero José Rodrigues de Souza. Nevertheless, Front Line Defenders believes the investigation of his disappearance has been misused as an opportunity to undermine José Vargas' work as a human rights defender.

Front Line Defenders is also concerned that the preventive detention of José Vargas, the emergency measure taken by the authorities over a week ago, has not been relaxed, despite the provision of Brazilian legislation and the lack of coherent evidence against the defender. Front Line Defenders expects the right to presumption of innocence of José Vargas Junior to be respected by the authorities throughout the process of this case, and urges the authorities in Brazil to release the human rights defender while an impartial investigation into the allegations made against the human rights defender is carried out.

Front Line Defenders urges the authorities in Brazil to:

1. Release José Vargas Sobrinho Junior from preventative prison, respecting the human rights defenders right to respond to the investigation in freedom;
2. Ensure that José Vargas Sobrinho Junior's treatment, while in prison, is consistent with the conditions set out in Brazilian law, as well as the 'Set of Principles for the Protection of All Persons Subject to Any Form of Detention or Imprisonment', adopted by the United Nations General Assembly at its resolution 43/173, of December 9, 1988;
3. Take all necessary measures to protect the physical and psychological integrity of José Vargas Sobrinho Junior and his family members, in consultation with them;
4. To guarantee, in all circumstances, that all human rights defenders in Brazil, in particular those defending land rights, can carry out their legitimate human rights activities without fear of reprisals and free from any restrictions, including judicial harassment.