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Crimes against humanity in Brazil's covid-19 response—a lesson to us all

For the sake of ideology, hundreds of thousands of avoidable deaths occurred, write Deisy Ventura and colleagues

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After almost six months of investigation, a Brazilian senate inquiry into covid-19 has ended its proceedings by recommending the indictment of federal authorities, government aides, and companies for numerous crimes committed during the pandemic.¹ First on the list is Brazil's president, Jair Bolsonaro, who is accused of committing crimes such as “prevarication,” the failure to carry out or delay of public duties for reasons of personal interest; charlatanism, the promotion of false cures; and the spread of the virus. He has also been accused of “crimes of responsibility,” laid out in Brazil's constitution, which is punishable with impeachment due to the incompatibility of his conduct with the dignity, honour, and decorum expected of the presidential office.

The report makes for explosive reading, however, it is in its accusation that Bolsonaro committed crimes against humanity that the inquiry makes a valuable contribution to global health and the future of global pandemic responses. The commission's report outlines a systematic strategy beginning with the president that led people to engage in behaviour hazardous to their life and health. Based on Article 7 of the Rome Statute (the treaty that established the International Criminal Court), Bolsonaro and other ministers have been indicted with the crimes of extermination, persecution, and other inhumane acts. In its first version, the report had also identified the crime of genocide against indigenous communities, but this has been removed from the final report due to dissent among senators.

As we have previously written in *The BMJ*,² the federal government has done everything in its power to let covid-19 follow its natural course, by encouraging people to become infected; recommending the use of ineffective treatments as part of official policies; and disseminating misinformation on preventive measures such as social distancing, masks, and vaccines. The president also declared war against local governments that adopted measures to contain the virus and travelled throughout the country to organise and support the gathering of thousands of people in rallies. A symbolic gesture of Bolsonaro's reckless and anti-science grandstanding came about when the president, himself maskless, took a mask off a child's face during a rally.³

The idea of herd immunity by contagion has been used to justify Bolsonaro's actions, but this approach has been largely debunked, since it is unsustainable to tackle a pandemic by letting the disease spread on a large scale. More than this, it is an abomination

from an ethical and legal standpoint, for it entails thousands of avoidable deaths, as well as the overstrain and even collapse of healthcare systems.

At the request of the Senate commission, we presented a report in May 2021 that collected together more than 200 pieces of evidence showing the federal government's intention to spread covid-19,⁴ based on thousands of official public documents and speeches. Yet the Senate commission has gone even further. On sessions broadcast to the public on live TV, and followed by a large audience, it revealed that the delay to procure vaccines by the federal government was deliberate, among other findings. Furthermore, the commission made public the scandal involving the healthcare company Prevent Senior, which is alleged to have used people as test subjects in studies without their full consent and as part of federal efforts to prescribe unproven drugs for covid-19.⁵

Brazil's federal government never changed its course of action, even in the face of catastrophic results: more than 21 million confirmed covid-19 cases and 600 000 deaths.⁶ The government's failure to implement preventive measures has exacted a heavy toll on the healthcare system, which is still to be accounted for, while also wasting scarce resources. The health system collapsed in some places, with hospitals at capacity or running out of supplies, leaving patients without care and healthcare staff with moral injuries.

Despite all this, and even after the publication of the commission's report, the president is still spreading misinformation about covid. Only a day after the report was read in the Senate, Bolsonaro claimed that people in the UK who had received two doses of the covid-19 vaccine had contracted AIDS.⁷

The senators at the head of the commission intend to take the investigation to the prosecutor of the International Criminal Court. For the sake of ideology, hundreds of thousands of avoidable deaths occurred in a country endowed with one of the strongest healthcare systems in the developing world, and which should have been able to mount a robust response to the pandemic.

This case should be a lesson to other countries and for future pandemics. It is critical that we prevent other governments elsewhere in the world from letting pandemics follow their natural devastating course, under the excuse of protecting the economy and glorifying societal freedoms without protecting the most vulnerable people. For the future security

of global health, the international community has a duty to acknowledge that this is a crime which, although inflicted on the people of Brazil, has targeted and threatened the whole of humanity.

Competing interests: none declared.

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- 3 Bolsonaro takes off a child's mask when he picks her up; see the video. *Estado de Minas*. Jun 2021. [Portuguese] https://www.em.com.br/app/noticia/politica/2021/06/24/interna_politica,1280186/bolsonaro-tira-mascara-de-crianca-ao-pega-la-no-colo-veja-o-video.shtml
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- 6 World Health Organization. WHO coronavirus (COVID-19) dashboard. <https://covid19.who.int>
- 7 Facebook yanks Bolsonaro video claiming vaccines cause AIDS. *The Independent*. Oct 2021. <https://www.independent.co.uk/news/jair-bolsonaro-facebook-aids-brazil-instagram-b1945130.html>