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Covid-19: Bolsonaro should face criminal charges over Brazil's failed response, recommends inquiry

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A Brazilian Senate inquiry into the pandemic has recommended charging the country's far right president Jair Bolsonaro with nine crimes, including crimes against humanity, for his role in the country's ineffectual response.

The commission's report also recommended charges against 65 other people, including current and former ministers, officials, legislators, and political staffers. Also named were businessmen who formed a "parallel cabinet" around the president to counter the efforts of the government's public health experts, the commission found.

The recommended charges include corruption, incitement to crime, violation of preventive sanitary measures, and "epidemic crime with lethal result." Among those accused of incitement to crime are three of the president's adult sons: Eduardo, a deputy in the Congress; Carlos, a Rio councillor; and Flávio, a senator.

The report also recommended charging the president and several others with "charlatanism," the promotion of false cures. Also accused in the report are two doctors close to Bolsonaro: oncologist Nise Yamaguchi and virologist Paolo Zanotto, both vocal champions of hydroxychloroquine and ivermectin. Both attended meetings with the president at which they cautioned against a vaccine based strategy, the report found. At one meeting, the commission heard, they urged the director of Brazil's drug regulator to accept a presidential decree changing the package insert of hydroxychloroquine to claim that it could treat covid.

Two companies were also named for indictment. One was involved in a purchase of a vaccine from India that sparked a bribery scandal. The other is hospital chain Prevent Senior, accused in the commission's report of pressuring doctors to prescribe ineffective drugs such as hydroxychloroquine as part of a study performed in conjunction with the federal government and without the consent of patients.

Prevent Senior is also accused of deliberately undercounting covid-19 deaths. The company's director and eight doctors should face prosecution, the report said. The company said in a statement that the inquiry was a politically motivated "public lynching."

A draft version of the report, leaked earlier this week and reported worldwide, recommended that President Bolsonaro be charged with "murder by omission" for deliberately delaying vaccine purchases, and with genocide for allowing the virus to kill indigenous people at an especially high rate.¹ These two charges were dropped from the final version,² published on 20 October, after last minute wrangling among the

opposition and independent senators who made up the commission.

But, the inquiry concluded, Bolsonaro's treatment of indigenous populations still merited a charge of crimes against humanity for extermination and denial of essential drugs. The report is to be sent to the International Criminal Court at the Hague, said commission member Senator Renan Calheiros.

It will also go to Brazil's prosecutor general and to the lower chamber of Congress, which could choose to impeach. In practice Bolsonaro faces little immediate threat. The current prosecutor general is a political ally and the president can muster the one third of congressional deputies he needs to fend off impeachment in the lower chamber. But his potential legal exposure further raises the stakes of next year's election, a race in which, polls suggest, Bolsonaro is trailing badly because of public disapproval over his response to the pandemic.

Brazil has reported 604 303 deaths from covid-19, and has one of the world's worst proportional tolls, with 2817 lives reported lost to the virus per million population. "In spite of all the vaccines that were on offer, the federal government opted not to buy them," the report said. Several officials are also accused in the report of demanding bribes during negotiations with vaccine makers.

It took seven months after Pfizer offered vaccines to Brazil for the government to sign a deal, having left one offer from the company unanswered for two months, the inquiry heard. During this time Bolsonaro warned Brazilians on television that Pfizer's proposed contract would give them no legal recourse if the vaccine changed them into alligators or made women grow beards.

"The decision not to acquire vaccines between the months of July 2020 and at least January 2021 ended up claiming the lives of thousands of Brazilians," the report said, suggesting that Bolsonaro's actions were based on his "unfounded belief in the idea of herd immunity through natural infection and the existence of early forms of treatment."

Bolsonaro called the Senate's report "a joke," adding, "We know that we are not to blame for absolutely anything, we did the right thing from the first moment."

- 1 Resume of the work of the Parliamentary Commission of Inquiry into the Pandemic up to 17 October 2021 [Portuguese]. https://stat-ic.poder360.com.br/2021/10/Relatorio_CPI-da-Covid-19.out_2021.pdf
- 2 Federal Senate. Parliamentary Commission of Inquiry into the Pandemic. Final Report. [Portuguese] 20 October 2021. https://download.uol.com.br/files/2021/10/2954052702_relatorio_final_cpi_covid.pdf.

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