



BRAZIL

THE TIMELINE OF THE FEDERAL GOVERNMENT'S STRATEGY TO SPREAD COVID-19

São Paulo, 28th May 2021.

Study prepared within the scope of research project ““RIGHTS IN THE PANDEMIC - Mapping the impact of Covid-19 on human rights in Brazil” of the Centre for Studies and Research on Health Law (CEPEDISA) of the School of Public Health (FSP) of the University of São Paulo (USP)”, updated at the request of the parliamentary committee of inquiry created by Federal Senate Requests 1371 and 1372, of 2021, by means of Official Letter 57/2021-CPIPANDEMIA.

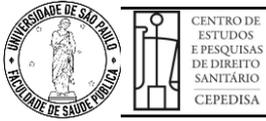
EXECUTIVE SUMMARY

1. This study is part of research project ““RIGHTS IN THE PANDEMIC - Mapping the impact of Covid-19 on human rights in Brazil” of the Centre for Studies and Research on Health Law (CEPEDISA) of the School of Public Health (FSP) of the University of São Paulo (USP)”, carried out in partnership with Non-Governmental Organization “Conectas Direitos Humanos” until January 2021 and, since then, with the National Council of Health Secretaries (CONASS), with the aim of collecting federal and state regulations relating to Covid-19 and assessing their impact on human rights in Brazil. The partnership entered into with CONASS refers to the mapping and analysis of rules drawn up by the State and Federal District Health Offices and is restricted to the scope of health policies during the Covid-19 pandemic. The timeline of the federal government’s strategy to spread Covid-19 was first published in January 2021, and has now been updated at the request of the Federal Senate's Parliamentary Committee of Inquiry on Covid-19.
2. This document is composed of two main parts: the **report**, which presents the methodology and summary of the study results; and a **timeline**, which presents the systematization of the collected data.
3. The study aims to assess the **hypothesis** that a strategy to spread Covid-19 is in progress in Brazil, which is systematically promoted on a federal level. It is based on **documental research** with public data, carried out by an multidisciplinary team with qualifications in the areas of Public Health, Law, Political Science and Epidemiology, using as **sources** federal regulations, case laws, official speeches, public pronouncements by federal authorities and searches in digital platforms. The collection of data for the specific purposes of this study covered the **period from 03/02/20 to 28/05/21**, and sought information corresponding to events (actions and omissions) that demonstrate the presence of **intent**, herein understood simply as the confluence between the **awareness** of the acts and omissions practiced, and the **willingness** to practice them.
4. The collection has resulted in the identification of **three types of evidence**:



- **federal normative acts**, including the enactment of rules by federal authorities and bodies and presidential vetoes;
 - **government acts**, which comprise acts of obstruction to state and municipal government efforts to respond to the pandemic, **omissions** related to the management of the pandemic on a federal level, and **other elements** that allow understanding and contextualizing governmental acts and omissions; and
 - **propaganda against public health**, herein defined as the political discourse that employs economic, ideological, and moral arguments, in addition to fake news and technical information without scientific verification, with the purpose of discrediting health authorities, weakening popular adherence to science-based recommendations, and promoting political activism against the public health measures required to contain the spread of Covid-19.
5. A confluence has been verified between the normative, administrative and speech aspects of the federal response to the pandemic, **with consistency between what is said and what is done**. Therefore, the hypothesis of the existence of a strategy for dissemination of the disease through the following acts and omissions, is valid:
- Defence of the theory of **herd (or collective) immunity by infection (or transmission)** as a response to Covid-19, spreading the belief that the “natural immunity” resulting from the virus infection would protect individuals and lead to the control of the pandemic, in addition to unfounded estimates of the number of deaths and the end date of the pandemic;
 - **Constant encouragement to exposure** of the population to the virus and non-compliance with preventive health measures, based on denying the seriousness of the disease as an act of courage and the supposed existence of an “early treatment” for Covid-19, converted into a public policy;
 - **Trivialisation of deaths and damage caused by the disease**, remaining silent about the protection of the family members of victims and survivors, promoting the idea that only elderly people or people with comorbidities, or people who did not have access to “early treatment” would die;

- **Systematic obstruction of containment measures promoted by governors and mayors**, justified by the supposed opposition between health protection and the protection of the economy, which includes spreading the idea that quarantine measures cause more damage than the virus, and that they - and not the pandemic - would cause hunger and unemployment;
 - **Focus on assistance measures and abstention** from disease prevention measures, often adopting measures only when prompted by other institutions, especially the National Congress and the Judiciary Branch;
 - **Attacks on critics of the federal response, the press and professional journalism** , questioning especially the scale of the disease in the country; and
 - **Awareness of the irregularity of specific conduct.**
6. Although **not exhaustive**, the timeline is sufficient to offer an **overview** of a process experienced in a fragmented manner. The results rule out the persistent interpretation that there would have been incompetence and negligence on the part of the federal government in managing the pandemic. On the contrary, the systematization of data reveals the commitment and efficiency of the Federal Government's work in favour of the extensive spread of the virus in Brazilian territory, with the stated goal of resuming economic activity as quickly as possible and at any cost, which **according to the Federal Court of Accounts, shows the “political option chosen by the Central Government to prioritize economic protection”**.
7. Finally, the **tenacity in the behaviour of Brazilian federal authorities in the face of the widespread dissemination of the disease within the national territory and the sharp increase in the number of deaths** is noteworthy, notwithstanding the fact that institutions such as the Federal Supreme Court, the Federal Court of Accounts and the Federal Public Prosecutor's Office have pointed out, countless times, the non-compliance with the Brazilian legal order of actions and conscious and voluntary omissions by federal administrators, as have also done, tirelessly, scientific entities and entities from the health sector.



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Acknowledgements

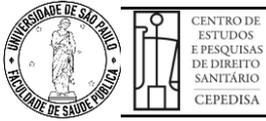
We would like to thank Camila Asano, Program Director at Conectas Direitos Humanos, and Professors Conrado Hubner Mendes, Danielle Hanna Rached, Élide Graziane Pinto, Eloísa Machado de Almeida, Jânia Maria Lopes Saldanha, Pedro Bohomoletz de Abreu Dallari and Salo de Carvalho for reading and making valuable comments on the document.

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LIST OF ACRONYMS

ACO - Original Civil Action

ACP - Public Civil Action

ADI - Direct Unconstitutionality Action

ADPF - Allegation of Non-Compliance with a Basic Precept

AGU - Federal Attorney-General Office

ANVISA - National Health Surveillance Agency

APIB - Articulation of Indigenous Peoples of Brazil

CEAGESP - São Paulo Entrepots and General Warehouses Company

CEASA - State Supply Centres

CEPEDISA - Centre for Studies and Research in Health Law

CFM - Federal Council of Medicine

CGU - Federal Comptroller-General

IACHR - Inter-American Commission on Human Rights

CNES - National Register of Health Establishments

CNS - National Health Council

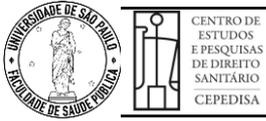
CONASS - National Council of Health Secretaries

CPI - Parliamentary Committee of Inquiry

CRM - Regional Council of Medicine

DGP - General Personnel Department

DOU - Official Gazette of the Federal Executive



DPU - Federal Public Defender's Office

DSEI - Special Indigenous Health District

ENEM - National High School Examination

PPE - Personal Protective Equipment

ESPIN - Public Health Emergency of National Importance

USA - United States of America

FAB - Brazilian Air Force

FAPESP - Research Support Foundation of the State of São Paulo

FDA - Food and Drug Administration

FIESP - Federation of Industries of the State of São Paulo

FUNAI - National Indigenous Foundation

FNDCT - National Scientific and Technological Development Fund

GIAC-COVID19 - National Coordination of the Integrated Office for Monitoring the Coronavirus-19 Epidemic

INEP - Anísio Teixeira National Institute of Educational Studies and Research

LAI - Access to Information Law

MCTI - Ministry of Science, Technology and Innovation

MEI - Individual Micro-Entrepreneur

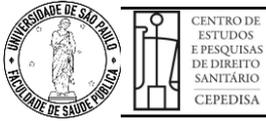
MP - Provisional Measure

MPF - Federal Public Prosecutor's Office

OAB - Brazilian Bar Association

WHO - World Health Organization

PAHO - Pan American Health Organization



RT-PCR - Covid-19 detection test

PCdoB - Communist Party of Brazil

PDT - Democratic Labour Party

PSD - Social Democratic Party

PSB - Brazilian Socialist Party

PSOL - Socialism and Freedom Party

PT - Labour Party

PTB - Brazilian Labour Party

PL - Draft Law

PRF - Federal Motorway Police

RDC - Collegiate Board Resolution

IHR - International Health Regulations

SBPC - Brazilian Society for Scientific Progress

SECOM - Communications Office

SIAFI - Federal Government's Integrated Financial Administration System

STF - Federal Supreme Court

SUS - Unified Health System

TCU - Federal Court of Accounts

TRF-2 - Federal Regional Court of the 2nd Region

TRF-5 - Federal Regional Court of the 5th Region

UBS - Basic Health Unit

ICU - Intensive Care Unit

REPORT

Presentation

1. The research project “Mapping the impact of Covid-19 on human rights in Brazil”, by the Centre for Studies and Research in Health Law (CEPEDISA) of the Faculty of Public Health (FSP) of the University of São Paulo (USP), was conducted in partnership with Non-Governmental Organization Conectas Direitos Humanos until January 2021 and, since then, it has had the support of the National Council of Health Secretaries (CONASS). The partnership entered into with CONASS refers to the mapping and analysis of rules drawn up by the State and Federal District Health Offices and is restricted to the scope of health policies during the Covid-19 pandemic.
2. This project **aims to** collect federal and state rules and regulations related to Covid-19 and assess their impact on human rights in Brazil, seeking to contribute to the prevention or mitigation of the negative impact of pandemics on basic rights. Through the Direitos na Pandemia (“Rights in the Pandemic”) Bulletin, which is now in its thirteenth edition, the project also seeks to disseminate basic legal knowledge related to the pandemic, in addition to presenting quantitative data and qualitative analysis of federal and state regulatory production.
3. This report presents the conclusions from one of the studies prepared within the scope of this project, entitled “**The timeline of the federal government’s strategy to spread Covid-19**”, published for the first time in January 2021¹ , **now updated at the request of the Parliamentary Committee of Inquiry** created by Federal Senate Requests 1371 and 1372, of 2021².

¹ "The Timeline of Covid-19's Federal Dissemination Strategy: An Unprecedented Attack on Human Rights in Brazil." Pandemic Rights Bulletin n. 10, 20/01/21, p. 6-31. Available at: https://cepedisa.org.br/wp-content/uploads/2021/02/Boletim_Direitos-na-Pandemia_ed_10.pdf.

² Official Letter 57/2021-CPIPANDEMIA.

4. Within the scope of this text, the expression **timeline** simply means a chronological sequence of events, while its graphic representation, despite being present in the original publication, is absent herein due to the large volume of text.

Aim and hypothesis

5. This study **aims** to assess the **hypothesis that a Covid-19 spreading strategy, systematically promoted by the federal government, is in progress in Brazil.**
6. The hypothesis was originally identified while monitoring the intense regulatory activity related to the pandemic on a federal level. The research project database comprises all regulations published in the Official Gazette of the Federal Executive and in official state press channels starting on January 1, 2020, which contain the following descriptors: *Covid-19, Covid or SARS-CoV-2; coronavirus; pandemic; Law 13,979 or 13979; Public Health Emergency of International Importance; ESPII; Public Health Emergency of National Importance; ESPIN.* The normative acts are collected and analysed by means of a form (*template*) that allows the systematization of information regarding the origin, nature, effectiveness and subject matter covered, among other aspects of the analysed regulations. **On a federal level alone**, the collection identified the existence of **3,049 normative acts** (laws, provisional measures, decrees, ordinances, resolutions, etc.) **related to the pandemic in 2020; and 580 between January 1 and April 30, 2021.**
7. Upon collection of such broad legislative repertoire, the content of the normative activity by the President of the Republic has drawn attention, especially the series of decrees that expanded the list of activities deemed essential during a pandemic³; and a series of vetoes to the draft laws that introduced basic obligations in terms of containing the dissemination of Covid-19⁴, with the President having even, in the case of a draft law on the use of masks, brought a second round of vetoes after the corresponding constitutional

³ Please see Timeline §§ 14, 20, 41, 46 and 49.

⁴ Please see Timeline §§ 77, 78 and 80.

deadline⁵. The practice of such acts was part of an escalation of political confrontation between the Executive Branch against the other two (Legislative and Judiciary) Branches and against the state and local authorities that adopted measures to contain the spread of the disease.⁶

8. The **hypothesis that a Covid-19 dissemination strategy is in progress in Brazil was also raised by the federal authorities themselves** in a number of public statements in which they tried to disseminate the idea that “**collective immunity**”, also known as “**herd immunity**”, achieved **through infection or transmission, would be an effective way of responding to Covid-19**.
9. According to the WHO, herd immunity or population immunity is the indirect protection from an infectious disease that happens when a population is immune either through vaccination or immunity developed through previous infection, with the proviso that “**WHO supports achieving 'herd immunity' through vaccination, not by allowing a disease to spread through any segment of the population, as this would result in unnecessary cases and deaths**”⁷.

Methodology

10. This study results from **documentary research** with public data, conducted by a multidisciplinary team with qualifications in the areas of Public Health, Law, Political Sciences and Epidemiology. The **data collection for the specific purposes of this study covers the period from 03/02/20 to 28/05/21**.
11. Once the hypothesis was created, the next step was the collection of information related to events (actions and omissions) that demonstrate the presence of **intent**, herein understood simply as the confluence between the **awareness** of the acts and omissions

⁵ Please see Timeline § 78.

⁶ Please see Timeline §§ 47, 52, 60, 62 and 70-74.

⁷ “Herd immunity, lockdowns and Covid-19, December 31, 2020”, WHO. Translation by the authors. Available at: <https://www.who.int/es/news-room/qa-detail/herd-immunity-lockdowns-and-Covid-19>.

practiced, and the **willingness** to practice them. The **sources** of this study were:

- the research project database, described above;
- official documents and speeches related to Covid-19;
- case laws of the Federal Supreme Court and the Federal Court of Accounts regarding Covid-19;
- the “emergency agenda” of the Centre for the Analysis of Freedom and Authoritarianism (LAUT), especially the “Emergency Measures” tool that monitors actions related to the fight against the Covid-19 pandemic in Brazil⁸ ; and
- searches on Google platform to collect videos, news and posts on social media about the pandemic, and using, in addition to the descriptors used in the collection of regulations, others such as herd immunity, lockdown, names of institutions and federal authorities.

12. In the timeline, footnotes present references to electronic documents as follows: title, source and link (the corresponding date is in the text). Any observations from the authors that are essential in order to understand the text are put into square brackets. Transcripts of speeches that were given out by the authors are literal and were kept even in case of Portuguese mistakes, foul expressions and profanity. Interruptions in literal citations are identified by ellipses in brackets. Official documents in full are generally referenced only through the link where they are available. All quoted links were accessed for verification purposes on 28/05/21. The number of confirmed cases and deaths by Epidemiological week is official and was collected from portal *Coronavirus Brasil* of the Ministry of Health⁹ , respectively corresponding to the graphs “Accumulated cases of Covid-19 by Epidemiological week of notification” and “Accumulated Covid-19 deaths by Epidemiological week of notification”. The source of the epidemiological calendars is the National Disease Notification System (SINAN) of the Ministry of Health¹⁰ .

13. It is worth mentioning that the timeline that forms the basis of this report provides a **non-**

⁸ Available at: <https://agendaemergencia.laut.org.br/>.

⁹ Available at: <https://covid.saude.gov.br/>.

¹⁰ Available at: <https://portalsinan.saude.gov.br/calendario-epidemiologico-2020/43-institucional>.

exhaustive list of evidence. An exhaustive survey would be impossible given the material and time limits of this study, due to the abundance of related events.

Typology

14. The collection resulted in the identification of **three types of evidence**:

- **federal normative acts**, including the enactment of rules by federal authorities and bodies and presidential vetoes;
- **governmental acts**, which comprise acts of obstruction to state and municipal government efforts to respond to the pandemic, **omissions** related to the management of the pandemic on a federal level, and **other elements** that allow understanding and contextualizing governmental acts and omissions; and
- **propaganda against public health**, herein defined as the political discourse that employs economic, ideological, and moral arguments, in addition to fake news and technical information without scientific verification, with the purpose of discrediting health authorities, weakening popular adherence to science-based recommendations, and to promote political activism against the public health measures required to contain the spread of Covid-19.

15. First of all, despite the differences in nature, a confluence was found between the normative, administrative and discursive spheres of the federal response to the pandemic. Thus, with regard to the spread of the disease in Brazil, **there is consistency between what is said and what is done**. In effect, even when referring to “saving lives”, federal authorities with a main role in the response to the pandemic, and particularly the President of the Republic, deal essentially with assistance to people already infected by the virus, rather than prevention of infection. Such assistance is mainly focused on advocating “early treatment” with provenly ineffective drugs, and on complying with legal obligations, such as making financial transfers from the Federal Government to other federative entities.

Results

16. In each of the three dimensions individually, and consequently, in all of them as a whole, the hypothesis of the existence of a federal strategy for dissemination of Covid-19 is verified, in particular through the following sets of acts and omissions:

- Defence of the **herd (or collective) immunity through infection (or transmission)** theory as a response to Covid-19, spreading the belief that the “natural immunity” resulting from infection with the virus would protect individuals and lead to the control of the pandemic , in addition to the presentation of unfounded estimates of deaths resulting from this strategy and predictions about the imminent end of the pandemic;
- **Constant encouragement to exposure** of the population to the virus and non-compliance with preventive health measures, based on the denial of the seriousness of the disease as an act of courage and the supposed existence of an “early treatment “ for Covid-19, which was converted into a **public health policy** ;
- **Trivialisation of deaths and damage caused by the disease**, remaining silent about the protection of the family members of victims and survivors, promoting the idea that only elderly people or people with comorbidities, or people who did not have access to “early treatment” would die, with the President having resorted to the use of foul expressions such as “suckers” or “sissies”¹¹ ;
- **Systematic obstruction of the containment measures promoted by governors and mayors**, justified by the supposed opposition between the protection of health and the protection of the economy, which includes spreading the idea that quarantine measures cause more damage than the virus, including an increase in the number of suicides, and that they - and not the pandemic -would cause hunger and unemployment;

¹¹ Please see Timeline §§ 102 and 121.



- **Focus on assistance measures and abstention from the disease prevention measures**, the first often adopted as a reaction to what other institutions determined, National Congress and the Judiciary Branch;
- **Attacks on critics of the federal response to the pandemic**¹² ;
- **Attacks against the press and professional journalism**, questioning data related to the scale of the disease in the country, in addition to technical and scientific information that corroborate the effectiveness of measures to contain the disease; and
- **Awareness of the unlawfulness of specific conduct**, especially on the part of the President of the Republic, who, for instance, repeatedly refers to “what I showed to the emu”, instead of an explicit reference to chloroquine, but also by other authorities as shown, for instance, by the behaviour of the then Minister of Health when referring to “early care” instead of “early treatment”¹³

17. Although not exhaustive, the timeline is sufficient to provide an **overview** of a process experienced in a fragmented and often confusing manner. The results rule out the persistent interpretation that there would be incompetence and negligence on the part of the federal government in managing the pandemic, and that the presidential speech is just an exception within the governmental sphere. To the contrary, the systematization of all the data on actions and omissions reveals the commitment and efficiency of the Federal Government's work in favour of the extensive spread of the virus in Brazilian territory, with the stated goal of resuming economic activity as quickly as possible and at any cost, comprising a significant variety of actors who hold high positions within the federal government. And they do it so clearly with the objective of resuming economic activity as quickly as possible which, **according to the Federal Court of Accounts,**

¹² In addition to the various offenses made by the President and other federal authorities, mainly against governors and journalists, which were either transcribed or quoted in the timeline, it is worth mentioning that they are accompanied by intense mobilization on social media and street demonstrations promoted by supporters of the federal government, and sometimes they are directly or indirectly supported by the mobilization of police and judicial means against government critics. Regarding this matter, please see the aforementioned “emergency agenda” by LAUT (Note 8 *above*).

¹³ Please see Timeline §§ 167 and 250.

constitutes the “political option of the Central Government to prioritize economic protection”¹⁴.

18. Regarding this point, it is worth mentioning that the response strategies aimed at the civilian population differ greatly from the response strategy used in the military, which would have strictly followed the WHO recommendations, with excellent results.¹⁵

WHO’s position on herd immunity through infection

19. There is no ambiguity in the WHO’s position regarding herd immunity through infection, based on scientific evidence and broad consensus within the international community. On 12/10/20, the Director-General of the organization, Tedros Adhanom Ghebreyesus, stated:

There has been some discussion recently about the concept of reaching so-called “herd immunity” by letting the virus spread.

Herd immunity is a concept used for vaccination, in which a population can be protected from a certain virus if a threshold of vaccination is reached.

For example, herd immunity against measles requires about 95% of a population to be vaccinated. The remaining 5% will be protected by the fact that measles will not spread among those who are vaccinated.

For polio, the threshold is about 80%.

In other words, herd immunity is achieved by protecting people from a virus, not by exposing them to it.

¹⁴ Please see Timeline § 93.

¹⁵ Please see Timeline §210.



Never in the history of public health has herd immunity been used as a strategy for responding to an outbreak, let alone a pandemic. It is scientifically and ethically problematic.

First, we don't know enough about immunity to COVID-19.

Most people who are infected with the virus that causes COVID-19 develop an immune response within the first few weeks, but we don't know how strong or lasting that immune response is, or how it differs for different people. We have some clues, but we don't have the complete picture.

There have also been some examples of people infected with COVID-19 being infected for a second time.

Second, the vast majority of people in most countries remain susceptible to this virus. Seroprevalence surveys suggest that in most countries, less than 10% of the population have been infected with the COVID-19 virus.

Letting the virus circulate unchecked therefore means allowing unnecessary infections, suffering and death.

And although older people and those with underlying conditions are most at risk of severe disease and death, they are not the only ones at risk. People of all ages have died.

Third, we're only beginning to understand the long-term health impacts among people with COVID-19. I have met with patient groups suffering with what is now being described as "Long COVID" to understand their suffering and needs so we can advance research and rehabilitation.

Allowing a dangerous virus that we don't fully understand to run free is simply

unethical. It's not an option.

But we do have many options. There are many things that countries can do and are doing to control transmission and save lives.

It's not a choice between letting the virus run free and shutting down our societies.

This virus transmits mainly between close contacts and causes outbreaks that can be controlled by implementing targeted measures.

Prevent amplifying events.

Protect the vulnerable.

Empower, educate and engage communities.

And persist with the same tools that we have been advocating since day one: find, isolate, test and care for cases, and trace and quarantine their contacts.

This is what countries are proving works, every day.¹⁶

20. In this respect, while government officials from other countries have initially contemplated such strategy, but later decided to eliminate it due to the sharp increase in the number of cases and deaths - as was the case in the United Kingdom¹⁷ - the **tenacity**

¹⁶ “WHO Director-General's opening remarks at the media briefing on COVID-19 - 12 October 2020”. Available at <https://www.who.int/es/director-general/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-Covid-19---12-october-2020>.

¹⁷ Although the British government claims to have never adopted this strategy, it is a well-known fact; among the reasons for the change is the fact that the Prime Minister, Boris Johnson, suffered a serious manifestation of the disease; and the study by Ferguson et al. Report 9: Impact of non-pharmaceutical interventions (NPIs) to reduce Covid-19 mortality and healthcare demand. Imperial College, 16/03/2020. Available at: <https://spiral.imperial.ac.uk:8443/bitstream/10044/1/77482/14/2020-03-16-COVID19-Report-9.pdf>.

in the behaviour of the Brazilian federal authorities in the face of the widespread dissemination of the disease within the national territory and the sharp increase in the number of deaths is noteworthy, even more when taking into account that institutions such as the Federal Supreme Court, the Federal Court of Accounts and the Federal Public Prosecutor's Office have pointed out, countless times, non-compliance with the Brazilian legal order of actions and conscious and voluntary omissions by federal administrators, as have also done, tirelessly, scientific entities and entities from the health sector.

21. The **origin** and **justification** of the herd immunity theory as a response to Covid-19 in Brazil are demonstrated through the events that compose the timeline of this study. We would like to highlight the supposedly scientific detailing of such strategy, which was given, without any ambiguities, at a public hearing held by the Chamber of Deputies on 28/10/20, at the request of the Government Leader, Deputy Ricardo Barros¹⁸ .

22. There is no significant change in the position of the federal government, not even when Brazil starts being identified as an international pariah¹⁹ ; or as the world's worst response to the pandemic in a ranking of 98 countries, on 09/01/2021²⁰; or when the Brazilian situation is defined by one of the most important actors in the field of global health, Non-Governmental Organization Médecins Sans Frontières, as a health catastrophe²¹ and as the world's worst response to the pandemic²² . On 21/05/21, the Inter-American Commission on Human Rights convened, ex officio, a public hearing on the general situation of human rights in Brazil within the context of the pandemic²³ .

¹⁸ Please see Timeline § 118.

¹⁹ Osborn, Catherine. "Bolsonaro Made Brazil a Pandemic Pariah Can Local Leaders Restore the Country's Reputation for Health Leadership?", Foreign Affairs. Available at: <https://www.foreignaffairs.com/articles/brazil/2020-07-07/bolsonaro-made-brazil-pandemic-pariah>.

²⁰ Lowy Institute, "Covid Performance Index". Available at: <https://interactives.lowyinstitute.org/features/covid-performance/#country-compare>.

²¹ "Médecins Sans Frontières says that Brazil is experiencing a "humanitarian catastrophe", Metropoles. Available at: <https://www.metropoles.com/brasil/medicos-sem-fronteiras-diz-que-brasil-vive-catastrofe-humanitaria>.

²² "Brazil's Covid-19 response is worst in the world, says Médecins Sans Frontières", The Guardian. Available at: <https://www.theguardian.com/world/2021/apr/15/brazil-coronavirus-medecins-sans-frontieres-bolsonaro>.

²³ "IACHR Convenes Ex Officio Hearings on Human Rights Situation in the Region and Meetings with Civil

23. Finally, when it comes to herd immunity through infection, it is not too much to learn the opinion of William Haseltine, President of *ACCESS Health International*, for whom “herd immunity is another word for mass murder. That is exactly what it is”²⁴.

Difference between measurement of intent and causal relations

24. Despite not being the subject matter of this study, which is aimed, as previously stated, at measuring the intent of the federal strategy of response to Covid-19, it is worth mentioning that there are numerous studies with results that provide evidence of **causal relationships** between elements of the federal strategy used as response to the pandemic and the health catastrophe that has taken place in Brazil²⁵, including with regard to the effects that the pronouncements by the federal authorities have had on the population’s behaviour²⁶, and strong evidence of correlation between rates of adherence to quarantine measures and the proportion of votes obtained by the President of the Republic in the 2018 elections²⁷.
25. The undeniable fact is that, once internationally recognized as one of the most prepared countries to respond to an emergency in the past²⁸, today Brazil exceeds, according to data from the Ministry of Health, the figure of 456 thousand deaths and 16.3 million confirmed cases. We must also take into account high probability of underreported cases

Society to Be Held during the Commission's 180th Period of Sessions,” IACHR. Available at: <https://www.oas.org/pt/cidh/jsForm/?File=/pt/cidh/prensa/notas/2021/134.asp>.

²⁴ “‘Herd immunity is another word for mass murder’, expert says”, CNN Brasil. Available at: https://edition.cnn.com/world/live-news/coronavirus-pandemic-10-14-20-intl/h_571c71aa21a9a2a0d0aadd95af67a022.

²⁵ For instance, Castro, Marcia et al. “Spatiotemporal pattern of COVID-19 spread in Brazil”, *Science*, 21/05/2. Available at: <https://science.sciencemag.org/content/372/6544/821>; Rocha et al., “Effect of socioeconomic inequalities and vulnerabilities on health-system preparedness and response to COVID-19 in Brazil: a comprehensive analysis”, *The Lancet*, 12/04/21. Available at: [https://www.thelancet.com/journals/langlo/article/PIIS2214-109X\(21\)00081-4/fulltext](https://www.thelancet.com/journals/langlo/article/PIIS2214-109X(21)00081-4/fulltext).

²⁶ For instance, Ajzenman, Nicolás et al. “More Than Words: Leaders’ Speech and Risky Behavior during a Pandemic”, SSRN, 22/04/20. Available at: <https://ssrn.com/abstract=3582908> or <http://dx.doi.org/10.2139/ssrn.3582908>.

²⁷ Fernandes, Ivan et al. “Blame Avoidance: The Costs of Weak Accountability in a Health Disaster”, SSRN, 22/02/21. Available at: <https://ssrn.com/abstract=3790705>.

²⁸ Johns Hopkins University et al., “Global Health Security (GHS) Index, October 2019”. Available at: <https://www.ghsindex.org/wp-content/uploads/2020/04/2019-Global-Health-Security-Index.pdf>.

and deaths²⁹. It is worth highlighting the undisputed slowness of the immunization process, the drawbacks of which have been discussed in detail over the course of this CPI.

26. Another point that is not part of the scope of this study, but is of great relevance, is the mapping of the travels made by the President of the Republic within the national territory since the beginning of the pandemic, **systematically generating large crowds in a premeditated, unjustified and organized** manner, with the complicity from other federal authorities and local disseminating agents, predominantly without the use of masks or favouring any social distancing, both by the President and by those who accompany him.
27. Although the focus of this data collection, within the scope of the propaganda against public health, is the transcription of pronouncements made by the federal authorities, the finding that the President has directly promoted infection by creating and/or fostering material conditions for infection to occur is undeniable. The President has been playing a possible role of spreader of the disease, in a conscious and intentional manner, by travelling between cities, states and even internationally with his delegations, generally unperturbed or in clear opposition against basic prevention measures, such as the use of masks and social distancing.

Conclusion

28. In short, this study allows the conclusion, with extensive documentary support, that as of April 2020, the federal government started to promote “herd immunity” through infection as a way of responding to the pandemic. In other words, it chose to favour the free circulation of the novel coronavirus, based on the pretext that infection would naturally lead to the immunity of individuals, and a reduction in economic activity would cause greater damage than the deaths and damage caused by the disease. Such option is

²⁹ For instance, Orellana, Jesem et al. “Excess of deaths during the COVID-19 pandemic: underreporting and regional inequalities in Brazil”. Public Health Files Sept. 2020. Available at: <http://cadernos.ensp.fiocruz.br/csp/artigo/1292/excesso-de-mortes-dura-a-pandemia-de-Covid-19-subnotificacao-e-desigualdades-regionales-no-brasil>.

materialized, leaving the realm of just declarations, into normative and governmental acts.

29. Incitement to infection has as main pillars the spread of the false belief that there is an early treatment for the disease and the constant encouragement to great disregard for basic health measures, such as social distancing and the use of masks, aggravated by a recurrent trivialization of suffering and death, in addition to disregarding individuals who rightly fear the disease.
30. In this respect, the work done by the National Congress, and particularly the work done by the Covid-19 Parliamentary Committee of Inquiry, will be decisive so that in future emergencies **herd immunity through infection is never promoted in our country again**, and public health policies may again be guided, regardless of the natural alternation of power, by scientific evidence, in strict compliance with the constitutional duty to protect and defend public health, pursuant to articles 6, 24 XII and 196 of the Federal Constitution.

TIMELINE

FEBRUARY 2020

03/02/20 Normative acts

1. Ordinance 188 from the Ministry of Health declares a Public Health Emergency of National Importance as a result of human infection by the novel coronavirus, and establishes a Public Health Emergency Operations Centre as a coordinated management mechanism of emergency response on a national level, under the responsibility of Health Surveillance Secretariat of the Ministry of Health. Among other powers and duties, it would be incumbent upon such Operations Centre to plan, organize, coordinate and control the measures to be applied during the emergency, in accordance with the guidelines established by the Minister; liaise with state, district and municipal SUS administrators; and disseminate any emergency-related information to the population. The new body joined the Executive Interministerial Group for Public Health Emergency of National and International Importance, coordinated by the Ministry of Health and was composed of 9 federal agencies, created on 30/01/20 by Decree 10,211, which was signed by the President and by the then Minister of Health, Luiz Henrique Mandetta. On 16/03/20, Decree 10,277, signed by the President of the Republic and the then Minister-Chief of Staff, Walter Souza Braga Netto, introduced the Crisis Committee for Supervision and Monitoring the Impacts of Covid-19, coordinated by the Office of the Chief of Staff and composed of 27 authorities, only two of whom were from the Ministry of Health: the Minister and the Coordinator of the aforementioned Operations Centre. The new Crisis Committee was defined as a “body for articulating governmental action, advising the President of the Republic on situational awareness of issues arising from the

Covid-19 pandemic and resolving upon priorities, guidelines and strategic aspects related to the impacts of Covid-19”. According to the Decree, such Crisis Committee would act jointly with the aforementioned Interministerial Executive Group. Pursuant to Decree 10,289, of 24/03/20, the Crisis Committee now has its own Operations Coordination Centre. After that, thanks to Presidential Decree 10,404, of 22/06/20, it also became the decision-making body for priorities, guidelines and strategic aspects related to the impacts of Covid-19 (please see TCU’s recommendations on this committee in the §76).

06/02/20 Normative Acts

2. President enacts Law 13,979 which sets out measures to fight the pandemic: isolation, quarantine; determination of compulsory medical examinations, laboratory tests, collection of clinical samples, vaccination and other prophylactic measures or specific medical treatments; epidemiological study or investigation; exhumation, necropsy, cremation and handling of corpses; exceptional and temporary restriction of entry and exit to and from the country; request for goods and services from individuals and legal entities; and exceptional and temporary authorization for the import of products subject to health surveillance not registered with ANVISA. Among other provisions, the new law defines “quarantine” as “restriction of activities or separation of individuals with suspicion of infection from individuals who are not sick, or from luggage, containers, animals, means of transport or goods with suspicion of contamination, so as to avoid possible contamination or propagation of the coronavirus” (Article 2.II). It establishes that such measures “may only be determined based on scientific evidence and on analysis of strategic health information and must be limited in time and space to the bare minimum for the promotion and preservation of public health” (Article 3.1). It also sets out that quarantine measures may be adopted by the Ministry of Health and by local health administrators (Article 3.7). The division of powers among the federative units with regard to Covid-19 was the subject of litigation in the STF (please see §14).

13/02/20 Normative acts

3. The Ministry of Health presents National Contingency Plan for Human Infection by the novel Coronavirus, which sets out the following lines of action: surveillance, laboratory support, infection control measures, pharmaceutical assistance, health surveillance, health measures at points of entry (ports, airports and border crossings), risk communication and management³⁰. Within the scope of risk communication, the aforementioned plan details fourteen actions aimed at prevention that will be initiated only to be abandoned in the months that followed (please see §§ 76, 131, 200, 221 and 229). **On 26/02/20, the first case of Covid-19 in Brazil is confirmed.** It was the case of a 61-year-old man with a travel history to Italy, Lombardy region³¹.

Epidemiological week 9, 25-29/02/20

Accumulated cases – 2
Accumulated deaths – 0

³⁰ Available at: <https://portalarquivos2.saude.gov.br/images/pdf/2020/fevereiro/13/plano-contingencia-coronavirus-COVID19.pdf>

³¹ "Coronavirus: Brazil confirms the first case of the disease", UMA-SUS. Available at: <https://www.unasus.gov.br/noticia/coronavirus-brasil-confirma-primeiro-caso-da-doenca>

MARCH 2020

Epidemiological week 10, 01-03/07/20

Accumulated cases - 19

Accumulated deaths - 0

07/03/20 Propaganda

4. The President of the Republic travels to Florida (United States), considered a highly risky region. On the 10th, at an event in Miami, he states: “We obviously have a crisis right now, a small crisis. In my opinion, the coronavirus issue is mostly a fantasy, it is not all that the mainstream media is claiming around the world”³².

09/03/20 Propaganda

5. In an interview with presenter Ratinho, the President says: “If it reaches them [the elderly] any flu (...) Then what happens in part of the press, right? The guy died. And he had tested positive for the virus. And he had diabetes, or something else. 'That's what he died of, coronavirus!' What do I do? I don't want to create panic for the Brazilian population. My mission as head of State is to take the truth and tell them it will come. It will pass. It will pass, there is no other way. You will experience this. This wave will pass over you. **Maybe I got it before, as I've said just now, and you too, a month ago, twenty days ago, it's over, we're already immune. We are helping to immunize Brazil. Because the virus hits us and it is not passed on to third parties. You will get through this.** Now, panic is a terrible thing”³³.

³² “Bolsonaro and the coronavirus: 'small crisis' caused by 'media fantasy'”, Diário de Notícias. Available at: <https://www.dn.pt/mundo/bolsonaro-eo-coronavirus-pequena-crise-provocada-por-fantasia-dos-media-11909710.html>.

³³ “Ratinho interviews President Jair Bolsonaro”. Available at <https://www.youtube.com/watch?v=iKccv4iFcYA>.

11/03/20 Normative acts

6. Ordinance 356 from the Ministry of Health regulates Law 13,979 (please see § 2). In addition to other provisions, it sets out that the “quarantine measure aims to guarantee the maintenance of health services in a certain and determined place” (Article 4); that “will be determined by formal administrative act and duly motivated and must be enacted by the Health Secretary of the State, Municipality, Federal District or State Minister of Health or superiors at each administration level, published in the Official Gazette of the Federal Executive (DOU) and widely disclosed by communication channels” (Article 4.1); and which “shall be adopted for a period of up to forty (40) days, and may be extended for as long as necessary to reduce community infection and ensure the maintenance of health services within the territory” (Article 4.2). This Ordinance further determines that failure to comply with isolation and quarantine measures shall result in the violator being held liable, pursuant to the terms provided for by law (please see §10).

<p>Epidemiological week 12, 15-21/03/20 Accumulated Covid-19 Cases - 904 Accumulated Covid-19 Deaths - 11</p>
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15/03/20 Propaganda

7. Back in Brazil, the President calls for rallies and takes part in political demonstrations with major public gatherings, never wearing a mask, having physical contact with the protesters, disrespecting quarantine orders upon his return. At least 23 people in his entourage were infected³⁴. Specifically on 15/03/20, government officials protested against the National Congress and the STF. The President first announced the demonstrations, then requested their postponement due to the pandemic, and such request was supposedly not met, and on the day not only he attended the demonstration, but also posted images of protests with “Maia Out” banners [at the time Maia was President of the Federal Chamber], “SOS Armed Forces” and “STF Out”³⁵.

³⁴ “See who are the 23 coronavirus positive from Bolsonaro's delegation that visited the US”, Folha de S. Paulo. Available at: <https://www1.folha.uol.com.br/poder/2020/03/veja-quem-sao-os-23-infectados-da-comitiva-de-bolsonaro-em-visita-aos-eua.shtml>.

³⁵ “Despite the coronavirus, the country registers pro-government acts; president publicizes demonstrations”, O Estado de S.Paulo. Available at: <https://politica.estadao.com.br/noticias/geral, apesar-do-coronavirus->

16/03/20 Government Acts

8. Ministry of Health presents the National Contingency Plan for Human Infection by the novel Coronavirus (COVID-19) among Indigenous Peoples that does not provide concrete measures, a schedule or a definition of responsibilities, aside from not taking the participation of indigenous communities into account. In an injunction filed on 07/08/20³⁶, the Supreme Federal Court (STF) determines the adoption of measures such as the creation of a situation room, sanitary barriers, a plan to fight Covid-19, containment of invaders and accessibility to their own health treatment or special health for indigenous villagers and non-villagers, the latter in case there are no vacancies in the Unified Health System (SUS, Sistema Único de Saúde³⁷. Such determination was repeatedly breached, giving rise, among other things, to the adoption of precautionary measures by the IACHR (please see §§ 80, 85, 136 and 161) and a series of measures by the STF (see §145).

16/03/20 Propaganda

9. When announcing economic measures in response to the pandemic, the Minister of Economy, Paulo Guedes, declares: “Older people, go home. Younger people may move around, they have better health, more immune defence. And the economy will manage to find a middle ground. Because if everyone stays at home, the product (the economy) collapses. If everyone is out in the streets, the infection speed is too fast and you hit our health system. There has to be a middle ground”³⁸.

[pais-registra-atos-pro-governo-presidente-divulga-manifestacoes.70003233854](https://www.gov.br/pais-registra-atos-pro-governo-presidente-divulga-manifestacoes/70003233854).

³⁶ ADPF 709, ajuizada pela APIB em conjunto com seis partidos políticos: PSB, PSOL, PCDOB, Rede Sustentabilidade, PT e PDT.

³⁷ “Barroso determines that the federal government adopt measures to contain the advance of Covid-19 among indigenous people”, STF. Available at: <https://portal.stf.jus.br/noticias/verNoticiaDetalhe.asp?idConteudo=447103&ori=1>.

³⁸ “Coronavirus: after criticism for the delay, Guedes announces an R\$ 147 billion package against damage to the economy”, Época/Negócios. Available at: <https://epocanegocios.globo.com/Economia/noticia/2020/03/coronavirus-apos-criticas-por-demora-guedes-anuncia-pacote-de-r-147-bilhoes-contra-estragos-na-economia.html>.

17/03/20 Normative acts

10. Interministerial Ordinance 5 from the Ministry of Justice and Public Security and the Ministry of Health sets out the compulsory nature of Covid-19's countermeasures provided for in Law 13,979, establishing that the failure to comply therewith shall result in civil, administrative and criminal liability for the offenders. According to the Ordinance, failure to comply with measures such as isolation and quarantine, among others, could subject offenders to criminal sanctions provided for in Articles 268 and 330 of the Penal Code - respectively “Violating a determination from the public authorities, aimed at preventing the introduction or spread of infectious disease “and “Disobeying the legal order of a public official” – if the fact did not constitute a more serious crime. Any public servant who contributed to the failure to comply with the aforementioned measures would be subject to disciplinary administrative liability and, if it entailed a financial burden to SUS, the Ministry of Health would inform the fact to AGU for the adoption of measures to repair material damage against the offender. This ordinance was revoked in May of the same year, after the replacement of the ministers of both cabinets (please see §62).
11. Interministerial Ordinance No. 120 restricts only Venezuelans from entering the country by road or by land. Only on 04/29 did the government restrict the entry of foreigners of any nationality by land through Interministerial Ordinance No. 204. Only on 29/04/20 the government would restrict the entry of foreigners of any nationality by land, through Interministerial Ordinance 204, however, unjustified discrimination against Venezuelans was maintained³⁹ .

³⁹ On the matter, please see Aith, Fernando; Waldman, Elisha. “Legal health opinion on the closing of land borders in Brazil to control the dissemination of Covid-19: legal and epidemiological aspects”, consultation by *Conectas Direitos Humanos* to CEPEDISA/USP, December 2020. Available at: https://www.conectas.org/wp-content/uploads/2020/12/PARECER_JURI%CC%81DICO_SANITA%CC%81RIO_FRONTIIRAS_CEPEDISA_FSP_USP.pdf.

12. FUNAI (National Foundation for the Indigenous) Ordinance No. 419 allows regional offices to grant exceptional authorizations for essential activities to be carried out in isolated indigenous communities. Modified by Ordinance No. 435, issued on 03/20, after the Federal Public Prosecution Office (MPF) pointed out that contact actions without the legal and technical capacity to make decisions regarding isolated peoples can aggravate the Covid-19 exposure of communities that already present little or no immune response to the virus⁴⁰.

17/03/20 Propaganda

13. “The wrong part in all of it is the hysteria, it’s acting like this is the end of the world. A nation like Brazil will only get rid of it when a certain number of people become infected and create antibodies”, states the President in an interview with Radio Tupi⁴¹.

20/03/20 Normative acts

14. Enactment of Provisional Decree (MP) No. 926 amending Law 13,979 in order to, among other measures, grant the President of the Republic with the jurisdiction to decide on public services and essential activities through Decrees, in an attempt to redistribute health police powers in favour of the Federal Government. On 03/24, the Federal Supreme Court (STF) grants an injunction⁴² ensuring that the MP may not dismiss concurrent jurisdiction or the enacting of normative and administrative actions by the states, the Federal District and Municipalities. On 08/11, the MP is converted into Law No. 14.035, of 2020 which explicitly grants to federative authorities (States and

⁴⁰ “Covid-19: Funai accepts the recommendation from MPF to guarantee protection to isolated indigenous people”, MPF. Available at: <http://www.mpf.mp.br/pgr/noticias-pgr/Covid-19-funai-acata-recomendacao-do-mpf-para-garantir-protacao-a-indigenas-isolados>.

⁴¹ Available at: <https://twitter.com/rADItupi/status/1239922470746013696>.

⁴² ADI 6.341 ajuizada pelo PDT.

Municipalities) the power to publish decrees regarding public services and essential activities (see §20).

Epidemiological week 13, 22-28/03/20

Accumulated Covid-19 Cases - 3,903

Accumulated Covid-19 deaths - 114

22/03/20 Propaganda

15. “Soon, the people will know that they were deceived by the state governors and by a large part of the media on this coronavirus issue”, says the President in an interview with TV Record ⁴³.

23/03/20 Government Acts

16. Throughout the month, the Federal Government requests pulmonary ventilators in several federal units, creating intense judicialization. Among other cases, this included the attempt to seize more than 200 pulmonary ventilators purchased by the city of Recife (PE), with the Federal Regional Court of the 5th Region (TRF-5) determining that the Federal Government should refrain from requesting inputs⁴⁴. According to the decision, “In this case file, there is the aggravating fact that the claimant/Municipality had already prepared the ICU beds to receive the victims of the novel coronavirus, so that the failure to install the fans will result in the loss of the entire equipment already assembled, in clear harm to public funds and, above all, in clear harm to the health of the population”.

23/03/20 Normative acts

⁴³ Bolsonaro attacks governors again: 'People will know they have been deceived.'” See. Available at: <https://veja.abril.com.br/politica/bolsonaro-volta-a-atacar-governadores-povo-sabera-que-foi-enganado/>.

⁴⁴ “Covid-19: TRF5 determines that more than 200 lung respirators purchased by the City of Recife remain in the city”, TRF-5. Available at: <http://www5.trf5.jus.br/noticias/322258>.

17. Collegiate Board Resolution- RDC No. 354, of March 23, 2020, decided that patients receiving drugs based on chloroquine and hydroxychloroquine through government programs would not require a special medical prescription.

24/03/20 Propaganda

18. Official statement of the President of the Republic on national television: “Recent events throughout the world have shown that the population at risk [for Covid-19] is that of people aged 60 and over. So, why should we close schools?”. He also stated: “In my specific case, due to my background as an athlete, were I to be infected by the virus, I wouldn't have to worry, I wouldn't feel anything or, at most, I would feel like I caught a little flu or a little cold”⁴⁵. The next day, the president declared that he would propose “a vertical isolation” as a way to tackle the pandemic, adding that the President of the United States, Donald Trump, would follow a “similar line”⁴⁶. “What needs to be done? Put these people to work, preserve the elderly, preserve those who have health problems. Nothing else but that. Otherwise, what happened in Chile would be little compared with what could happen in Brazil. (...) If Brazil still can't leave the democratic normality that you [press] defend so much. (...) The chaos is there, right in front of us”⁴⁷. According to Professor Naomar de Almeida Filho, vertical isolation is a “pseudo-scientific fraud”, clarifying that: “Soon after the announcement of such bizarre idea, virologists, infectious disease specialists, public health physicians and researchers from various disciplines immediately challenged its scientific validity. With other epidemiology colleagues, we have conducted a thorough search and found nothing in the medical and scientific literature. From an epidemiological point of view, it makes no sense using reverse quarantine, applied only to the vulnerable and not to the infected, not to mention the fact that a large portion of our people lives in conditions that hardly ever or never allow

⁴⁵ “Statement by the President of the Republic, Jair Bolsonaro, on radio and television channels”, Planalto. Available at: <https://www.gov.br/planalto/pt-br/acompanhe-o-planalto/pronunciamentos/pronunciamentos-do-presidente-da-republica/pronunciamento-em-cadeia-de-radio-e-televisao-do-senhor-presidente-da-republica-jair-bolsonaro>.

⁴⁶ “Bolsonaro will propose vertical isolation to contain coronavirus,” CNN. Available at: <https://www.cnnbrasil.com.br/politica/2020/03/25/bolsonaro-nao-estou-preocupado-com-a-minha-popularidade>.

⁴⁷ “Bolsonaro defends partial isolation, attacks Congress and sees possible democratic instability”, Folha de S. Paulo. Available at: <https://www1.folha.uol.com.br/poder/2020/03/bolsonaro-defende-isolamento-parcial-ataca-congresso-e-ve-possivel-instabilidade-democratica.shtml>.

anyone to isolate at home. Free circulation of infected individuals, whether symptomatic or not, facilitates transmission and the pandemic goes out of control and could become endemic. In addition to being scientifically invalid, such strategy is also problematic from an ethical-medical viewpoint, as it implies an announced gerontocide, given the greater virulence and lethality of Covid-19 among the elderly. In short, for these and other reasons, the strange notion of 'vertical isolation' does not hold up in the scientific fields of medicine and public health”⁴⁸ .

19. The Minister of Economy, Paulo Guedes, says in a video: “My friends, two huge waves are advancing towards Brazil. The first one has already hit us, it is a public health calamity and it threatens our lives, our health. And the second one comes on the heels of the first, it could be a huge wave, depending on our reaction, a threat to our jobs and an economic crisis like we have never experienced before.”⁴⁹

25/03/20 Normative acts

20. Decree no. 10,292 includes religious activities of any kind and lottery offices among essential activities during the pandemic. A first instance court decision suspended its effects for a few days, but was revised by the Federal Regional Court of the 2nd Region on 3/3113⁵⁰ (please see §§ 14 and 41).

26/03/20 Propaganda

21. The then President of Banco do Brasil, Rubem Novaes, says in a WhatsApp group: “A lot of nonsense is done and said, even by economists, because they believe that life has

⁴⁸ “The vertical isolation defended by Bolsonaro is a pseudoscientific fraud”, El País. Available at: <https://brasil.elpais.com/opinion/2020-05-20/o-isolamento-vertical-defendido-por-bolsonaro-e-uma-fraude-pseudocientifica.html>.

⁴⁹ “Paulo Guedes says that coronavirus cannot 'disorganize' the economy”, Poder 360. Available at: <https://www.youtube.com/watch?v=Lsx4vSGfg2U&t=2s>.

⁵⁰ “TRF-2 reestablishes a decree that defined lottery shops and churches as essential services”, Jota. Available at: <https://www.jota.info/justica/trf2-restabelece-decreto-que-definiu-lotericas-e-igrejas-como-servicos-essenciais-31032020>.

infinite value. The virus has to be balanced with economic activity”⁵¹. When asked about this statement, he replied that the prolonged lockdown “will cause economic depression with worse effects than the epidemic” and that “the issue is not just a medical one and even some doctors agree with **the president’s theory** [President of the Republic, emphasis added]”, since “economic depression also kills a lot of people, especially among the poorest”.

22. “Brazilians should be studied, they don't catch anything. They can jump into sewers, just go and dive into them, and nothing happens to them.” The President said this to supporters in front of the Presidential Palace (Palácio da Alvorada)⁵².
23. The Federal Government Communication Office launches a campaign named “Brasil não pode parar” (“*Brazil cannot stop*”), conveying the information that “all over the world, cases of fatal victims of the coronavirus among young people and adults are rare”, and suggesting that people disobey quarantine measures: “For self-employed workers, Brazil cannot stop. For street vendors, engineers, market salesmen, architects, bricklayers, lawyers, private teachers and service providers in general, Brazil cannot stop”⁵³. The MPF asked for the suspension of the campaign, arguing “that the campaign conveys misleading advertising, violating the merely informational nature imposed by the Federal Constitution, by disseminating, without solid scientific evidence and in non-compliance with the technical consensus and international recommendations on the matter, the lack of need for comprehensive (“horizontal”) social isolation measures to manage coronavirus infection intensity. Thus, it is essential that said campaign be stopped and an official note be released clarifying that it has no scientific basis and advising the population not to adhere to its message. The danger of damage and risk to

⁵¹ “Life does not have 'infinite value', says the president of Banco do Brasil when criticizing coronavirus quarantine”, Folha de S. Paulo. Available at: <https://www1.folha.uol.com.br/colunas/painel/2020/03/whatsapp-presidente-do-bb-diz-que-vida-nao-tem-valor-infinito.shtml>.

⁵² “Brazilian people jump into the sewer and nothing happens”, IstoÉ. Available at: <https://istoe.com.br/brasileiro-pula-em-esgoto-e-nao-acontece-nada-diz-bolsonaro-em-alusao-ao-coronavirus/>.

⁵³ “Against isolation measures, Planalto launches the 'Brazil cannot stop' campaign”, O Estado de S. Paulo. Available at: <https://politica.estadao.com.br/noticias/geral,planalto-lanca-campanha-o-brasil-nao-pode-parar-contra-medidas-de-isolamento,70003249694>.

the useful outcome of the process is evident. The “O Brasil Não Pode Parar” (Brazil Cannot Stop) campaign is already encouraging and leading groups of merchants, self-employed workers and popular people in general around the country to promote demonstrations, such as marches and motorcades, against the health restrictions of social isolation and for the return of everyday social and economic activities. Such demonstrations, at this time, are not only the focus of intensification of coronavirus infection itself, but they also generate political pressure on mayors and councillors to relax health measures, in addition to encouraging non-compliance with such measures by the general population. Widespread non-compliance and the relaxation of the determinations from health authorities, at this time, would mean a situation of mitigation which, as seen in the previous topics, may increase manifold the estimate of deaths, whether by Covid-19 or by complications resulting from comorbidities in those who manifest the disease, or due to other various diseases that will not be treated due to the collapse of the health system. A scenario of mass deaths and, according to the MPF’s view, unnecessary death, which poses a real risk and is what is urgently sought to avoid. Finally, there is no risk of irreversibility of the effects of the urgent measure defended herein. The end of the campaign and the dissemination of counterpropaganda, on the other hand, strengthen the health measures taken by the states and municipalities to safeguard the lives and physical integrity of citizens”⁵⁴ . The decision that granted the request⁵⁵ states: “it appears that encouraging the population to go out in the streets and resume their everyday activities, without a defined and widely publicized plan to tackle the pandemic, may violate the principles of precaution and prevention, and may also result in deficient protection of the constitutional right to health, both on an individual and collective basis. And such deficient protection would disproportionately impact vulnerable groups, notably the elderly and the poor”⁵⁶ . The matter was also taken to the STF, where the Reporting Justice, Luís Roberto Barroso, decided, on a preliminary basis,⁵⁷ “to prohibit the production and dissemination, by any means, of any campaign that

⁵⁴ Available at: http://cebes.org.br/site/wp-content/uploads/2020/03/acp-propaganda-covid-19pdf_270320201520.pdf.

⁵⁵ ACP 5019484-43.2020.4.02.5101/RJ.

⁵⁶ Available at: <http://cebes.org.br/site/wp-content/uploads/2020/03/Propaganda-COVID19-Decisa%CC%83o-liminar.pdf.pdf>.

⁵⁷ Within the scope of ADPFs 668 and 669, filed respectively by the National Confederation of Metallurgical Workers and by the Sustainability Network Party (REDE).

claims that 'Brazil Can't Stop' or that suggests that the population should return to their full activities, or even that expresses that the pandemic is a an event of little gravity for the health and life of the population”, and “the suspension of contracts with any advertising campaign for the same purpose”, as “The use of public funds for such purposes, clearly dissociated from the public interest consisting of saving lives, protecting health and preserving the order and functioning of the health system translates into an application of public funds that does not observe the principles of legality, morality and efficiency”⁵⁸ . On 07/05/20, based on the information provided by the Presidency of the Republic and by the AGU “in the sense that the Federal Government does not intend to launch the campaign 'Brazil cannot stop' (for which a preview was circulating on the internet)”, states the Reporting Justice: “trusting, as it should be, the veracity and seriousness of such statements, I hereby dismiss both direct actions due to lack of grounds”⁵⁹ .

Epidemiological week 14, 29/03/04/20
Accumulated Covid-19 Cases - 10,278
Accumulated Covid-19 deaths - 432

29/03/20 Propaganda

24. “The virus is there. We're going to have to face it, but face it like a man, damn it. Not like a kid. Let's face the virus with reality. That's life. We all die one day.”... the President said during a walk in Brasilia⁶⁰.

⁵⁸ “Justice suspends broadcasting of campaign against social distancing measures”, STF. Available at: <http://portal.stf.jus.br/noticias/verNoticiaDetalhe.asp?idConteudo=440567&tip=UN>.

⁵⁹ Available at: <http://portal.stf.jus.br/processos/downloadPeca.asp?id=15343042279&ext=.pdf>.

⁶⁰ “From 'a little flu' to 'so what?': Bolsonaro's speeches in each phase of the pandemic”, A Gazeta. Available at: <https://www.agazeta.com.br/es/politica/da-gripezinha-ao-e-dai-as-falas-de-bolsonaro-em-cada-fase-da-pandemia-0520>.

APRIL 2020

01/04/20 Government Acts

25. The Federal Council of the Brazilian Bar Association (OAB) makes a request for the STF⁶¹ so it may grant an injunction determining that the President should comply with the WHO protocol: on the adoption of social isolation measures; the compliance to the determinations of state governors and mayors related to “economic activities and public gathering rules”; non-interference in the technical work of the Ministry of Health, under the parameters of WHO recommendations; the immediate implementation of emergency benefits for unemployed, self-employed and informal workers, and the immediate inclusion in the *Bolsa-Família* program of families that are on the waiting list. On 04/08, the Supreme Court grants an injunction that recognizes and ensures the exercise of competing jurisdictions by States, the Federal District and Municipalities, each in the exercise of their attributions and within the scope of their respective territories, for the adoption or maintenance of legally permitted restrictive measures during the pandemic, regardless of the occurrence of an opposing federal act, without bias towards the general jurisdiction of the Federal Government of establishing restrictive measures throughout the national territory, if deemed necessary . However, the request that the Judiciary branch should replace the discretionary judgment of the Executive branch and determine that the President should carry out specific administrative measures, even though his acts and omissions are subject to jurisdictional control, especially regarding the respect and ensuring of fundamental rights, is considered untenable.

01/04/20 Propaganda

26. The President posts a video on social media stating that there was a shortage of food and other essential products at the supply centre (CEASA) in the city of Contagem, due to restrictions imposed by the Minas Gerais state government. He later claims that the

⁶¹ ADPF 672.

information was false⁶².

02/04/20 Normative Acts

27. Law No. 13,982 institutes emergency aid in the amount of BRL 600.00 for citizens over the age of 18 who are not formally employed, but work informally, individual micro-entrepreneurs (MEI) or Social Security taxpayers, with monthly family income below half a minimum wage per capita or three minimum wages in total, who are also not a beneficiary of other social programs or receivers of unemployment insurance. The original initiative of the Ministry of Economy determined that only BRL 200.00 would be granted; the government did not manage to forward a proposal to Congress, which ended up adapting a draft law that has been in the process of being passed since 2017⁶³. The implementation of the relief is slow, with piling failures and delays, in addition to generating long lines and people gatherings at bank offices²². In December, a failure in the beneficiary selection mechanism caused an error data from the Federal Comptroller General (CGU) and the Federal Court of Accounts (TCU) indicated the undue receipt of the relief by about million Brazilians⁶⁴ (please see § 201).

02/04/20 Propaganda

28. “Are you scared of catching the virus? I’m just kidding. This virus is something 60% of the people will get, or 70%. (...) I don't know of any hospital that is full”, says the President in a conversation with supporters who were waiting for him in front of the Palácio do Planalto ⁶⁵.

⁶² “Minister of Agriculture publicizes videos and photos that disprove Bolsonaro's publication on Ceasa”, O Estado de S. Paulo. Available at: <https://politica.estadao.com.br/noticias/geral,ministra-da-agricultura-divulga-videos-e-fotos-que-desmentem-publicacao-de-bolsonaro-sobre-ceasa,70003256315>.

⁶³ "Coronavirus: Senate approves emergency aid of BRL 600", Agência Senado. Available at: <https://www12.senado.leg.br/noticias/materias/2020/03/30/coronavirus-senado-aprova-auxilio-emergencial-de-r-600>.

⁶⁴ “Government sends SMS to request return of emergency aid incorrectly paid”, CNN Brasil. Available at: <https://www.cnnbrasil.com.br/business/2020/12/21/governo-envia-sms-para-pedir-devolucao-do-auxilio-de-quem-recebeu-indevidamente>.

⁶⁵ "Bolsonaro attack governors once again and challenges them: 'Are you afraid of the virus?'", CNN Brasil. Available at: <https://www.cnnbrasil.com.br/politica/2020/04/02/bolsonaro-volta-a-atacar-governadores-em-pandemia-e-desafia-ta-com-medinho>.

Epidemiological week 15, 05-11/04/20

Accumulated Covid-19 Cases - 20,727

Accumulated Covid-19 deaths - 1,124

08/04/20 Propaganda

29. President posts on twitter: “I have been talking about the use of hydroxychloroquine in the treatment of covid-19 for 40 days. The use of chloroquine is increasingly found to be effective”⁶⁶.

09/04/20 Government Acts

30. During a conversation leaked to the press, the then Minister of Citizenship, Onyx Lorenzoni, and federal deputy Osmar Terra discuss the maintenance of the Minister of Health at the time, Luiz Henrique Mandetta, in the government, and make projections about the number of deaths by Covid-19 in Brazil. According to CNN, during the initial stage of the conversation, Terra advocates changing the government's policy: “There must to be a policy to replace the quarantine policy. Ibaneis [Rocha, governor of the Federal District] is emblematic. If Brasília starts to open... he is a little afraid. Anything that refers to increasing...’ he said, making an analogy about how people are, despite the restriction, going out into the streets: 'supermarkets have become shopping centres'. Onyx estimates a 4,000 deaths mark should be reached. Terra thinks it will be 'between 3,000 and 4,000'. 'Less people will die from coronavirus than from seasonal flu’⁶⁷.

09/04/20 Propaganda

31. Special Advisor to the President publishes: “We are seeing life being crushed. Medicines being denied, information being obstructed, freedom destroyed, intimacy violated. All 'in the name of health'. People arrested for walking, workers arrested for working, mobile

⁶⁶ “Bolsonaro reinforces the effectiveness of chloroquine and provokes Doria’s state government”, R7. Available at: <https://noticias.r7.com/brasil/bolsonaro-reforca-a-eficacia-da-cloroquina-e-alfineta-governo-doria-08042020>.

⁶⁷ “Onyx and Osmar Terra discuss Mandetta's exit”, CNN Brasil. Available at: <https://www.cnnbrasil.com.br/politica/2020/04/09/onyx-e-osmar-terra-discutem-saida-de-mandetta>.

phones being tracked. Isolation is slavery newspeak”⁶⁸ .

32. In his weekly live, the President states: “So we expect activities to return before then [speaking about quarantine measures]. In my opinion, anyone under 40 would be working without any problems. But I don't want to create polemics. (...) At the moment we have two diseases, everyone knows that. Which is the virus issue and the unemployment issue. Which is a terrible evil too”⁶⁹ .

10/04/20 Propaganda

33. “Nobody will prevent me from coming and going as I please”, says the President in a pharmacy during a walk that leads to agglomeration in Brasília ⁷⁰.

Epidemiological week 16, 12-18/04/20

Accumulated Covid-19 Cases - 36,599

Accumulated Covid-19 deaths - 2,347

12/04/20 Propaganda

34. It seems that this virus issue is starting to fade away”, he states in a videoconference with religious leaders celebrating Easter ⁷¹.

16/04/20 Government Acts

35. The President fires the Minister of Health, Luiz Henrique Mandetta. The main reason for the dismissal is the dissent over the pandemic response strategy, particularly in relation to the early use of chloroquine. According to Mandetta, at the end of March, the President

⁶⁸ Available at: https://www.instagram.com/p/B-x74WpJgDy/?utm_source=ig_web_copy_link.

⁶⁹ “Live with President Jair Bolsonaro (09/04/2020)”. Available at: <https://www.youtube.com/watch?v=F9jXIF2ExQE>.

⁷⁰ “‘Nobody will prevent me from coming and going as I please,’ says Bolsonaro on a walk”, R7. Available at: <https://noticias.r7.com/brasil/ninguem-vai-tolher-meu-direito-de-ir-e-vir-diz-bolsonaro-em-passeio-10042020>.

⁷¹ “It seems that the issue of the virus is starting to go away”, CNN Brasil. Available at: <https://www.cnnbrasil.com.br/politica/2020/04/12/religiosos-relembra-isolamento-em-celebracao-de-pascoa-online-com-bolsonaro>.

started to seek advice to oppose the Ministry of Health's data and strategy: "Bolsonaro fanatics started attending the Planalto Palace. (...) He wanted to be surrounded by people who would tell him what he wanted to hear⁷², making reference to what would later be called "parallel advice"⁷³ or "parallel cabinet" (please see §§ 100, 102 and 118). Also according to Mandetta, "He never had any qualms with proposing chloroquine as a drug. His concern was always 'we are going to prescribe this drug because, with that little box of chloroquine pills in hand, workers are going to start working again, they will become productive again'. (...) his project to fight the pandemic is to say that the government has the drug and those who take the drug will be fine. Whoever dies would've died anyway"⁷⁴.

16/04/20 Propaganda

36. In his weekly live, the President states: "We know that the side effect of a very strict quarantine, causing the most humble people to lose their jobs, their livelihood, in the case of informal jobs, could cause serious problems for Brazil. There may come a point where the economy cannot recover any longer. And with the economy out of balance, we know that those consequences also lead to death. (...) we know that we must ensure that jobs do not continue to be destroyed by a policy that, in my understanding - which may differ from yours - is quite strict. (...) Everyone says, **almost unanimously, that 60% of Brazilians have already been or will be infected. And from this moment on, we can practically say that we are free from the virus, considering that such high percentage of people have developed antibodies.** So the message is: take care of the elderly and those who have comorbidities, and other people also take due care, but you don't need to panic if you become infected"⁷⁴.

⁷² Mandetta, Luiz Henrique. A patient named Brazil: behind the scenes of the fight against coronavirus. Rio de Janeiro: Objetiva, 2020, pp. 144-5.

⁷³ "Mandetta reveals 'parallel cabinet' and attempt to change chloroquine package insert", Agência Senado. Available at: <https://www12.senado.leg.br/noticias/materias/2021/05/28/mandetta-revela-gabinete-paralelo-e-tentativa-de-mudar-bula-da-cloroquina>.

⁷⁴ "Live every Thursday with President Jair Bolsonaro. (16/04/2020)". Available at: <https://www.youtube.com/watch?v=vNyBRsVZ0gg>.

Epidemiological week 17, 19-25/04/20
Accumulated Covid-19 Cases - 58,509
Accumulated Covid-19 deaths - 4,016

20/04/20 Propaganda

37. “I am not a gravedigger”, he replies to journalists at Palácio do Alvorada when asked about the deaths caused by the pandemic⁷⁵.

22/04/20 Government Acts

38. At a ministerial meeting, the contents of which were released on 05/22 upon request of the Supreme Court⁷⁶, the President and several ministers express anti-democratic positions, the absence of a pandemic response plan and exclusively electoral concerns. In a rare reference to the disease, the President asks the government to misrepresent information: “So let’s notify the relevant parties, the ministry in question, [you can] write down [that the individual died from] Covid-19, but you should also include [the information that] they had fibrosis, a bunch of stuff, I don’t understand these things. There was a bunch of diseases there, precisely in order to avoid scaring the population. Because when we look at it, we notice an Army sergeant died, for instance. You would think he was in good health, right? A federal policeman, right? Whatever it is... And that cannot happen. So we are asking for this attention towards our colleagues, alright? Whoever needs to hear this, the ministry in question, which has someone in charge of this, right? Take the proper measures in order to avoid making the population scared”⁷⁷.

⁷⁵ "I'm not a gravedigger," says Bolsonaro when asked about deaths by Covid-19, CNN Brazil. Available at: <https://www.cnnbrasil.com.br/nacional/2020/04/20/nao-sou-coveiro-diz-bolsonaro-ao-ser-questionado-por-mortes-por-Covid-19>.

⁷⁶ “Justice Celso de Mello authorizes access to ministerial meeting video”, STF. Available at: <https://portal.STF.jus.br/noticias/verNoticiaDetalhe.asp?idConteudo=443959&ori=1>.

⁷⁷ “Teich says at a meeting that 'fear' of coronavirus 'will prevent' the economy from being treated as a priority”, G1. Available at: <https://g1.globo.com/politica/noticia/2020/05/22/teich-diz-em-reuniao-que-medo-do-coronavirus-vai-impedir-que-economia-seja-tratada-como-prioridade.ghtml>.

22/04/20 Propaganda

39. The Minister of Foreign Affairs publishes an article entitled “The communavirus has arrived” on his blog, attacking the WHO and equating public health measures with communism: “Now, the politically correct is incorporating the sanitarily correct, many times more powerful. The sanitarily correct grabs you, cuffs you, and threatens you: ‘If you say this or that, you will put all of society at risk; if you say the word ‘freedom’, you are a subversive that can lead your entire population to death – so respect the rules.’ Controlling language to kill the spirit is the essence of current communism, this communism that has suddenly found a treasure of oppression in the coronavirus”⁷⁸.

23/04/20 Propaganda

40. In his weekly live, the President states: “Unfortunately the virus arrived and unfortunately it continues to cause people to die, unfortunately. Especially the elderly and people who have some kind of illness. But one truth that no one disputes, right, is that 60% to 70% of the population will be infected. Nobody disputes this number. Only from then on, people all over the world say, that the country really starts to get back to normal, to be able to say that it is getting rid of the virus. Now, the issue with employment, which has been destroyed since then, has always been a concern of mine, you cannot imagine how I got hit by the Brazilian media. That same story, right? Life you cannot recover, the economy recovers. Two problems, I believe”⁷⁹.

Epidemiological week 18, 26/04-02/05/20

Accumulated Covid-19 Cases - 96,396

Accumulated Covid-19 deaths - 6,724

⁷⁸ “Pademic: minister denounces 'communist plan', cites China and questions WHO”, Column Jamil Chad, UOL. Available at: <https://noticias.uol.com.br/colunas/jamil-chade/2020/04/22/diante-da-pandemia-chanceler-alerta-contra-plano-comunista-e-questiona-oms.htm>.

⁷⁹ “Live with President Jair Bolsonaro (23/04/2020). Themes: Caixa assistance and others”. Available at: https://www.youtube.com/watch?v=VuMbYrq_ys4.

28/04/20 Normative Acts

41. Decree 10,329 modifies Decree 10,282 (please see §§ 14 and 20) to significantly expand the list of essential activities to cover the chemical, petrochemical and plastic sector, in addition to any activities with a production process that cannot be interrupted under penalty of irreparable damage to the facilities and equipment, such as the steelmaking process and the aluminium, ceramic and glass production chains, among other additions (please see also §§ 46 and 49).

28/04/20 Propaganda

42. In an interview, the President comments on the fact that the death toll in Brazil has exceeded that of China “So what? Sorry about that, what do you want me to do? My last name may be Messias [Messiah], but I work no miracles”⁸⁰.

30/04/2020 Propaganda

43. In his weekly live, the President states: “Repeating: 70% of the population will be infected. And as it seems, based on what we're seeing now, all efforts to flatten the curve have been virtually useless. Now, a consequence of this, a side effect of this: unemployment. The people want to go back to work. Everyone knows that the younger you are, the less issues you have, of having a harmful consequence, if infected by the virus. People under 40 years of age, from those infected with some other comorbidity, around 0.2% only have a tragic end”⁸¹.

⁸⁰ “Bolsonaro on Coronavirus Death Record: 'I am the Messiah, but I don't work miracles'”, Jovem Pan. Available at: <https://jovempan.com.br/noticias/brasil/bolsonaro-mortes-coronavirus-messias.html>.

⁸¹ “Live every Thursday with President Jair Bolsonaro (30/04/2020)”. Available at: <https://www.youtube.com/watch?v=XceWFVE7QLc>.

MAY 2020

01/05/20 Propaganda

44. In a live transmission on Labour Day, the President stated: “I would like everyone to go back to work, but I don’t make that call, it is up to the state governors and mayors”⁸².

Epidemiological week 19, 3-9/5/20

Accumulated Covid-19 Cases - 155,939

Accumulated Covid-19 deaths - 10,627

04/05/20 Government Acts

45. In response to a request from the state of Mato Grosso, the STF established that respirators acquired by the states during the pandemic are public goods and cannot be subject to government requisition, except in the case of a state of defence or siege.⁸³.

07/05/20 Normative acts

46. Decree no. 10,342 includes civil construction among essential activities during the pandemic (see §§ 14, 20, 41 and 49).

07/05/20 Propaganda

47. Accompanied by ministers, businessmen and one of his sons, the President walked to the Supreme Court for a “surprise visit” to the President of the Court, who was then Dias Toffoli, in order to exert pressure against quarantine measures. He stated that “the side

⁸² "Bolsonaro: 'I would like everyone to go back to work, but I don’t make that call'", IstoÉ. Available at: <https://istoe.com.br/bolsonaro-gostaria-que-todos-voltassem-a-trabalhar-mas-quem-decide-nao-sou-eu/>.

⁸³ “The Federal Government must deliver to the State of Mato Grosso lung ventilators requisitioned from the manufacturer”, STF. Available at: <http://portal.stf.jus.br/noticias/verNoticiaDetalhe.asp?idConteudo=442615&ori=1>.

effects of fighting the virus cannot be more harmful than the disease itself”, and that “the economy is life too. There is no point in staying home if we no longer have anything to buy on the shelves when we leave our houses, if the wheel of the economy has stopped turning. We will all be crushed by that”⁸⁴.

09/05/20 Propaganda

48. “This is a neurosis. 70% of the population will catch the virus. There is nothing I can do. It’s madness”, says the President while riding a jet ski on Lake Paranoá ⁸⁵.

Epidemiological week 20, 10-16/05/20

Accumulated Covid-19 Cases - 233,142

Accumulated Covid-19 deaths - 15,633

11/05/20 Normative acts

49. Decree no. 10.344 includes beauty salons and barber shops, all kinds of sports gyms, and industrial activities (non-specified) among essential activities during the pandemic. (Please see §§ 14, 20, 41 and 46).

13/05/20 Normative acts

50. The President issues Provisional Decree (MP) No. 966, exempting public officials from civil and administrative liability in cases of acts and omissions relevant to the pandemic; with this decree, only servants who act or omit themselves “with intent or gross error”

⁸⁴ “Bolsonaro and business owners go to the STF to defend the resumption of economic activities”, Jota. Available at: <https://www.jota.info/stf/do-supremo/bolsonaro-e-empresarios-vaao-stf-para-defender-retomada-de-atividades-economicas-07052020>.

⁸⁵ “After cancelling barbecue, Bolsonaro rides jet ski in Brasília lake”, R7. Available at: <https://noticias.r7.com/brasil/apos-cancelar-churrasco-bolsonaro-pilota-jet-ski-em-lago-de-brasilia-09052020>.

can be held accountable. On 5/21, the Supreme Court decided⁸⁶ that the actions of public officials in relation to the Covid-19 pandemic must comply with technical and scientific criteria of medical and health entities; these actions should also observe the principle of self-containment in case of doubt regarding the effectiveness or benefit of the measures to be implemented⁸⁷. Congress does not approve the decree and its effective term ends on September 10, 2020⁸⁸.

14/05/20 Normative Acts

51. Through Message No. 268, the President vetoes provisions of Law No. 13,998 that extended the scope of emergency relief to artisanal fishermen, taxi drivers, ride sharing app drivers, school transportation drivers, app-based delivery people, self-employed physical education professionals, street vendors, grocery sellers, waiters, babysitters, manicurists, hairdressers and hired teachers who are unpaid, among other changes that would bring greater social protection.

14/05/20 Propaganda

52. The President declares war on state governors in a videoconference promoted by the Industrial Federation of the State of São Paulo (FIESP) with almost 500 businessmen, asking the private sector to fight against lockdown measures: “If that's the case, this means war. I will go to São Paulo if you want me to, you have to fight the state governor”. Bolsonaro also asked businessmen to advertise in media outlets that support him – repeating a request he had already made on other occasions”⁸⁹. “With all due respect, you must put the governor to task and play hard. Play hard, because this is serious, this is war”⁹⁰. He further states: “I am making requests regarding the chloroquine issue as

⁸⁶ In lawsuits filed by the parties Rede (ADI 6.421), Citizenship (ADI 6.422) and PSOL (ADI 642).

⁸⁷ Acts by public officials during the pandemic must observe technical and scientific criteria”, STF. Available at: <http://www.stf.jus.br/portal/cms/verNoticiaDetalhe.asp?idConteudo=443888&caixaBusca=N>.

⁸⁸ National Congress. “Declaratory act of the Chairman of the Board 123”. Available at: http://www.planalto.gov.br/ccivil_03/_ato2019-2022/2020/Congresso/adc-123-mpv966.htm.

⁸⁹ “Bolsonaro promises to reduce taxes and asks business owners to fight Doria”, CNN Brasil. Available at: <https://www.cnnbrasil.com.br/business/2020/05/14/bolsonaro-promete-reduzir-tributos-e-pede-que-empresarios-lutem-contradoria>.

⁹⁰ “Bolsonaro tells business owners to 'play hard' with governors because 'it's war'”, Valor Econômico.

well now. If the Federal Council of Medicine has decided that chloroquine can be used after the first symptoms appear, why should the federal government say, via the Minister of Health, that it should only be administered in serious cases? I am the commander, the President, I can decide and reach out to any minister and talk about what is happening. And this is the rule, this is the orientation” in a videoconference with entrepreneurs promoted by Fiesp⁹¹“.

53. In his weekly live, the President states: “The virus will reach at least 70% of the population. This is a fact. No one disputes that. Now, such extreme way of declaring a lockdown, closing everything, it doesn't work. And it doesn't work anywhere in the world. Sweden, the country that did not lockdown, is the one country that is doing well with its economy”⁹².

15/05/20 Government Acts

54. Minister of Health Nelson Teich resigns: “I will not sully my reputation because of chloroquine”⁹³. Interim executive secretary Eduardo Pazuello, a military man with no health training or experience, takes on the job. On 10/07, he declared in an official ceremony that, before taking office, he “didn't even know what SUS [the Unified Health System] was”⁹⁴.

Available at: <https://valor.globo.com/politica/noticia/2020/05/14/bolsonaro-diz-a-empresarios-que-preciso-partir-para-cima-de-governadores-porque-guerra.ghtml>.

⁹¹ “Bolsonaro 'demands' the Minister of Health to recommend chloroquine”, Valor Econômico. Available at: <https://valor.globo.com/politica/noticia/2020/05/14/bolsonaro-exige-que-ministro-da-sade-recomende-a-cloroquina.ghtml>.

⁹² “Thursday Live with President Bolsonaro - 14/05/2020”. Available at: <https://www.youtube.com/watch?v=S28DvOuB6cM>.

⁹³ “After 29 days in the position, Nelson Teich resigns from Ministry of Health”, CNN Brasil. Available at: <https://www.cnnbrasil.com.br/politica/2020/05/15/nelson-teich-pede-demissao-do-ministerio-da-saude>.

⁹⁴ “Pazuello says that, before taking office in the government, he didn't know what the SUS was,” CNN Brasil. Available at: <https://www.cnnbrasil.com.br/politica/2020/10/07/pazuello-diz-que-antes-de-cargo-no-governo-nao-sabia-o-que-era-o-sus>.

Epidemiological week 21, 17-23/05/20
Accumulated Covid-19 Cases - 347,398
Accumulated Covid-19 deaths - 22,013

19/05/20 Government Acts

55. The National Health Council (CNS) publishes a manifesto entitled “*Repassa Já!*”, demanding that the Ministry of Health makes an immediate transfer of funds destined to tackle the pandemic to States and Municipalities, demonstrating that the Ministry of Health had BRL 8.489 billion that had not yet been committed, from Provisional Decrees (MP) pertaining to extraordinary credit for pandemic response expenses, of which BRL 1.871 billion were meant to be transferred to the States, BRL 707 million to the municipalities and BRL 5.911 billion to be spent by the Ministry of Health itself. Such direct expenses (acquisition of inputs, respirators, ICU beds) had been extremely slow, and 70% of these funds were allegedly still available⁹⁵.

19/05/20 Propaganda

56. In an interview with Blog do Mano, the President states “Those that are right-wing will take chloroquine, those that are left-wing will drink Tubaína”⁴⁶ [Tubaína is a traditional Brazilian soda]⁹⁶.

20/05/20 Government Acts

57. TCU decides⁹⁷ to assess the governance structure set up by the Ministry of Health to tackle the crisis generated by the novel Coronavirus, and any acts related to the execution of public expenditures. It recognizes that, given the need to purchase materials and supplies to care for patients with Covid-19, specific rules were established for public tenders and their waiver, through Law 13,979, of 2020, and extraordinary credit lines

⁹⁵ “CNS and state councils unite to demand full SUS funding from MS in the face of the pandemic”, CNS. Available at: <http://conselho.saude.gov.br/ultimas-noticias-cns/1186-cns-e-conselhos-estaduais-se-unem-para-exigir-do-ms-financiamento-integral-do-sus-frente-a-pandemia>.

⁹⁶ “Those who are right-wing take chloroquine, those who are left-wing, *tubaina*”, says Bolsonaro about liberation”, O Estado de S. Paulo. Available at: <https://saude.estadao.com.br/noticias/geral,quem-e-de-direita-toma-cloroquina-quem-e-de-esquerda-tubaina-diz-bolsonaro-sobre-liberacao,70003308307>.

⁹⁷ Judgment TCU 1335, Case TC 014.575/2020-5.

were opened in favour of the Ministry of Health, which totalled, by then, R\$ 14 billion. Reporting Justice Benjamin Zymler warned that “Despite several requests, the Ministry of Health has not informed, in a complete and timely manner, about the hiring processes related to Covid-19. Such fact results in the late identification of some of them, through consultations with the Integrated Financial Administration System of the Federal Government (SIAFI) or through publications in the Official Gazette of the Federal Executive (DOU) (...) When contracts are identified by these means, they are usually at an advanced stage, such as publication of the waiver of bidding or contract summary, which hinders or prevents timely action of this Court in dealing with irregularities or risks”. The TCU ordered the Ministry of Health to make available to its monitoring team, in a complete and timely manner, information regarding the contracting processes related to the management of the Novel Coronavirus crisis. The Ministry should also provide documents to the contracting processes related to the management of the Covid-19 pandemic, presenting due motivation of the acts through the inclusion in the case records of at least specific justifications for the need for contracting the quantities of goods or services to be contracted along with their respective calculation logs and the destination of the contracted object. It also decided to recommend the Ministry of Health that, in relation to any funds transferred to the states, to the Federal District and municipalities to fight the pandemic, that it adopt technical criteria to make funds available to subnational entities, considering, for example, the per capita rate of the disease, estimates of its spread, hospital bed occupancy rate and the structure of existing health services.

20/05/20 Normative acts

58. Ministry of Health publishes “Information note 9/2020-SE/GAB/SE/MS - Guidelines for early drug handling of patients diagnosed with Covid-19”. Although the cabinet denies that it is a protocol, Agência Brasil reported in a headline on the same day: “Ministry of Health presents new protocol for the use of chloroquine”, reporting that “Today (20th) the Ministry of Health included chloroquine, and its derivative hydroxychloroquine, in the treatment protocol for patients with mild symptoms of Covid-19. According to the document released by the cabinet, it is up to the physician to decide whether or not to prescribe the substance, and the declared will of the patient is

also required, by signing the Instrument of Awareness and Consent”⁹⁸ . The note was later replaced, and removed from the Ministry of Health portal along with other documents after the instatement of the Covid-19 CPI in the Federal Senate (please see §§ 88 and 228), but it remains accessible on other websites that reproduced it at the time , such as OPAS⁹⁹. The National Council of Health Secretaries indicates that the document had no technical participation and was not agreed upon by the federal entities (states), that it was not based on scientific evidence, and presented the following questions: “Why are we discussing Chloroquine and not the logistics of social distancing? Why are we debating Chloroquine instead of thinking of an integrated plan to expand the Ministry of Health’s capacity to respond and aid states that face emergency scenarios?”¹⁰⁰

21/05/20 Propaganda

59. In his weekly live, the President states: “It's life, it's reality. Many more people die of terror, often, than the act itself. So fear also kills, leads to stress, leads to tiredness. A person cannot sleep well. They are always worried 'I'm going to die'. Life is here, you do the research, what is easier: to die of an accident or with this virus, or another virus, or of a heart problem? So life is here, we're leaving one day, okay. We are sorry for the death of everyone once again. (...) Anything in excess kills. Now, the issue with this virus. We mourn the dead. But we have to have the courage to go through this. It's like I've been saying for 60 days. It's like rain, you're out there, you're going to get wet. Nobody disputes that around 70% of the population will acquire the virus”¹⁰¹ .

23/05/20 Propaganda

⁹⁸ “Ministry of Health presents new protocol for the use of chloroquine”, Agência Brasil. Available at: <https://agenciabrasil.ebc.com.br/saude/noticia/2020-05/ministerio-saude-apresenta-novo-protocolo-para-uso-cloroquina>.

⁹⁹ Available at: <https://portal.arquivos.saude.gov.br/images/pdf/2020/May/21/Nota-informativa---Orienta---es-para-manuseio-medicamentoso-precoce-de-pacientes-com-diagn--stico-da-COVID-19.pdf>.

¹⁰⁰ Available at: <https://www.conass.org.br/nota-oficial-sobre-o-documento-intitulado-orientacoes-do-ministerio-da-saude-para-tratamento-medicamentoso-precoce-de-pacientes-com-diagnostico-da-Covid-19-lancado-pelo-ministerio-da/>.

¹⁰¹ “Live of the Week with President Jair Bolsonaro - 21/05/2020”. Available at: <https://www.youtube.com/watch?v=CaTtyaM5Jlw>.

60. The President declares at a press conference: “It's impressive, isn't it? Nowadays, the traditional politician 'I'm sorry that a thousand more have died'. Last year 60,000 died from firearms alone and they didn't say anything. I'm sorry for the dead, yes, I'm sorry. But the reality is, everyone will die here, there won't be anyone left here. And if they die in the middle of the field, the vulture will still eat them. Everyone smells the same. My scent is just like yours. It will stink the same way. (...) Without economy, without jobs, life is shortened. (...) **Face the virus as a reality. 70% will be infected. Why bring terror to the people? Everyone will die. If you are old and weak, if you contract the virus, you will have difficulty. Those who have illnesses, comorbidities, will also have difficulty. Those people have to be taken care of. For their families. The State cannot take care of everyone, there is this 'everyone stay at home' demagoguery. Whoever has money, stays at home. (...) I'd like it, I've already talked to some party leaders, to be defined, right, if I have support, I'll present a draft provisional measure, what is an essential activity? It's all that is necessary for human beings, for men and women, to bring a plate of food to their homes. (...) A neurosis, neurosis. In a little while an idiot will mention the 'little flu'. Some people did not even experience a flu. Not even a flu. 70, 80% have no symptoms. (...) Domestic violence has increased. Smacking at home. Sexual abuse against children has increased. It is this heritage that we are having. **Because a portion has decided, through the economy, to remove the President of the Republic from his seat.** But only two entities take me out of my seat. First God, and then the people. And I try to do my best. I know about my shortcomings, so much so that Paulo Guedes is the economics guy. (...) In a little while it will be natural, right, I might even be wrong, right? My 93-year-old mother goes. It's life. **It's fucking life. Don't dramatize over it. Bring courage to the people to face the problem, because it will be much worse if you continue with the current policy that is out there, close everything down, stay at home.** Those under 40 years of age, if they catch the virus, which 70% will do, the chance of losing their life is 0.2%, and even among obese people and those with comorbidities, those who are 30, 20 years old also have comorbidities. It is a reality. **And the flat curve doesn't say we're saving lives. The flattened or non-flattened curve, if you take that area as a derivative, it's going to be the same amount. The goal of flattening the curve is preventing overcrowded****

hospitals. There are very few places in Brazil where there is no ICU and unused respirators. Those who are dying, unfortunately, unfortunately, we cannot prevent their deaths. Ah, the infection issue could be avoided. French study, 86% of people caught the virus at home. Go to a slum. The one I went to here, in Rio de Janeiro, is even denser, there is a 4 by 4 space, with 8 people inside. It forces everyone to stay indoors, a single infected person infects other 7. The policy is wrong. We have to face reality, life. And not remain with political correctness”¹⁰² .

<p>Epidemiological week 22, 24-30/05/20 Accumulated Covid-19 cases - 498,400 Accumulated Covid-19 deaths - 28,834</p>
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26/05/20 Propaganda

61. In an interview, the President states: “We can't go on like this. We know that we should be concerned with the virus, especially for the elderly, for those who have diseases, for those who are weak, but (without) this talk of closing the economy. The economy has been shut down for 70 days now. How long will this last?”¹⁰³

27/05/20 Normative acts

62. Interministerial Ordinance 9 from the Ministry of Justice and Public Security, at the time occupied by André Luiz de Almeida Mendonça, and from the Ministry of Health, then occupied by Eduardo Pazuello, revokes Interministerial Ordinance 5, enacted on 17/03/20 by the then Justice Minister Sergio Moro and Health Minister Luiz Henrique Mandetta, which set out about the compulsoriness of Covid-19's coping measures, including isolation and quarantine, and liability arising from non-compliance (please see § 10), based on the justification that “it must be guaranteed, to the people affected due to

¹⁰² “President Bolsonaro: press conference on what they have been hiding since the beginning of his term”, Band News. Available at: <https://www.youtube.com/watch?v=P70okK2pwtw>.

¹⁰³ “Bolsonaro criticizes social isolation once again”: “We can't go on like this”, O Estado de S. Paulo. Available at: <https://politica.estadao.com.br/noticias/geral,bolsonaro-volta-a-criticar-isolamento-social-nao-da-pra-continuar-assim,70003315527>.

application of public health emergency management measures of international importance resulting from the coronavirus, full respect for dignity, human rights and basic freedoms, in accordance with Article 3 of the IHR)”.

63. Through Message 307, President vetoes a provision from Supplementary Law 173, which excluded from the suspension of salary adjustments and time of service until the end of 2021 (required by the federal government in exchange for granting R\$ 125 billion as financial assistance to the states and municipalities due to the pandemic) civil and military civil servants directly involved in the fight against the pandemic, including civil servants in expert careers, socio-educational agents; urban cleaning, funeral services and social assistance professionals; public education workers and health professionals from the Federal Government, States, Federal District and Municipalities. Although the Senate rejected the veto on 19/08/20, the Chamber of Deputies upheld it the following day.

29/05/20 Propaganda

64. “The purpose of the isolation they have been doing - which in my opinion is wrong - was, most of the time, not to prevent you from getting it [Covid-19], but that you got it over a longer period of time. So that hospitals could provide proper care. The proper care, as far as I know, means resting, or ivermectin, or hydroxychloroquine”¹⁰⁴ .

¹⁰⁴ “See President Jair Bolsonaro’s full live session on 29/05/20”, Os Pingos nos Is. Available at: <https://www.youtube.com/watch?v=r0HkpczjmrE>.

JUNE 2020

Epidemiological week 23, 31/05-06/06/20

Accumulated Covid-19 Cases - 672,846

Accumulated Covid-19 deaths - 35,930

01/06/20 Government Acts

65. MPF initiates a public civil inquiry to investigate any low budget execution of funds by the Ministry of Health in the fight against the pandemic, in order to clarify, among other issues, in relation to the direct application of funds by the Ministry of Health: the justifications for the use of only BRL 804.68 million, out of a total of BRL 11.74 billion intended for direct application by the Federal Government, through action 21C0; in view of the National Contingency Plan, of February 2020; the forecast and the expenditure schedule for its full implementation; the planning and schedule for the use of the approximately R\$ 8.5 billion of the 21C0 action, indicating in detail the expenses to be made under such item; and in relation to fund-to-fund transfers to States and Municipalities; the justification for a sharp reduction in transfers after 13 April, 2020; the parameters used for defining the amount to be transferred to each State and Municipality, as well as the conditions used to decide on the transfer; whether the transfer is conditional on the implementation or relaxation of measures of social distancing/isolation by States and Municipalities; the planning and schedule for the transfer of approximately R\$9.5 billion available from the 21C0 action to the States, indicating in detail the expenses to be made under this line item; the planning and schedule for the transfer of the approximately R\$ 5 billion available from the 21C0 action to the Municipalities, indicating in detail the expenses to be made under such line item¹⁰⁵

¹⁰⁵ Available at: <http://www.mpc.sp.gov.br/wp-content/uploads/2020/06/despacho-ic-gastos-ms.pdf>.

03/06/20 Government Acts

66. Data on Covid-19 are released late at night, after 10 pm. The Ministry of Health denies that the delay was intentional¹⁰⁶.

03/06/20 Propaganda

67. In a meeting with supporters, the President questions the data on the number of Covid deaths: “This is happening everywhere, if you die of anything, [they say] it’s covid”¹⁰⁷.

05/06/20 Government Acts

68. A website of the Ministry of Health with data on Covid-19 goes offline and returns the next day with information concerning solely the last 24 hours¹⁰⁸. On 06/08, the creation of the Press Consortium was announced, through which the media outlets G1, O Globo, Extra, O Estado de S. Paulo, Folha de S. Paulo and UOL formed a partnership to seek information about the pandemic from the 27 Brazilian states¹⁰⁹. On the same date, the STF granted an injunction¹¹⁰ determining the full resumption, by the Ministry of Health, of the daily publication of epidemiological data on the pandemic, including on the agency's website, according to the terms in which they were presented until 04/06/20. The decision highlighted the disastrous consequences for the population if internationally recognized measures are not adopted, such as the collection, analysis, storage and disclosure of relevant epidemiological data, which must guide the planning

¹⁰⁶ “Ministry denies deliberate delay in disclosing the record number of deaths by Covid-19”, O Estado de S. Paulo. Available at: <https://saude.estadao.com.br/noticias/geral,ministerio-nega-atraso-proposital-na-divulgacao-de-recorde-de-mortos-pela-Covid-19,70003325180>.

¹⁰⁷ “Bolsonaro calls into question Covid-19's high death toll”, R7. Available at: <https://noticias.r7.com/brasil/bolsonaro-poe-em-duvida-numero-alto-de-mortos-pela-Covid-19-03062020>.

¹⁰⁸ “Ministry of Health website on Covid-19 is working again with information from the last 24 hours only”, O Estado de S. Paulo. Available at: <https://saude.estadao.com.br/noticias/geral,site-do-ministerio-da-saude-sobre-Covid-19-volta-ao-ar- apenas-com-informacoes-das-ultimas-24-horas,70003327025>.

¹⁰⁹ “Communication channels form a partnership to give transparency to Covid-19 data”, G1. Available at: <https://g1.globo.com/politica/noticia/2020/06/08/veiculos-de-comunicacao-formam-parceria-para-dar-transparencia-a-dados-de-Covid-19.ghtml>.

¹¹⁰ ADPF 690, proposed by the REDE, PCdoB and PSOL parties.

by public authorities and the direction of public policies, in addition to ensuring full access to the population of knowledge of the situation experienced in the country. It also recognized that the Federal Constitution expressly enshrined the principle of publicity as one of the essential vectors for the Public Administration, giving it absolute priority in administrative management¹¹¹ .

05/06/20 Propaganda

69. Asked about the delay in releasing the coronavirus death toll, the President replies: “There’s no more material for Jornal Nacional”¹¹². He also states “Either the WHO will truly cease to be a political organization, or even partisan, one could say, or we will start to think about leaving it”¹¹³.

70. On the same day, Carlos Wizard, appointed to be the new secretary of Science, Technology and Strategic Inputs for the federal government, says that the number of Covid-19 deaths will be recounted “because the number we have today is either unrealistic or manipulated. (...) Many people were dying of other causes and public officials, purely out of interest in having a larger budget for their municipalities, in their states, marked all of the deaths as covid deaths. We are revising these deaths”.¹¹⁴

Epidemiological week 24, 07-13/06/20

Accumulated Covid-19 Cases - 850,514

Accumulated Covid-19 deaths - 42,720

07/06/20 Propaganda

¹¹¹ Available at: <http://www.stf.jus.br/arquivo/cms/noticiaNoticiaStf/anexo/ADPF690cautelar.pdf>.

¹¹² “Disclosure change occurred after Bolsonaro demanded number of deaths by Covid below one thousand per day”, O Estado de S. Paulo. Available at: <https://saude.estadao.com.br/noticias/geral,mudanca-de-divulgacao-ocorreu-apos-bolsonaro-exigir-numero-de-mortes-abaixo-de-mil-por-dia,70003328525>.

¹¹³ “Bolsonaro: release of Covid-19 numbers at 10 pm seeks 'consolidated data'”, CNN Brasil. Available at: <https://www.cnnbrasil.com.br/politica/2020/06/05/bolsonaro-divulgacao-de-numeros-da-Covid-19-as-22h-busca-dados-consolidados>.

¹¹⁴ “Secretary says that Health will recount Covid's 'fanciful' number of deaths”, UOL. Available at: <https://noticias.uol.com.br/saude/ultimas-noticias/redacao/2020/06/05/secretario-diz-que-saude-recontara-numero-fantastico-de-mortos-da-covid.htm>.

71. “The Supreme Court has decided that governors and mayors are responsible for this policy, which includes isolation measures. Now there is this huge wave of unemployment coming up. Both for informal labour and for the formally employed. Don’t try to pin this on me. The governors are going to have to solve this problem that is happening throughout Brazil”, states the President in front of the Palácio da Alvorada¹¹⁵.

08/06/20 Propaganda

72. Tweet by the President: “I remind our Nation that, by decision of the Supreme Court, actions to fight the pandemic (closing businesses and establishing quarantines, for instance) were under the full responsibility of the Governors and the Mayors”¹¹⁶.

10/06/20 Propaganda

73. The President addresses a supporter in front of the Palácio da Alvorada who asks about Covid-19 deaths. “Ask your governor about that. Get out of here” (...) “Deaths are happening all over the world, it's not just covid. Now, to try and blame me... There is a lot of people dying of hunger, depression, suicide, this is a one-sided policy”¹¹⁷.

74. In a live broadcast on Facebook, the President encourages the invasion of field hospitals: “I might be wrong, but in all cases, or most cases, no one died because of a lack of respirators or ICU beds. There might have been a case or two. It would be good if you people at the end of the line, if there is a field hospital close to you, a public hospital, if you could find a way to get inside and film it. Many people are doing this, but more

¹¹⁵ “Bolsonaro says pandemic unemployment is state governors’ fault,” Poder 360. Available at: <https://www.poder360.com.br/governo/bolsonaro-diz-que-desemprego-na-pandemia-e-culpa-de-governadores/>.

¹¹⁶ Available at: <https://twitter.com/jairbolsonaro/status/1269942255298777095>.

¹¹⁷ “Bolsonaro minimizes covid deaths and tells female supporter who questioned him to leave”, IstoÉ, 10/06/20. Available at: <https://istoe.com.br/bolsonaro-minimiza-mortes-por-covid-e-manda-apoiadora-que-o-questionou-se-retirar/>.

people have to do it to show whether the beds are filled or not, if the expenses are compatible with reality or not”⁵⁹. “There is a political gain, that’s the only explanation, [they are] taking advantage of the people who die to have a political gain and to blame the federal government”¹¹⁸.

Epidemiological week 25, 14-20/06/20
Accumulated Covid-19 Cases - 1,067,579
Accumulated Covid-19 deaths - 49,976

16/06/20 Government Acts

75. The Ministry of Health's Ethics Commission would have sent an internal email to the cabinet's servants regarding the use of social media, involving posts by civil servants and comments made by them on other people's profiles: “The public role 'is integrated into the private life of each public servant' and, therefore, 'any facts and acts verified in their conduct in their daily private lives may increase or decrease their good standing in their working lives’¹¹⁹. The next day, it came to light that public servants working in the office of the then acting minister, Eduardo Pazuello, would have been forced to sign a confidentiality agreement under threat of being liable for violating the LSN (National Security Law), based on the justification that, within the context of a health emergency situation, the dissemination of images and information could compromise sovereignty, integrity and democracy¹²⁰.

Epidemiological week 26, 21-27/06/20
Accumulated Covid-19 Cases - 1,313,667
Accumulated Covid-19 deaths - 57,070

24/06/20 Government Acts

¹¹⁸ “Bolsonaro encourages invasion of hospitals to film beds”, Terra. Available at: <https://www.terra.com.br/noticias/coronavirus/bolsonaro-incentiva-invasao-de-hospitais-para-filmar-leitos,d6d91d6b5d4ede0c0afeaa23f1b5d16fuukb4x1w.html>.

¹¹⁹ “Military personnel from the Ministry of Health warn public servants about posts on the social media”, Metr opolis. Available at: <https://www.metropoles.com/brasil/militares-do-ministerio-da-saude-advertem-servidores-sobre-posts-nas-redes>.

¹²⁰ “Ministry of Health servants are under the National Security Law”, Correio Braziliense. Available at: <https://www.correiobraziliense.com.br/app/noticia/brasil/2020/06/18/interna-brasil,864712/servidores-do-ministerio-da-saude-estao-sob-a-lei-de-seguranca-nacional.shtml>.

76. TCU notifies the Office of the Chief of Staff (Casa Civil) about the absence of a clear and strategic guideline to fight Covid-19, with the respective risk management, as well as the absence of a coordinated and comprehensive communication plan, which could compromise the costs and results of efforts against the pandemic and prevent effective political coordination and articulation between federal and subnational bodies and entities. It also recommended that the Office of the Chief of Staff include as permanent members of the Crisis Committee (please see §1), the Chairman of CFM, the Brazilian Medical Association and CONASS, with the speaking and voting rights. In addition, it determined that the Office of the Chief of Staff and the Ministry of Health, in compliance with current legislation and the principle of transparency, start publishing, with due emphasis, on their websites, if they do not already do so, the meeting minutes of the Crisis Committee and the respective Operations Centre, ensuring the confidentiality of such information. Among other measures, it stressed that the denial of access to information requested by the audit team from Court of Accounts violates the provisions of article 101 of Law 8443/1992¹²¹ .

¹²¹ Judgment 1616/2020, Plenary Session (Reporting Justice Vital do Rego), Proceedings TC 016.708/2020-2.

JULY 2020

Epidemiological week 27, 28/06-04/07/20
Accumulated Covid-19 Cases - 1,577,044
Accumulated Covid-19 deaths - 64,265

02/07/20 Normative acts

77. Through Message No. 374, the President vetoes 25 provisions of Law No. 14.019 of 07/02/2020 that establish the mandatory use of masks in business and industrial establishments, religious temples, schools, and other indoor spaces where people gather, under the justification that the provisions would result in a possible “home violation”. He also vetoed the imposition of a fine by the federated entities (states) in case the obligation to wear masks was not complied with, and to establishments authorized to operate during the Covid-19 pandemic that refrained from providing 70% alcohol-based hand sanitizer near the entrance of their establishments, elevators and escalators. On 08/19/2020, Congress overthrew the presidential veto, maintaining the provisions in the law.

Epidemiological week 28, 05-11/07/20
Accumulated Covid-19 Cases - 1,839,850
Accumulated Covid-19 deaths - 71,469

06/07/20 Normative acts

78. The President publishes an Order in the Federal Official Gazette (DOU) that modifies Message no. 374 to make new vetoes to Law No. 14.019, which had already been enacted and published, despite the expiration of the period of 15 working days for his exercise of the right to veto on 07/02/20. The new vetoes remove the obligation of establishments operating during the pandemic to provide their employees with free personal protection masks, even handcrafted versions, without bias towards other personal protective equipment established by the occupational health and safety rules; they also suppress the

obligation to post informative posters on how to correctly use masks and the maximum number of people allowed to remain within the establishment at any given time. It also vetoes the mandatory use of personal protection masks in prisons and in establishments meant for socio-educational measures. On 08/03/20, the Supreme Court grants injunction¹²² restoring the validity of the vetoed provisions, understanding that the “repeated exercise” of the veto power is not in accordance with the Federal Constitution; vetoes, after they are manifested, cannot be retracted; and that “the unusual situation presented in this case” creates intense legal uncertainty, as it hinders the effort of “identifying which law is in force”¹²³. Furthermore, the Supreme Court considers that the duty to post informational posters on the correct use of masks and the maximum number of people allowed within closed establishments at any given time guarantees the right to information, and that the legislative mandatory use of personal protective equipment in prisons and socio-educational establishments is extremely relevant, given the structural precariousness of health policies in these systems”, the lethal tendency of the disease in prisons and socio-educational establishments affecting not only inmates, but also the people who work there¹²⁴.

06/07/20 Management acts

79. The AGU pronounces itself in relation to the court request¹²⁵ that federal government authorities refrain from adopting pandemic coping measures that contradict the scientific, technical and health guidelines from national and international authorities; refrain from recommending the use of chloroquine and/or hydroxychloroquine for patients suffering from Covid-19 at any stage of the disease, suspending any supply contract involving such drugs; stop disclosing and remove such “guidelines” or any recommendation in this regard from their websites and social media, among other measures. According to the AGU, “a court order determining the President of the

¹²² “Justice suspends veto effects on the use of masks in prison units”, STF. Available at: <http://portal.STF.jus.br/noticias/verNoticiaDetalhe.asp?idConteudo=448797&ori=1>.

¹²³ ADPFs 714, 715 and 718, authored respectively by PDT, Rede and PT.

¹²⁴ “STF references preliminary injunction that reestablished mandatory use of masks in prisons”, STF. Available at: <http://www.STF.jus.br/portal/cms/verNoticiaDetalhe.asp?idConteudo=450761>.

¹²⁵ Within the scope of ADPF 707, proposed by the National Confederation of Health Workers.

Republic or his Ministers of State to refrain from disclosing ongoing studies on how to tackle the pandemic would be absolutely reckless taking into account the Brazilian community as a whole. (...) It is known that issues involving the creation and execution of public health policies are extremely complex and that the constitutional authority to define them lies with the Executive Branch along with the Legislative Branch which, because they have the ability to analyse the issue as a whole, they understand the different shades of the issues problem and the consequences of a wrong measure. Possible interference by the Judiciary Branch, in this case, would only be justified in case of inexistence of any illegality or misuse of purpose, if a violation of the principles of proportionality or reasonableness were demonstrated – which was not the case. (...) it is necessary that the Judiciary Branch adopt a self-restraint position in this case, especially given the serious repercussions of any change on the implementation of public policies taken in a scenario of public health emergency and planning of administrative measures on a national scale. Sensitive choices naturally occur in the distribution of measures and limited funds. However, the authority to analyse the effectiveness of the choice legally lies with the administration and, to that extent, granting jurisdictional relief would invert the authority framework, in addition to creating a real risk of selecting a path the is only fictively more effective”¹²⁶ .

07/07/20 Normative acts

80. Through Message no. 378, the President vetoes 14 provisions of Law no. 14.021 issued on 07/07/2020 that determines protection measures for indigenous communities during the Covid-19 pandemic, among them: urgent access to six free and periodic services (drinking water, hygiene and cleaning materials, hospital and ICU beds, ventilators and blood oxygenation machines, information materials about covid-19, and Internet in the villages); the Federal Government's obligation to distribute food during the pandemic, in the form of food staples, seeds and agricultural tools; the extension of these measures provided in the emergency plan to quilombolas, artisanal fishermen and other traditional peoples; the specific emergency budget allocation to ensure health for indigenous peoples; and the creation of a specific financing mechanism for state and municipal

¹²⁶

Available at: https://politica.estadao.com.br/blogs/fausto-macedo/wp-content/uploads/sites/41/2020/07/agu-cloroquina_100720201409.pdf.

governments. On 08/19/2020, Congress overthrew the presidential veto, maintaining the provisions in the law (see also §§ 8, 85, 136, 145 and 161).

08/07/20 Normative acts

81. Law 14,023, by parliamentary initiative is sanctioned¹²⁷, amending 13,979 to only then render mandatory for public authorities and employers or contractors to supply free PPE recommended by Anvisa to “essential workers in disease control and maintenance of public order” who are active and in direct contact “with carriers or possible carriers of the novel coronavirus”. The same professionals now are given priority to undergo diagnostic tests, and must be promptly treated and guided about their health condition and their ability to return to work. They are: doctors; nurses; physiotherapists, occupational therapists, speech therapists and professionals involved in the habilitation and rehabilitation processes; psychologists; social workers; federal, civil, military, criminal, road and rail police and members of the Armed Forces; socio-educational agents, traffic control agents and private security agents; civil and military brigade and firefighters; guards who work in public and private health units; administrative assistants who work in the registration of patients in health units; inspection agents; community health agents; endemic disease control agents; nursing technicians and assistants; radiology technicians, technologists and assistants and operators of computed axial tomography (CAT) scan and magnetic resonance imaging (MRI) operators; stretcher-bearers, ambulance stretcher-bearers and stretchers; caregivers and care workers for people with disabilities, elderly people or people with rare diseases; biologists, biomedical and clinical analysis technicians; veterinarians; gravediggers, funeral assistants, funeral drivers, funeral assistants and other funeral service and autopsy workers; cleaning professionals; professionals working in the food and beverage production chain, including inputs; pharmacists, biochemists and pharmacy technicians; dentists, oral health technicians and oral health assistants; aeronauts, air workers and flight controllers; ambulance drivers; municipal guards; professionals from Social Assistance Reference Centres and Specialized Social Assistance Reference Centres;

¹²⁷ Deputies Zacharias Calil - DEM/GO, Adriana Ventura - NOVO/SP, Mariana Carvalho - PSDB/RO, Alexandre Padilha - PT/SP, Jorge Solla - PT/BA and Soraya Manato - PSL/ES.

public servants working in healthcare, including administrative roles; and other professionals who work or are called to work in health facilities during the period of social isolation or who have contact with people or materials that pose a risk of infection by the novel coronavirus. Among those professionals whose essential role is recognized by such law, the presence of **community health agents** is noteworthy. In August 2020, Brazil had more than 286,000 of them, integrated into the national basic health care program, which is a highly ramified structure that serves about 75% of the population, especially citizens who do not have private health insurance and are being more impacted by the pandemic; according to professor and researcher Gabriela Lotta, although community health agents work with the municipal authorities, all determinations regarding resources and functionalities related to them lie with the federal government: “There is huge inequality among Brazilian municipalities and those who do not have the resources to decide on their own which strategies to implement are left with their hands tied. That is because the plan is national and a relevant part of the transfer of funds to community agents is also federal. It is incumbent upon the municipality to enforce. Of course, if a city has resources, it may use them, but the main regulations come from the federal government. (...) As there was no national plan and they were not even considered health professionals, only 9% received training in infection control and PPE. Trade unions estimate about 100 agents were killed by COVID-19. But it's possible that this number is at least three times that. (...) Although the law contributes a lot, it will not necessarily make a better policy. The municipality alone, even with the approval of the law, cannot prioritize community agents in the fight against the pandemic without defining a strategic plan and allocating resources. (...) They already have a health education job, are residents in the communities where they work and have a certain legitimacy with the population. Therefore, bringing information about hygiene measures, wearing a mask and how to isolate would even have an effect on the fight against fake news. A few municipalities used cars for announcements with community agents informing the population about the need for such care. (...) Part of their job to get in touch with the population to monitor the need for health care. A very few Brazilian municipalities and the various countries that have had tracking [contacts of infected people] have done so through community health agents”¹²⁸. Lotta also adds that the

¹²⁸ “Community health agents could play a central role in fighting the pandemic”, FAPESP Agency. Available

agents could monitor, through telephone services, patients in home isolation, and act on the health barriers established at the entrance of cities, among other duties.

11/07/20 Government Acts

82. When criticizing the militarization of the Ministry of Health in a live broadcast, Supreme Court Justice Gilmar Mendes defines the federal government's response to the pandemic as genocide: “We can no longer tolerate this situation that is happening at the Ministry of Health. (...) We must say this very clearly: the Army is associating itself with this genocide, it is not reasonable. We must put an end to this”¹²⁹. Until 06/05/20, there were already 25 military individuals appointed by the President, justified by the intention of establishing a ministry “that follows the instructions of the President”¹³⁰. In a press release, Gilmar added: “In a context like this, replacing technical experts with military personnel at key posts in the Ministry of Health is no longer just an exceptional measure and exceeds institutional mission of the Armed Forces. (...) I once again challenge the decision of recruiting military personnel to design and execute a health policy that has not been shown to be effective in preventing the death of thousands of Brazilians”¹³¹

<p>Epidemiological week 29, 12-18/07/20 Accumulated Covid-19 Cases - 2,074,860 Accumulated Covid-19 deaths - 78,772</p>
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13/07/20 Propaganda

83. Speaking at the OECD-LAC Social Inclusion Ministerial Summit¹³², the Minister of

at: <https://agencia.fapesp.br/agentes-comunitarios-de-saude-poderiam-ter-papel-central-no-enfrentamento-da-pandemia-diz-pesquisadora/33823/>.

¹²⁹ “Gilmar condemns the militarization of health”, *Congresso em Foco*. Available at: <https://congressoemfoco.uol.com.br/governo/gilmar-condena-militarizacao-da-saude-estao-se-associando-a-um-genocidio/>.

¹³⁰ “The number of soldiers appointed by the Ministry of Health reaches 25”, *Correio Braziliense*. Available at: https://www.correiobraziliense.com.br/app/noticia/politica/2020/06/05/interna_politica.861378/chega-a-25-o-numero-de-militares-nomeados-no-ministerio-da-saude.shtml.

¹³¹ “Government’s actions go beyond the role of the Armed Forces, says Gilmar Mendes”, *Conjur*. Available at: <https://www.conjur.com.br/2020-jul-14/forcas-armadas-cumprem-missao-nao-condiz-papel-gilmar>.

¹³² “It's impossible to say how long it will last,' says Guedes about the pandemic”, *Correio Braziliense*. Available at: https://www.correiobraziliense.com.br/app/noticia/economia/2020/07/13/internas_economia.871747/impso-sivel-dizer-quanto-tempo-vai-durar-diz-guedes-sobre-pandemia.shtml.

Economy, Paulo Guedes, stated that some Brazilian regions already have herd immunity against the novel coronavirus, adding: “There are states where social confinement has been limited and the pandemic has advanced rapidly. There was a high mortality rate and health systems were put under pressure, sometimes there was healthcare shortage. And now these are the states where the disease is dropping faster. And in cities that have been more careful, maintaining social confinement, the disease has not advanced as quickly, but is taking longer to stabilize. The curve is almost flat now it will remain so for a while.”

17/07/20 Propaganda

84. Minister Pazzuelo states in an interview: “Someone came up with the idea that you need to test someone in order to say it’s coronavirus. You don’t need to be tested, you need a medical diagnosis in order to say it’s coronavirus. And, if the doctor attests it, treatment should begin immediately”¹³³.

<p>Epidemiological week 30, 19-25/07/20 Accumulated Covid-19 Cases - 2,394,513 Accumulated Covid-19 deaths - 86,449</p>
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20/07/20 Government Acts

85. IACHR issues precautionary measures in favour of members of the Yanomami and Ye'kwana indigenous peoples through Resolution 35/2020, requesting Brazil to adopt the necessary measures to protect the rights to health care, life and personal integrity of members of the Yanomami and Ye'kwana Indigenous Peoples, considering that the beneficiaries are in a serious and urgent situation, and their rights are at risk of irreparable damage. The request presented by the Hutukara Yanomami Association and the National Human Rights Council refers to the members of the Yanomami Indigenous Territory, composed of 321 villages, including peoples that have been recently contacted and others

¹³³ “Brazil will be a positive example to the world, says Pazuello about Covid-19”, Exame. Available at: <https://exame.com/brasil/brasil-vai-ser-um-exemplo-positivo-ao-mundo-diz-pazuello-sobre-a-Covid-19/>.

in voluntary isolation. Beneficiaries would be in a special risk situation, considering their particular susceptibility to respiratory diseases and the rapid growth of infections in their territory; health system failures in relation to the indigenous population, exacerbated by the pandemic; the illegal presence of around 20,000 miners in the territory, fostering the virus flow from urban communities; the contamination of the population by mercury; and, finally, the acts of violence by miners against the indigenous population, especially their leaders. The IACHR requested Brazil to implement measures to prevent the spread of COVID-19 from a culturally appropriate perspective and provide them with adequate medical care that complies with the conditions of availability, accessibility, acceptability, and quality, in accordance with the applicable international standards. The State was also requested that it agree on the measures to be adopted with the beneficiaries and their representatives; and that it report on the actions it takes to investigate the events that led to the adoption of this precautionary measure and thus prevent these from being repeated¹³⁴ (please see §§ 136 and 161). Also in the month of July, new information came to light that military women would have conducted a “social action” in the Yanomami Indigenous Territory at the end of June, which, according to the UOL portal¹³⁵, included applying makeup on the faces of indigenous women, painting their fingernails, distributing clothes to families who live half-naked by custom and tradition, and encouraging the crowding of children, without masks. They stayed close together jumping on a trampoline, in line for candy distribution and recreation. Junior Hekurari Yanomâmi, president of the Yanomami Health District Council, stated “What they did was a total disrespect. This clothing donation... The Yanomami people are not beggars. A trampoline? We don't need any trampolines. They caused agglomeration! The government's action was very wrong”.

¹³⁴ “IACHR issues precautionary measures in favor of members of the Yanomami and Ye'kwana indigenous peoples,” IACHR. Available at: <https://www.oas.org/pt/cidh/prensa/notas/2020/168.asp>.

¹³⁵ “Military women apply makeup, give clothes and cause an agglomeration among the Yanomami”, UOL. Available at: <https://noticias.uol.com.br/colunas/rubens-valente/2020/07/17/militares-coronavirus-indigenas.htm>.

22/07/20 Normative acts

86. ANVISA (National Health Surveillance Agency) Collegiate Board Resolution No. 405 regulates and favours, in some aspects, the prescription of ivermectin and nitazoxanide (Annita), in addition to chloroquine and hydroxychloroquine distributed outside government programs.

24/07/20 Government Acts

87. CNS and other member entities of Frente Pela Vida¹³⁶ delivered to the Ministry of Health the National Plan for Tackling the Covid-19 Pandemic, in which they state: “The need for a National Plan for Tackling the Covid-19 Pandemic, coming from civil society, at a time when the epidemic has been evolving for about three months in Brazil, having resulted in more than one million cases and at least 50 thousand deaths is justified by the increasingly contradictory, ambiguous and almost absent action from the federal government, with real effects on the production of victims in society, as a consequence of unnecessary exposure to infection and of the violence created through the denial of science and the seriousness of the pandemic”¹³⁷. The plan offers 70 recommendations, addressed at political and health authorities, SUS managers and society, and they include the strengthening of primary care and the production of strategic inputs. On 28/07/20, the same entities sent an official letter to the Ministry of Health reiterating the request to include representatives from the civil society and from the social control in the Emergency Operations Centre (COE), the actions of which, after successive changes of Ministers in that cabinet, would be “restricted to logistical coordination in the distribution of inputs throughout the country”, when it should provide national coordination of the response with the participation of scientific entities¹³⁸.

¹³⁶ Brazilian Association of Public Health (ABRASCO), Brazilian Centre for Health Studies (CEBES), Rede Unida Brazilian Association (Rede Unida), Brazilian Association of Health Economics (ABRES), Brazilian Association of Nursing (ABEn), Brazilian Society of Virology (SBV), Brazilian Society of Bioethics (SBB), Brazilian Society of Tropical Medicine (SBMT), Network of Community Doctors (RMMP) and Brazilian Association of for Democracy (ABMMD).

¹³⁷ Available at: <https://frentepelavida.org.br/uploads/documentos/PEP-COVID-19-COMPLETO.pdf>.

¹³⁸ “Covid: Health Entities stress the urgency of recomposing the Emergency Operations Centre”, CNS.

Epidemiological week 31, 26/07-01/08/20

Accumulated Covid-19 Cases - 2,707,877

Accumulated Covid-19 deaths - 93,563

30/07/20 Government Acts

88. Information note 17 from the Ministry of Health expands the guidance on the prescription of chloroquine and hydroxychloroquine for pregnant patients, taking into account, among other aspects, “the broad experience” in the use of chloroquine and hydroxychloroquine in the treatment of other infectious and chronic diseases in the SUS; the absence of specific treatment for Covid-19 in pregnant women or for paediatric patients; that Oseltamivir phosphate is already recommended for use in pregnant women with flu-like illnesses; that low doses of chloroquine are used for malaria prophylaxis in pregnancy; and that several institutions, both international and national, recommend the use of chloroquine or hydroxychloroquine in diagnosed patients. According to the guidelines from the cabinet, the administration of chloroquine should be combined with antibiotic azithromycin after the appearance of mild symptoms in patients, including pregnant women. The document replaced notes 9, of 20/05/20 (please see § 58), and 11, of 17/06/20, which contained similar guidelines for the use of chloroquine, and were later removed from the Ministry's website, a few days before the instatement of the Covid-19 CPI (please see §228), but it can be found on other websites, such as the Piauí magazine¹³⁹.

31/07/20 Government Acts

89. The need to “produce hope for afflicted hearts” and a supposedly growing international demand were pointed out as justifications by the Army to pay 167% more for the main chloroquine input, according to a letter sent to the Federal Court of Accounts (TCU),

Available at: <http://conselho.saude.gov.br/ultimas-noticias-cns/1290-covid-entidades-da-saude-ressaltam-urgencia-da-recomposicao-do-centro-de-operacoes-de-emergencia>.

¹³⁹ Available at: <https://piaui.folha.uol.com.br/wp-content/uploads/2021/05/com-nota-extra-nota-informativa-covid.pdf>.

which investigates a suspicion of overpricing in said negotiation¹⁴⁰. The letter was obtained via the Lei de Acesso à Informação (Information Transparency Act) and was disclosed in December¹⁴¹. On the same date of the letter, Brazil had received a donation of 2 million doses from the United States¹⁴².

31/07/20 Advertising

90. “You’ll all catch it someday. What are you afraid of? Face it. I’m sorry about the deaths. People die every day for many reasons. That’s life”, states the President during a public gathering in Bagé (RS). He also lied when claiming that the city had faced the pandemic without restrictions on economic activity, when in fact Mayor Divaldo Lara (PTB) adopted quarantine measures, including curfews and sanitary barriers¹⁴³.

¹⁴⁰ “Brazil receives 2 million doses of hydroxychloroquine from the USA”, Agência Brasil. Available at: <https://agenciabrasil.ebc.com.br/politica/noticia/2020-06/brasil-recebe-dois-milhoes-de-doses-de-hidroxicloroquina-dos-eua>.

¹⁴¹ “Without evidence, Army justifies chloroquine as ‘hope to thousands of esperança a milhares de anguished’”, Fiquem Sabendo. Available at: <https://fiquemsabendo.com.br/saude/cloroquina-exercito-TCU/>.

¹⁴² “Brasil receives 2 million dose of hydroxychloroquine from the USA”, Agência Brasil. Available at: <https://agenciabrasil.ebc.com.br/politica/noticia/2020-06/brasil-recebe-dois-milhoes-de-doses-de-hidroxicloroquina-dos-eua>.

¹⁴³ “Inaugurations, agglomerations and chloroquine: what Bolsonaro's visit to Bagé was like”, GZH. Available at: <https://gauchazh.clicrbs.com.br/politica/noticia/2020/07/inauguracoes-aglomeracoes-e-cloroquina-como-foi-a-visita-de-bolsonaro-a-bage-ckdanu88b0043013gksm8zb3d.html>.

AUGUST 2020

Epidemiological week 32, 02-08/08/20

Accumulated Covid-19 Cases - 3,012,412

Accumulated Covid-19 deaths - 100,477

03/08/20 Normative acts

91. Through Message No. 431, the President fully vetoes Draft Law No. 1,826 which established the financial compensation to be paid by the Federal Government to health professionals and workers who, during the national public health emergency resulting from the spread of the new coronavirus, offered direct care to patients affected by Covid-19, or made home visits within a certain period of time, in the case of community health agents or endemic disease control workers, who became permanently incapacitated for work; or to be paid to their spouse or partner, dependents and legal heirs, in the event of death. The presidential veto was rejected by the National Congress on 26/03/21.

06/08/20 Propaganda

92. At the Palácio do Planalto, in a ceremony broadcast on public access television, the President says: “Along with the means at our disposal, we can really say that we have done everything possible and the impossible to save lives, unlike those who have insisted on remaining in the opposition, since 2018”¹⁴⁴.

Epidemiological week 33, 08-15/08/20

Accumulated Covid-19 Cases - 3,317,096

Accumulated Covid-19 deaths - 107,232

¹⁴⁴ “Bolsonaro says he did 'everything possible and the impossible' to prevent deaths by Covid-19”, Folha de S. Paulo. Available at: <https://www1.folha.uol.com.br/equilibriosaude/2020/08/bolsonaro-diz-que-fez-o-possivel-e-o-impossivel-para-evitar-mortes-por-Covid-19.shtml>.

12/08/20 Government Acts

93. Analyzing the federal government's spending profile in the fight against the pandemic, the Federal Court of Accounts (TCU) ¹⁴⁵ finds that out of the BRL 286.5 billion already paid up to 07/31/2020, only BRL 22.06 billion (7.67%), directly refer to efforts to tackle the disease. In turn, expenses related to economic protection measures, excluding aid to States, the Federal District, and Municipalities, correspond to 78.35% of the total, representing the “political option of the heads of Government to prioritize economic protection”. The TCU also determines that the Office of the Chief of Staff (Casa Civil) must present, within 15 days, the actions planned to allow for the immunization of the Brazilian population, or, in the event that there is no plan, that it must elaborate such plan within 60 days, in addition to formulating several recommendations, including to the Office of the Chief of Staff to present a place for the production/acquisition of vaccines against Covid-19 as well as the immunization of the Brazilian population; and requested the Ministry of Health to start disclosing any changes in the databases of the systems that deal with information related to Covid-19. Regarding the “Pró-Brasil” program, although it has a mainly economic approach, related to the upturn and recovery of the economy, it recommends to the Office of the Chief of Staff that, among the classification criteria developed for the purposes of selecting contemplated projects, it also adopt, among others, a criterion related to the reduction of infection and deaths caused by Covid-19.

13/08/20 Propaganda

94. In an interview with Rádio Eldorado, the government’s leader in the Chamber, Deputy Ricardo Barros, praised the work of General Pazuello as Minister of Health and criticized former ministers Luiz Henrique Mandetta and Nelson Teich: “General Pazuello has been extremely efficient in the ministry, he has worked a lot and has made the necessary deliveries: there are respirators, there is personal protection equipment, which Minister Mandetta did not buy at all, nor did Teich. And, especially, we have a new command: upon first symptoms, seek a doctor. And don't 'stay at home until you're short of breath'.

¹⁴⁵ Judgement 2.092, Plenary Session.

Such new command to treat from the first symptoms will save many lives. (...) Only Brazil has the SUS. Brazil alone has 50,000 free service units for the population. **Brazil did not need to have horizontal isolation. It could have done vertical isolation and we would have already acquired herd immunity and overcome this epidemic**¹⁴⁶.

95. The President goes on multiple trips to different states, gathering crowds, often without wearing a mask and having physical contact with people, including children. At the opening of a public construction work in Pará, he declares: “I am a living proof that [chloroquine] worked. Many doctors advocate this treatment. We know that over 100 thousand people died in Brazil. If they had been treated back then with this drug, these lives [sic] could have been avoided”¹⁴⁷.

14/08/20 Propaganda

96. Special Advisor to the President, Arthur Weintraub, publishes: “Incoherence. Doctors are the group of people most likely to be infected by the coronavirus. If full isolation had a scientific basis, doctors themselves should also be isolated, as they are the ones who can spread the disease the most. Or is the cough of patients on them any different?”¹⁴⁸

¹⁴⁶ “New government leader defends the distribution of positions and talks about 'confronting civil servants'”, Estado de S. Paulo. Available at: <https://politica.estadao.com.br/noticias/geral,novo-lider-do-governo-defende-distribuicao-de-cargos-e-fala-em-enfrentar-servidores,70003397954>.

¹⁴⁷ “Bolsonaro defends chloroquine once again: 'I'm living proof that it worked'”, CNN Brasil. Available at: <https://www.cnnbrasil.com.br/politica/2020/08/13/bolsonaro-volta-a-defender-cloroquina-sou-prova-viva-de-que-deu-certo>.

¹⁴⁸ Available at: https://www.instagram.com/p/CD39qVYJkhm/?utm_source=ig_web_copy_link.

15/08/20 Government Acts

97. Pfizer presents a proposal to sell vaccines, with the possibility of initial delivery in December 20. Such offer was ignored by the federal government¹⁴⁹. Within the scope of Covid-19's CPI, new evidence demonstrates that Pfizer has sought contact with the federal government for the sale of vaccines dozens of times, to no avail¹⁵⁰.

Epidemiological week 34, 16-22/08/20
Accumulated Covid-19 Cases - 3,582,362
Accumulated Covid-19 deaths - 114,250

19/08/20 Propaganda

98. In my understanding, all things considered, I have not seen anyone else in the world who has faced pandemic better than us. This makes us proud. It shows that there are people trained and especially concerned with those most poor, the humble people”, declared the President”¹⁵¹.

Epidemiological week 35, 23-29/08/20
Accumulated Covid-19 Cases - 3,846,153
Accumulated Covid-19 deaths - 120,462

23/08/20 Propaganda

99. Special Advisor to the President, Arthur Weintraub, publishes: “Full lockdown, mandatory masks, total denial of any possible treatment. Ruined economy, masks that don't protect, thousands of doctors who have been giving early treatment for months with

¹⁴⁹ “Pfizer says it made a proposal for Brazil to buy vaccines in August”, CNN Brasil. Available at: <https://www.cnnbrasil.com.br/saude/2021/01/08/pfizer-diz-que-ofereceu-proposta-para-brasil-comprar-vacinas-em-agosto>.

¹⁵⁰ “CPI points out that Pfizer reached the government 34 times”, CNN Brasil. Available at: <https://www.cnnbrasil.com.br/politica/2021/05/27/cpi-aponta-que-pfizer-buscou-governo-34-vezes>.

¹⁵¹ "Bolsonaro on Coronavirus: 'I have not seen anyone else in the world who has faced pandemic better than us'", Estado de Minas. Available at: https://www.em.com.br/app/noticia/politica/2020/08/20/interna_politica.1177787/bolsonaro-coronavirus-nao-vi-quem-enfrentou-melhor-pandemia-que-nos.shtml.

significantly positive results. From the beginning it was about freedom”¹⁵² .

24/08/20 Government Acts

100. According to a post published on SECOM’s official profile, the President “appointed a civil servant of the Presidency, Arthur Weintraub, to especially monitor issues related to the early treatment of Covid-19. With the treatment in the early stages of the disease and the right medicines, without ideologizing the issue or using a health crisis as a political instrument, it is possible to save more and more lives”¹⁵³ . The aforementioned advisor published that he has a “post-doctoral degree from the Department of Neurosciences at UNIFESP”, and that his “Thesis involved epilepsy, social security and actuarial law. I could be Director of the WHO”¹⁵⁴ .

25/08/20 Government Acts

101. The Ministry of Health rejects a donation of at least 20,000 Covid-19 PCR test kits from LG International, two months after the offer ¹⁵⁵.

24/08/20 Propaganda

102. Federal government organizes an event named “Brasil Vencendo a Covid-19” (Brazil Beating Covid-19), and the President states in his speech: “If it [chloroquine] had not been turned into a political matter, many more lives could have been saved out of the 115 thousand the country has lost so far. (...) Some people change doctors, I changed ministers. [Nelson] Teich came in and stayed for 30 days, and then, in order to avoid further changes, I nominated an interim minister, Eduardo Pazuello. (...) Pazuello decided to change the orientation and included [the instruction] ‘in any situation, prescribe chloroquine’, so that doctors could have their freedom”. He stated that over ten

¹⁵² Available at: https://www.instagram.com/p/CEPra2Gp9um/?utm_source=ig_web_copy_link.

¹⁵³ Available at: <https://pbs.twimg.com/media/E2E3w4KXIAUfxvn?format=jpg&name=medium>.

¹⁵⁴ Available at: https://www.instagram.com/p/B-YM18TpeJ0/?utm_source=ig_web_copy_link.

¹⁵⁵ “MS rejected multinational covid test donation”, Época. Available at: <https://epoca.globo.com/guilherme-amado/ministerio-da-saude-rejeitou-doacao-de-testes-de-covid-de-multinacional-24829136>.

ministers were treated with the drug and “none of them were hospitalized. So, it's working”¹⁵⁶. He also told reporters: “when one of you suckers get [covid-19], your chance of survival is much lower than mine”. The Special Advisor to the President, Arthur Weintraub, declared to have directly participated in the organization of the event¹⁵⁷.

Epidemiological week 36, 30/08-05/09/20

Accumulated Covid-19 Cases - 4,123,000

Accumulated Covid-19 deaths - 126.203

31/08/20 Propaganda

103. During a chat with supporters, the President hears from a supporter: “Hey, Bolsonaro, don't let us do this vaccine thing, right? This is dangerous”¹⁵⁸. The President answers: “The President states “Regarding the vaccine, no one can force anyone to get a vaccine” and the female supporter completes: “That's it. I'm from the health and pharmaceutical area, and in less than 14 years no one can put a vaccine on the market”.

¹⁵⁶ “Speech by the President of the Republic, Jair Bolsonaro, during meeting 'Brazil defeating Covid-19'”, Planalto. Available at: <https://www.gov.br/planalto/pt-br/acompanhe-o-planalto/discursos/2020/discorso-do-presidente-da-republica-jair-bolsonaro-durante-o-encontro-brasil-vencendo-a-covid-19-palacio-do-planalto>.

¹⁵⁷ Available at: https://www.instagram.com/p/CENGssspGvJ/?utm_source=ig_web_copy_link.

¹⁵⁸ “Bolsonaro says that nobody is obliged to get the vaccine against Covid-19”, Metropoles. Available at: <https://www.metropoles.com/brasil/politica-brasil/bolsonaro-diz-que-ninguem-e-obrigado-a-tomar-vacina-contr-Covid-19>.

SEPTEMBER 2020

01/09/20 Normative acts

104. ANVISA Collegiate Board Resolution No. 420 further facilitates the prescription of ivermectin and nitazoxanide, eliminating the need for prescriptions to be retained at pharmacies upon purchase.

Epidemiological week 37, 06-12/09/20
Accumulated Covid-19 Cases - 4,315,687
Accumulated Covid-19 deaths - 131,210

11/09/20 Propaganda

105. In a public gathering in Bahia, the President states: “We are pretty much defeating the pandemic. The government did everything it could to minimize its negative effects, helping mayors and governors with their health- related needs. (...) [Brazil] was one of the countries that suffered the least with the pandemic”¹⁵⁹.

Epidemiological week 38, 13-19/09/20
Accumulated Covid-19 cases - 4,528,240
Accumulated Covid-19 deaths - 136,532

16/09/20 Propaganda

106. In his inauguration speech as Minister of Health, Pazuello states: “What we learned throughout the pandemic has shown that the sooner we treat patients, the better their chance of recovery. Early treatment saves lives. This is why we have been saying, day after day, ‘don't stay at home’, get a doctor's clinical diagnosis. Get the early treatment”

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¹⁵⁹ “Close to 130 thousand deaths, Bolsonaro says Brazil was one of those that 'suffered the least' with the pandemic”, Folha de S. Paulo. Available at: <https://www1.folha.uol.com.br/cotidiano/2020/09/perto-de-130-mil-mortes-bolsonaro-diz-que-brasil-foi-um-dos-que-menos-sofreu-com-pandemia.shtml>.

¹⁶⁰ “Early Covid-19 treatment saves lives,' says Eduardo Pazuello upon taking over the Ministry of Health”, Jovem Pan. Available at: <https://jovempan.com.br/noticias/brasil/tratamento-precoce-salva-vidas-diz->

107. At the same event, the President advocates: “Today, studies have already shown that around 30% of deaths would have been prevented had hydroxychloroquine been administered early. This wasn’t something I decided on my own, I chose to bet as if I were a player. With Ernesto Araújo, we spoke with ambassadors from around the world. Because in Africa, when the death toll was small, at that time, the American version of Anvisa, the FDA, studied this here. If there weren’t minimal evidence, they wouldn’t study it. I believe we were bold. In particular, I started to defend hydroxychloroquine, based also on the experiences from doctors throughout Brazil, who bet on it and had an answer through their observation. **I was not able to impose or propose the suggestion to the then Minister of Health, to remove from the protocol that treatment with hydroxychloroquine should only be administered when patients were in a serious condition.** Nothing fairer, nothing more sacred, nothing more legal, than a doctor on the front line, deciding what to give his patient in the absence of a medicine. In the absence of a scientifically proven drug. The responsibility lies with the doctor. As it often lies with military men on the front line, they must decide whether they will attack or retreat. Also, in the early stages, I spoke with Paulo Guedes, together with the Secretary of Revenue. We are going to zero taxes, among other possible remedies to deal with chloroquine, vitamin D. Paulo Guedes was immediately responsive. We have spoken with Marcos Cintra, at the time the tax on vitamin D was zeroed. At the time, the press was very critical of me. Without scientific proof, President Jair Bolsonaro, zeroes taxes on vitamin D. I was happy because this week you acknowledged, you didn't mention my name, but you acknowledged that we were right in the past. Also from the beginning, when I was highly criticized, upon the first demonstration, the first time I occupied the space at night, to express our position, our concern and what we thought of the virus. I said, in that moment, when I was being harshly criticized, dear Paulo Guedes, that we had two problems ahead: the virus and unemployment. And that both should be treated with the same responsibility and simultaneously. I want to congratulate the economic team of this minister, Paulo Guedes, who took a series of measures to contain jobs in Brazil. Congratulations, Paulo Guedes, congratulations to our team of ministers. Also at that time, we were already able to talk about who could, once infected by the virus,

aggravate that person's situation. And we said, at that time, also **through some studies around the world, that children, young people, especially those under 40, once affected by the virus, the chance of going into lethality was close to zero. It was 0.00 something.** We had no reason to close the schools. But the restrictive measures were no longer in the hands of the Presidency of the Republic or our Government as a whole. By court decision, they were exclusively incumbent upon the governors and mayors, who could only take measures that were more restrictive than the governors'. I am sorry, we are a country with the highest number of days in *lookdown* [sic] in schools. This is nonsense. We have also talked about closing shops. It could have been done, at the time, as I said, I didn't chicken out, I didn't remain silent. Even under massive and almost unanimous criticism by the Brazilian press, that the shops could not be closed in the way it happened. We also talked about the time that the isolation policy, the 'stay-at-home and we will see about the economy later' policy would later lead to an increase in domestic violence, child abuse, violence against women, in addition to suicide. The numbers are already showing. I wasn't playing, it was just a reality that I put on the table. **After all, all the measures taken in Brazil, by governors and mayors, were not aimed at preventing people from being infected. Rather, they were intended to prevent people from being infected within a very short period of time.** So the hospitals couldn't take care of them. But then the question came: would the hospital assist them if they didn't want to suggest the drug? What measure is that? I repeat, criticize it, but come up with a solution. Today we saw that this issue could have been treated a little differently, much more rationally. I understand that some governors were seized by panic, prompted by the catastrophic media that we have in Brazil. I'm not criticizing the press, I'm stating a fact, I'm sorry. Dear Davi, **as you didn't look for Dr. Bolsonaro, you didn't take chloroquine,** but you were certainly worried about the virus. In this building here, approximately 200 people were affected by the virus. I have no information of any of them being even hospitalized. Because, most of them took, not Bolsonaro's medicine, but the medicine they had. **I want to greet here, my dear companion, friend, Osmar Terra. An ally since the beginning in this matter, with figures, with data, with conviction. He was also massacred here in Brazil, for his positions, but we are rough, Osmar. We know how to resist.** And I want to remind you of a fact that I have already exposed a few times in the past. In the Pacific war, dear

General Fernando, dear General Pujol, from my class. Soldiers arrived wounded, in need of transfusion, and there was no more blood for transfusion. So at that time, the doctors, always them, decided to administer doses of coconut water to those who lacked blood. Obviously, imagine, if someone did that today without that finding from the past, it would be a scandal. But that really worked, even without scientific proof, and how many diseases would still exist in the world today, if it weren't for the boldness from doctors at the time to expose themselves and seek a solution for that brother of yours, who has his days counted if nothing were done. So, I **congratulate the entire medical class in Brazil, especially those who dared with hydroxychloroquine, as well as with other forms of medication** ¹⁶¹ .

¹⁶¹ “Speech by the President of the Republic, Jair Bolsonaro, during the Inauguration Ceremony of Mr. Eduardo Pazuello, Minister of State for Health - Planalto Palace”, Planalto. Available at: <https://www.gov.br/planalto/pt-br/acompanhe-o-planalto/discursos/2020/discurso-do-presidente-da-republica-jair-bolsonaro-durante-a-cerimonia-de-posse-do-senhor-eduardo-pazuello-ministro-de-estado-da-saude-palacio-do-planalto>.

OCTOBER 2020

Epidemiological week 41, 04-10/10/20

Accumulated Covid-19 Cases - 5,082,637

Accumulated Covid-19 deaths - 150,198

10/10/20 Propaganda

108. “I’m going to take a guess here, I’m guessing. Around 30% of deaths could have been prevented if hydroxychloroquine were used in the initial phase (...) One way for you to get vitamin D is through the sun and vitamin D helps you fight the virus”, says the President in Guarujá (SP). “When you look at it, I haven't done the math yet, we are now, let’s pretend it's right after the end of September, if you take the death toll from January to September last year and January to September this year... did you do the math there, Cid? (Head of Order Assistance). There’s a chance that the figures are similar”¹⁶².

Epidemiological week 42, 11-17/10/20

Accumulated Covid-19 Cases - 5,224,362

Accumulated Covid-19 deaths - 153,675

14/10/20 Propaganda

109. President speaks at an official ceremony: “We entered 2020, and we had the pandemic problem, which, in my understanding, was exaggerated”¹⁶³.

Epidemiological week 43, 18-24/10/20

Accumulated Covid-19 Cases - 5,380,635

Accumulated Covid-19 Deaths - 156,903

¹⁶² “Bolsonaro: 30% of deaths would be prevented with chloroquine”, Terra. Available at: <https://www.terra.com.br/vida-e-estilo/saude/bolsonaro-30-das-mortes-seriam-evitadas-com-cloroquina,b4d6c70ee9f1e906acf267e3e1b8b780b6pc47y2.html>.

¹⁶³ “Bolsonaro downplays the pandemic again and says it was 'blown out of proportion””, *Valor Investe*. Available at: <https://valorinveste.globo.com/mercados/brasil-e-politica/noticia/2020/10/14/bolsonaro-volta-a-minimizar-pandemia-e-diz-que-ela-foi-superdimensionada.ghtml>.

19/10/20 Propaganda

110. The Ministry of Science and Technology and Innovations (MCTI) announced at an event that studies with the vermifuge nitazoxanide, known by the trade name Annita, managed to reduce the viral load in cases of Covid-19. Questioned as to why no evidence or data were presented, the minister claimed secrecy because an article would have been sent to an international scientific journal that required novelty. Government presented an animation with a graphic purchased from the Shutterstock image bank, which had no connection with the study. In an interview with the radio program A Voz do Brasil, the minister stressed that a 95% inhibition of viral load was perceived¹⁶⁴. Agência Brasil reported: “Nitazoxanide, a drug originally used against worm infestation, is the first to be scientifically effective against Covid-19 in patients in the early stages of the disease. That's because it kills the novel coronavirus without damaging the cell where it is hosted. The conclusion comes from researchers at the Federal University of Rio de Janeiro (UFRJ), who studied the effects of the drug in 1,575 volunteers who had presented Covid-19 symptoms. UFRJ professor Patrícia Rocco, responsible for the clinical study, highlighted that the research was carried out in record time and lasted only 4 months”¹⁶⁵

20/10/20 Government Acts

111. The President refrains from authorizing the purchase of 46 million doses of Coronavac by the Ministry of Health ¹⁶⁶, and posted an explanation on twitter: “João Doria's Chinese vaccine: To my knowledge, any vaccine, before being made available to the population, must be SCIENTIFICALLY PROVEN BY THE MINISTRY OF

¹⁶⁴ “Government says that dewormer is effective against Covid-19, but does not reveal data”, *Olhar Digital*. Available at: <https://olhardigital.com.br/2020/10/20/noticias/governo-diz-que-vermifugo-e-eficaz-contr-Covid-19-mas-nao-revela-dados/>.

¹⁶⁵ “Nitazoxanide has proven efficacy against coronavirus”, Agência Brasil. Available at: <https://agenciabrasil.ebc.com.br/radioagencia-nacional/saude/audio/2020-10/nitazoxanida-tem-eficacia-comprovada-contr-o-coronavirus>.

¹⁶⁶ “Bolsonaro disallows Pazuello and says that Chinese vaccine 'will not be bought'”, Estado de Minas. Available at: <https://www.correiobraziliense.com.br/brasil/2020/10/4883614-bolsonaro-desautoriza-pazuella-e-diz-que- vacina-chinesa-nao-sera-comprada.html>.

HEALTH and CERTIFIED BY ANVISA. The Brazilian people WILL NOT BE ANYBODY’S GUINEA PIG. There is no justification for a billionaire financial investment on a drug that has not even passed its testing phase. In view of the above, my decision is to not purchase such vaccine”, he declared. Days later, the Minister of Health stated “one person orders, the other obeys”¹⁶⁷.

22/10/20 Propaganda

112. Government leader in the Chamber, Deputy Ricardo Barros says during National Confederation of Industry (CNI) live: “Literature says that 90% of those who catch it will be asymptomatic. Those with symptoms will be treated from the start. (...) We need to end the pandemic. How? Herd immunity. Everyone back to work. Resume the economy and put the state to work. We already have respirators, ICU beds, antivirals... Today's vaccine is yesterday's respirator. Whoever has money will buy it first. We must get on with life”¹⁶⁸.

24/10/20 Propaganda

113. To French visitors, in front of the Palácio da Alvorada, the President says: “In Brazil, [if you] take chloroquine at the onset of symptoms, [you have] 100% cure”¹⁶⁹.

114. Next to a photo posted with a dog, on twitter, the President writes “the only mandatory vaccine will be for Faísca right here”¹⁷⁰.

¹⁶⁷ “‘One commands, the other obeys,’ says Pazuello after Bolsonaro disallows the purchase of Chinese vaccine”, Estado de Minas. Available at: https://www.em.com.br/app/noticia/politica/2020/10/22/interna_politica,1197171/pazuello-sobre-bolsonaro-e-coronavac-um-manda-outro-obedece.shtml.

¹⁶⁸ “Government leader says that 'new order is to arrange first and announce later'”, CNN Brasil. <https://www.cnnbrasil.com.br/politica/2020/10/22/lider-do-governo-diz-que-nova-ordem-e-combinar-primeiro-e-anuncio-depois>.

¹⁶⁹ “Bolsonaro to the French, in Brasília: 'In Brazil, chloroquine cures 100%'”, Estado de Minas. Available at: https://www.em.com.br/app/noticia/politica/2020/10/24/interna_politica,1197790/bolsonaro-a-franceses-em-brasilia-brasil-cloroquina-tem-100-cura.shtml.

¹⁷⁰ “Bolsonaro posts a picture with a dog and says: 'Mandatory vaccine only for Faísca'”, Jovem Pan. Available at: <https://jovempan.com.br/noticias/brasil/bolsonaro-posta-foto-com-cao-e-diz-vacinaobrigatoria-so-no-faisca.html>.

Epidemiological week 44, 25-31/10/20
Accumulated Covid-19 Cases - 5,535,605
Accumulated Covid-19 deaths - 159,884

26/10/20 Normative acts

115. The President enacts Provisional Measure (MP) 10,530 which “qualifies, within the scope of the Presidency of the Republic's Investment Partnership Program - PPI, a policy that fosters the primary health care sector, for purposes of preparing studies into alternative partnerships with private initiative for the construction, modernization and operation of Basic Health Units in the States, Federal District and Municipalities”. Such studies would have the initial purpose of structuring pilot projects, the selection of which will be established through an act by the Special Secretariat for the Investment Partnership Program of the Ministry of Economy”. The MP is only signed by the President and by the Minister of Economy, Paulo Guedes. On 28/10/20, a joint note from the Ministry of Economy and the Ministry of Health states that the MP would have been created at the request of the Ministry of Health and that “The joint assessment is that it is necessary to encourage the participation of the private sector in the system to order to increase the quality of the service provided to citizens, rationalize costs, introduce mechanisms of remuneration according to performance, new scale criteria and integrated health care networks in a new model of assistance”. Interpreted as a threat to the SUS and targeted with repudiation by entities and the public opinion, the regulation was revoked by Decree 10,533, of 28/10/2020. The next day, during a conversation with supporters, the President stated: “People said it was privatizing, I revoked the decree. Leave it alone. When I understand what we really want to do, I might reissue the decree. In the meantime, we will have more than 4,000 abandoned units thrown in the bin without assisting a single person (...). There is no privatisation of the SUS. We did it last year with regard to day care centres. There are more than 4,000 UBSs and UPAs that are unfinished. And there is no money. Instead of letting it deteriorate, we would like to offer it to the private sector. Any assistance provided there by the private sector would be reimbursed by the Federal Government”.

26/10/20 Propaganda

116. The President questions the need to race for a vaccine against Covid-19: “Everyone says that the vaccine that took the least time until now took four years to make. I don't know why we should rush over this (...) Isn't it cheaper, or easier, to invest in a cure than even in a vaccine or to choose both? But without forgetting the cure. I mean, the cure... I, for instance, am proof of it. I took hydroxychloroquine, others took ivermectin, others took Annita... And it worked. And, by all indications, everyone who was treated early with one of these three alternatives was cured”¹⁷¹.

28/10/20 Propaganda

117. The President states that Covid 19 may be the result of bacteriological war between countries: “This exists, countries prepare for wars, even with bombs. Then there's nuclear bacteriological war. People mess with viruses in the laboratory, and that [the Covid-19 virus] might have escaped there”¹⁷².

118. At the request of the Government Leader in the Chamber, Deputy Ricardo Barros, the 88th Meeting by the External Covid-19 Fighting Committee in Brazil of the Chamber of Deputies has “herd immunity through infection in the Covid-19 pandemic” as its agenda. At the time, Barros declared, according to the official transcript [emphasis added]¹⁷³ : “I wanted to discuss, in particular, **herd immunity through infection, back**

¹⁷¹ “I don't know why we should rush', says Bolsonaro about the Covid-19 vaccine”, UOL. Available at: <https://noticias.uol.com.br/saude/ultimas-noticias/redacao/2020/10/26/bolsonaro-volta-a-falar-em-cautela-para-adquirir-vacina.htm>.

¹⁷² "Bolsonaro: Covid-19 may be the result of a 'bacteriological nuclear war'", Correio Braziliense. Available at: <https://www.correiobraziliense.com.br/politica/2020/10/4885427-bolsonaro-Covid-19-pode-ser-fruto-de-guerra-nuclear-bacteriologica.html>.

¹⁷³ Available at: <https://www.camara.leg.br/internet/SitaqWeb/TextoHTML.asp?etapa=11&tpReuniaoEvento=Reuni%C3%A3o%20T%C3%A9cnica&dtReuniao=28/10/2020&hrInicio=01/01/1900%2009:42:47&hrFim=01/01/1900%2011:56:55&origemDiscurso=ESCRIBA&nmLocal=Plen%C3%A1rios%20das%20Comiss%C3%B5es&nuSessao=60054&nuQuarto=0&nuOrador=0&nuInsercao=0&dtHorarioQuarto=09:42&sgFaseSessao=&Data=28/10/2020&txApelido=&txFaseSessao=&txTipoSessao=&dtHoraQuarto=09:42&txEtapa>.



to normality. That's the topic. We are seeing a second wave of infection, of the virus transmission in Europe. All economic recovery measures taken go down the drain, it starts all over again. This model is very expensive. I personally believe that we should totally resume normality in society, do **vertical isolation**, that is, only the elderly and the immunocompromised have special care, and, that way, we would acquire herd immunity, end the epidemic and have a sustainable economic upturn plan, in the medium and long terms. We wouldn't run the risk of having a chicken flight, coming down and having to stop again. I think that way. I'm not an expert in the field, I have just studied a little, read several articles, including from our speakers here, and I would like the debate to be conducted along these lines, to agree or disagree, without any constraints. Each one has their own position, their own conviction. And it is with this information that we must equip ourselves to return to normality.(...) As for me, as I got it many months ago, I am calm. Maybe this could even interfere with my vision, but **the literature says that the vast majority will be asymptomatic, 80%, 90% will get it and will be asymptomatic. We have already structured the health system, we already have antivirals that we know to have some effect.** We already have a campaign - I even watched it yesterday; congratulations to Minister Pazuello! - on television, saying early symptoms should be treated. That 'stay at home until you can no longer breathe' has killed a lot of people. (...) **Many have already received vaccines, Pneumococcal, BCG and other vaccines that can help with the virus resistance issue.** So, it seems to me that it would be a solution, and that is what I wanted to hear from you. **Would it be feasible to return to normality, do vertical isolation, protecting, with special care, the elderly and the immunocompromised, while we acquired herd immunity and ended the epidemic? Is this possible, given the structure that the country already has today, with ICUs, respirators, trained people, and a protocol to treat people upon the first symptoms so that they do not get worse?** “. The first invited expert, Anthony Wong, states: “It is important to remember that Brazil, in March, when this senseless lockdown began... We know that the virus is present in the summer, spring, autumn and winter, but weather conditions and people's own social behaviour in summer reduce the possibility of infection - greater distance and also the actual weakened virus. That was the moment, Minister Ricardo and Deputy Luizinho, that we should have taken advantage of. This was already clear based on all the epidemiological studies carried out in the last 50 years

by renowned epidemiologists. **People would have communicated, they would have received a much smaller amount of the virus and already then they could have developed immunity already then in that way, without developing the disease.** We see the figures for March, April and May. There were dozens of deaths a day at most, few patients, and, obviously, with the distancing in the way it was done, those numbers would have kept on growing. When the months of May, June and July started, we would have had a larger portion of people already immune had it been done that way. We have a lot less. What is important in this discussion is also that we talk about what immunity actually is. We have two types of immunity, humoral immunity, which is IgG, IgM, IgA, and cellular immunity. Today I was reading in the newspapers that scientists are saying that antibodies are going down. Of course, we know that humoral antibodies decrease over time. But what is most important is the development of cellular immunity. That is persistent and not detectable through laboratory tests. So, if we had people in contact, we would have a greater number of people already immunized; had we adopted a vertical intervention since February and March”. After that, Nise Yamaguchi spoke: “Today at blood donation collection points, for instance, at the blood centre in Rio de Janeiro, around 48% of people already have immunity. These people have already been practically immunized spontaneously, due to the fact that they’ve had coronavirus. There are those who say people may catch it again. That is also possible, especially when immunity is low, but overall immunity has been at least long-lasting for this pandemic. We don't know what it will be like in the future. A study showed that 15 years later, there was immunity to SARS-COV-1 (...) **We are, at the moment, discussing the validity of vaccines,** as they do not have fully defined immediate, medium and long-term safety and they do not have efficacy, which occurs in phase 3 studies. In addition to efficacy, we have to see what the late effects are, how long the immunity that a person will acquire lasts. If they are saying that the immunity a person acquires with large amounts of virus may not be enough, let alone with the vaccine, which may need to be given in three or four doses. Even so, **there is a risk of applying repeated doses in a population that may have already had the coronavirus and which may therefore have an inflammatory syndrome when that occurs.** Vaccinating someone who has already had coronavirus can lead to a risk of reoccurrence of that inflammatory disease that they had before. For the current vaccines, they are not testing people who have already had

coronavirus, they are not testing children or adults over 60 years of age with comorbidities. If there are elderly patients, they are considered the healthiest. So, this population that is waiting at home to be vaccinated could not, theoretically, even based on exception. (...) All of this also needs to be contextualized for a disease that has less than 1% mortality rate. As you said, **we already have more ICUs, we have field hospitals that have been deactivated, we have highly trained people to deal with more serious situations.** So, for instance, there is no justification not to re-open schools”. Taking the floor again, Wong states: “We already have a portion of the population with cross-immunity, probably more than 50%. So, **to reach herd immunity, we don't have to aim at a 60% to 70% immunity, just 25% to 30% is already enough.** Bearing in mind the next seasons from now on, **the tendency, as Nise already said, is really for the numbers to drop more and more. Now there are around 400 deaths a day and a reduced number of infections, so much so that several States have opened their activities. The trend, until next month, is that these numbers will drop to dozens, maybe even to units, when December arrives (...)** Will we have a second wave in Brazil? **We don't know, but if it comes, it will be in May [2021]. So we have 6 months to prepare for that, we have 6 months to acquire cross immunity, herd immunity through contact.** The use of masks is a classic example, because it reduces infection. **A person wearing a mask in contact with another person who is using it less actually causes the person to receive a much smaller amount of virus, and this works as if it were a natural vaccine. (...)** I don't see the possibility of any vaccine being on the market, safely and effectively, before the middle of next year. (...) It is important that natural immunity takes place, because we know that the immunity given by vaccines is inferior to the natural immunity of the disease. Any virologist would say this: If you have measles, you have lifelong immunity. Of course, we don't want anyone to get measles. But if you get a measles vaccine - and I'm just talking about antibodies and humoral cell defence - you have to take one dose today, you have to take another dose after 1 year and probably after 20 or 30 years, will have to take a booster, so that there is a reinforcement of measles resistance activity”. Next, Paolo Zanotto speaks: “I believe that your opinion is already well formed, in the sense that there is a conviction that **the policy must be based on what Dr. Wong explained and what Nise said.** (...) We have to imagine that the herd immunity matter is being acquired. What is

the complicating factor for us to understand the dimension of herd immunity here in Brazil? Right now, I believe it's summer. These viral particles are extremely susceptible to ozonation, to elimination through ultraviolet (irradiation). So, if a person is walking in a sunny park, they are in a cleaner environment than a NB4! (Laughs.) It's cleaner than a biocontainment lab! The Sun is our great protector! It makes me extremely sad to see people in the sun, sometimes walking alone, and wearing a mask". The only guest to express concern about the use of herd immunity through infection as a health policy is Alexandre Chieppe: "We do not have, today, a way to measure the percentage of the population that should be infected in order for us to reach herd immunity. Studies vary; there are opinions to that effect and that this percentage ranges from 20% to 80%. And we have some complicating factors with that". Even so, he proposes: "Gradually, exposing people who are at lower risk, considering the need to reopen schools, considering the need to recover the economy, return to social activities, and not necessarily having to reach a percentage that we don't know what it is to achieve mass immunity or herd immunity." Anthony Wong takes the floor again: "**Brazil is in no hurry. If we have a second wave, it will only occur in May next year.** So, we will have 6 months to develop collective immunity - or herd immunity, if you like -, taking sunbaths, which help to reduce infection by the virus. Poor economic health destroys people's mental health, which lowers immunity and increases the likelihood of these people catching a disease. And the risk is not just of catching a disease, it is also that the disease being much more serious, because cellular immunity depends on the moral state, on the human being as a whole, which includes physical health, mental health, economic health and the preservation of their dignity as a person. (...) I am also absolutely sure that we must resume our activities as soon as possible. We should resume our normal activities not today, but yesterday or the day before yesterday, because there is no justification for us to be still keeping some places closed, keeping some economic activities limited, when we are having average temperatures in the country between 25 degrees and 35 degrees - and I'm talking in average. So, the resumption of our normal activities has to be immediate, for the good of our Nation, for the good of each person, individually, and for the preservation of our most necessary requirements of ethics, well-being and coexistence. I am absolutely sure about that. What I'm not sure of is whether the country can still live with policies that are destroying the soul and the very foundation

of the Nation, in terms of ethics and basic values, which have been dismantled or destroyed during this period of pandemic or manufactured ‘*panicdemic*’. They have demonized a small virus, which is no more important than the Influenza virus. Perhaps the bacterium is as important as the virus, for which they have never closed a nation, as it has been done until now with a virus that did not deserve the attention or the credibility they gave it”.

30/10/20 Propaganda

119. “The pandemic [in Brazil] is ending. I think [Doria] wants to vaccinate people quickly because [the pandemic] will end and then he’ll say: ‘it ended because of my vaccine’. The only thing that is ending is his administration, that’s for sure” (...) “There is a governor there [in São Paulo], who is somewhat authoritarian, who even [wants] to forcibly vaccinate people. What do I see regarding the pandemic issue? It’s going away, this has already happened, we see it in history books”¹⁷⁴.

¹⁷⁴ Bolsonaro says that Doria is 'authoritarian' and that the pandemic in Brazil 'is ending"', Folha de S. Paulo. Available at: <https://www1.folha.uol.com.br/cotidiano/2020/10/bolsonaro-diz-que-doria-e-autoritario-e-que-pandemia-no-brasil-esta-acabando.shtml>.

NOVEMBER 2020

Epidemiological week 46, 08-14/11/20

Accumulated Covid-19 Cases - 5,848,959

Accumulated Covid-19 deaths - 165,658

09/11/20 Propaganda

120. On a Youtube video, the President claimed: “This second wave thing, is it true or not? Or is it supposed to sink the economy for good? (...) “I take the opportunity... municipal elections... people don't care so much about mayors and city councillors, but it's important to worry and vote well. The mayor has shut everything down, if you think he did it right, re-elect him. Otherwise, change [your vote]. (...) The tourism branch has failed, right? Who said to shut it all down and stay home? It wasn't me, right? To make it clear, the destruction of employment in Brazil, who did that?”¹⁷⁵

10/11/20 Propaganda

121. In an official ceremony, the President states: “Everything right now is pandemic this, pandemic that. Come on, this has to stop. I am sorry for the dead, I am. We'll all die one day. There's no use trying to escape it, to escape reality. We can no longer be a country of sissies, come on”¹⁷⁶.

122. On Facebook, the President celebrates suspension of tests for the Coronavac vaccine: “Death, disability, anomaly. This is the vaccine that Doria wanted to force all Paulistanos to take. The President has said the vaccine could never be mandatory. Another win for Jair Bolsonaro”¹⁷⁷.

¹⁷⁵ “In a new denial speech, Bolsonaro questions second wave”, UOL. Available at: <https://noticias.uol.com.br/politica/ultimas-noticias/2020/11/09/bolsonaro-segunda-onda-Covid-19.htm>.

¹⁷⁶ “The pandemic was blown out of proportion,' says Bolsonaro”, CNN Brasil. Available at: <https://www.cnnbrasil.com.br/politica/2020/11/10/a-pandemia-foi-superdimensionada-diz-bolsonaro>.

¹⁷⁷ “Bolsonaro celebrates suspension of Coronavac tests”, DW. Available at: <https://www.dw.com/pt-br/bolsonaro-comemora-suspensão-de-testes-da-coronavac/a-55558007>.

11/11/20 Normative Acts

123. Through the message No. 654, the President nominates the lieutenant- colonel Jorge Luiz Kormann, currently the Ministry of Health's deputy executive secretary, for the job of Director of the Brazilian Health Regulatory Agency - ANVISA. Devoid of the technical know-how that was required for the position, considered an advocate for the “early treatment” for Covid-19, and also critical of the Coronavac, he has been kept hospitalized due to contracting Covid-19. The President gave up the nomination¹⁷⁸.

13/11/20 Propaganda

124. Regarding the second wave of Covid, the President tells his supporters at the exit of the Palácio da Alvorada: “It’s all chit chat”¹⁷⁹.

<p>Epidemiological week 47, 15-21/11/20 Accumulated Covid-19 Cases - 6,052,786 Accumulated Covid-19 deaths - 168,989</p>

17/11/20 Propaganda

125. The Economic Policy Secretary of the Ministry of Economy, Alfredo Sachsida, stated that “The studies we have show that many States have reached or are very close to reaching herd immunity. Honestly, I think the chances of a second wave in Brazil are slim”¹⁸⁰. According to the same source, the Secretary declared that herd immunity through infection is obtained “when 20% of the population of a State is infected by the

¹⁷⁸ “Bolsonaro exchanges nomination for ANVISA director position”, Correio do Povo. Available at: <https://www.correiodopovo.com.br/noticias/politica/bolsonaro-troca-indicaçao-para-cargo-de-diretor-da-anvisa-1.587213>.

¹⁷⁹ “Amidst the increase in cases, Bolsonaro refers to second wave as 'chit chat'”, IG. Available at: <https://saude.ig.com.br/coronavirus/2020-11-13/em-meio-a-aumento-de-casos-bolsonaro-chama-segunda-onda-de-conversinha.html>.

¹⁸⁰ “With data that contradict WHO, Guedes’ secretary says that the chances of a second Covid wave are slim”, O Estado de S. Paulo. Available at: <https://saude.estadao.com.br/noticias/geral.com-dados-que-contrariam-OMS-secretario-de-guedes-diz-que-e-baixa-chance-de-segunda-onda-de-covid,70003518034>.

virus”. On 05/01/21, at a webinar, the Secretary said: “I want to take the opportunity of this question to apologize, I shouldn't have commented on the second wave, it's not the SPE's area. It's an epidemiological issue and it doesn't make sense for me to comment on it. It was my mistake to have talked about the second wave”¹⁸¹.

18/11/20 Propaganda

126. In an event with rural workers who continued to work throughout the pandemic, he says: “Congratulations to those of you who didn't soften in the hour of anguish, as the biblical passage says”¹⁸².

<p>Epidemiological week 48, 22-28/11/20 Accumulated Covid-19 Cases - 6,290,272 Accumulated Covid-19 deaths - 172,561</p>

22/11/20 Government Acts

127. The Estadão newspaper report informs that a total of 6.86 million tests for the diagnosis of the novel coronavirus purchased by Ministry of Health would expire between December 2020 and January 2021. The RT-PCR tests were stored in a federal government warehouse. The Unified Health System (SUS) had applied five million tests so far. Altogether, the Ministry of Health invested BRL 764.5 million in tests and the equipment that would expire cost BRL 290 million¹⁸³. Contrary to its consolidated practice, ANVISA authorized an exceptional extension of the tests' validity¹⁸⁴.

¹⁸¹ "Adolfo Sachsida: Bolsonaro used 'popular jargon' when talking about 'broken country'", Jota. Available at: <https://www.jota.info/casa-jota/adolfo-sachsida-pais-quebrado-08012021>.

¹⁸² “Bolsonaro says that rural workers did not 'soften' in the pandemic”, UOL. Available at: <https://www.youtube.com/watch?v=wkvK2JXxeT4>.

¹⁸³ “Expiration date could lead federal government to throw away 6.8 million tests”, O Estado de S. Paulo. Available at: <https://saude.estadao.com.br/noticias/geral,prazo-de-validade-pode-levar-governo-federal-a-jogar-fora-6-8-milhoes-de-testes,70003523522>.

¹⁸⁴ “ANVISA authorizes extension of tests for Covid-19 about to expire”, Correio Braziliense. Available at: <https://www.correiobraziliense.com.br/brasil/2020/12/4893969-anvisa-autoriza-prorrogaao-de-testes-de-Covid-19-prestes-a-vencer.html>.

26/11/20 Propaganda

128. “The issue with masks [is that] one day there will still be a serious study on the effectiveness of masks... that is the last taboo left to be broken”, declares the President in a live broadcast ¹⁸⁵.

¹⁸⁵ “Mask is the last taboo to be broken,’ says Bolsonaro about prevention of Covid-19”, Folha de Pernambuco. Available at: <https://www.folhape.com.br/noticias/mascara-e-ultimo-tabu-a-cair-diz-bolsonaro-sobre-prevencao-a-Covid-19/163655/>.

DECEMBER 2020

Epidemiological Week 49, 29/11-05/12/20

Accumulated Covid-19 Cases - 6,577,177

Accumulated Covid-19 deaths - 176,628

01/12/20 Normative Acts

129. Ordinance of the Ministry of Education No. 1,030 determines the return to classes in higher education institutions that are part of the federal education system as of 01/04/2021. On 12/07, this was altered by Ordinance no. 1,038, which transfers the resumption of in-person classes to 03/01/2021.

Epidemiological week 50, 06-12/12/20

Accumulated Covid-19 Cases - 6,880,127

Accumulated Covid-19 deaths - 181,123

07/12/20 Propaganda

130. In an event organized by XP Investimentos¹⁸⁶, Government leader in the Chamber, Deputy Ricardo Barros speaks [emphasis added]: “There are no vaccines approved by ANVISA yet. So, the government cannot buy any vaccines. All this trampling, this rush to get ahead, putting the cart before the horse does not help Brazil at all. Vaccines for everyone only in 2022. There is no installed capacity to produce a vaccine with two doses for 8 billion people worldwide. This is an issue that needs to be very well thought out, very suitable for vaccination to take place in the most economical, efficient and favoured way for the population. (...) All vaccines will be released on an emergency basis without clinical trials following late side effects. All of them pose a great risk to public health

¹⁸⁶ “Congressional elections, expenditure ceiling, vaccine: Ricardo Barros' positions on 15 points”. Infomoney. Available at: <https://www.infomoney.com.br/politica/eleicoes-no-congresso-teto-de-gastos-vacina-as-posicoes-de-ricardo-barros-sobre-15-pontos/>.

despite producing antibodies, which is the first measure of efficiency being made. But whether or not they will produce adverse side effects in the medium and long term, nobody knows. Vaccinating everyone without knowing this is a risk that needs to be calculated as well. **Hopefully we can move forward with herd immunity through infection.** Closed schools are a big mistake, because young people and children will not have symptoms, but, once infected, they form a blocking belt”.

08/12/2 Government Acts

131. The TCU concludes that the orientation campaign, carried out in March 2020, broadcast on radio and TV networks, entertainment websites and applications, cost BRL 800,000.00 spent only on the preparation of the material, paid to the chosen advertising agency. The dissemination of this material occurred on a voluntary basis by media outlets that were interested in the content and joined the cause of facing the Covid-19 pandemic. In turn, the other five campaigns to advertise government actions to fight the pandemic and mitigate the social and economic impacts caused by social isolation cost a hundred times more: BRL 82,800,000.00. The TCU also detected inconsistencies in the strategic plans prepared to face the pandemic, such as the lack of consistency between objectives, goals, indicators and actions, with high potential to compromise the achievement of the intended results with their implementation and could create a waste of efforts and resources. The TCU recommended the Office of the Chief of Staff to conduct, as briefly as the situation requires, adjustments to the governance spreadsheets according to the priority axes in order to achieve better consistency between guidelines, general and specific objectives, goals, indicators and actions planned by the Federal Executive to tackle Covid-19, especially related: i) direct relationship between actions and proposed objectives; ii) existence of actions and comprehensive and appropriate indicators; iii) a forecast with coordination measures related to actions that involve more than one Ministry; and iv) creation of indicators that can measure the planned results, as well as a direct relationship between actions that mitigate risk and risk event, so as to increase the

reach capacity of the intended results”¹⁸⁷.

132. Eleven former Ministers of Health from different political parties published an article denouncing the “disastrous and inefficient conduct of the Ministry of Health in relation to the Brazilian strategy of vaccinating the population against Covid-19”¹⁸⁸.

10/12/20 Propaganda

133. “We are living the final stretch of a pandemic. (...) We have received no news from our brothers in Africa, below the Sahara desert, informing of a high of deaths by Covid, and everyone expected exactly the opposite. Someone with nutritional deficiency, the poorest people, would be victimized in large numbers. And why weren’t they? They treat malaria there a lot, unfortunately. So a person would arrive there with malaria and Covid-19, and they would be treated with hydroxychloroquine and they healed. Do you have to be that smart to understand that hydroxychloroquine works for both things? That is something obvious”, says the President in speech in Porto Alegre at the inauguration of yet another civil work¹⁸⁹.

134. Upon his appointment as Minister of Tourism, Gilson Machado Neto says in a statement: “I take this opportunity to make an appeal to municipal and state authorities so that they do not decide to close tourism-related activities again, especially over Christmas. We can't implement a lockdown again as the sector can't take it. The federal government did its homework and the Ministry of Tourism set an example by informing the entire country about the best health practices to prevent the dissemination of the coronavirus. Also thanks to the federal government's articulations, Provisional Measures that protected the jobs of Brazilian people in this difficult period have been approved. We know that our greatest asset is human capital. As I am also a tourism operator, I

¹⁸⁷ Judgment 4,075, Plenary Session.

¹⁸⁸ “Vaccine for everyone now”, Folha de S. Paulo. Available at: <https://www1.folha.uol.com.br/opiniao/2020/12/vacina-para-todos-ja.shtml>.

¹⁸⁹ “Amidst the increase in deaths, Bolsonaro says that the pandemic in Brazil is at its 'final stretch'”, Jovem Pan. Available at: <https://jovempan.com.br/noticias/politica/bolsonaro-diz-que-pandemia-no-brasil-esta-no-finzinho.html>.

especially know about that. We won't just have an economic recovery. We will have the best possible economic recovery because of tourism. For that, I make this appeal: we cannot close the trade again¹⁹⁰ “.

Epidemiological week 51, 13-19/12/20
Accumulated Covid-19 Cases - 7,213,155
Accumulated Covid-19 deaths - 186,356

14/12/20 Government Acts

135. In the second half of 2020, according to data from CNES (Ministry of Health) compiled to date by Repórter Brasil, one third of ICU beds were created in the SUS exclusively to treat Covid-19 in adult patients. In July, there were 10,228 beds for this purpose in the public system; in December, there were 6,941, with a drop of 32% (or 3,287 fewer beds), with the North and Northeast regions most affected, as well as the State of Rio de Janeiro¹⁹¹ .

136. Through Resolution 94/2020, the IACHR adopted precautionary measures to protect members of the Munduruku Indigenous People in Brazil. According to information from the Brazilian State, by 22/08/20 more than 10% of the Munduruku population would have been diagnosed with Covid-19 (1,625 positive cases); and, in September 2020, the DSEI - Rio Tapajós, responsible for the health care of the beneficiaries, would have reached the second highest incidence rate of the disease, with reproduction numbers above 1.50, which would mean a high risk of spread of the disease within the territory. The Commission recalled that indigenous peoples have experienced historical vulnerability, particularly peoples in voluntary isolation, and noted that within the context of the pandemic, the beneficiaries have allegedly been in frequent contact with third parties who are not authorized to enter the lands they inhabit and who are potential vectors of the disease. It requested that Brazil adopt the necessary measures to protect

¹⁹⁰ “New minister of Tourism, Gilson Machado makes appeal against lockdown in the country”, Metrôpoles. Available at: <https://www.metropoles.com/brasil/novo-ministro-do-turismo-gilson-machado-faz-apelo-contra-lockdown-no-pais>.

¹⁹¹ “SUS has lost 32% of ICU beds to Covid-19 since July”, Repórter Brasil. Available at: <https://reporterbrasil.org.br/2020/12/sus-perde-32-de-leitos-de-uti-para-Covid-19-desde-julho/>.

the right to health, life, and personal integrity of the members of the Munduruku indigenous people by implementing measures to prevent the spread of COVID-19 from a culturally appropriate perspective and provide them with adequate medical care that complies with the conditions of availability, accessibility, acceptability, and quality, in accordance with the applicable international standards; that it agree on the measures to be adopted with the beneficiaries and their representatives; and that it report on the actions it takes to investigate the events that led to the adoption of this precautionary measure and thus prevent these from being repeated¹⁹². This is the second time precautionary measures related to Brazil are granted since the beginning of the pandemic (please see §85).

15/12/20 Propaganda

137. “‘I’m not getting a vaccine, full stop. Is my life at risk? That’s my problem’”¹⁹³, the President stated at a rally (presented as a “technical visit”) organized by the Presidency of the São Paulo Company of Warehouses (CEAGESP), which brought together hundreds of supporters, most of them without masks¹⁹⁴.

16/12/20 Normative Acts

138. Ministry of Health presents the National Vaccination Operationalization Plan¹⁹⁵. On 12/17, a Supreme Court injunction¹⁹⁶ ensures that (i) in the event of non-compliance with the Federal Government plan, or in the event that they do not provide timely and sufficient immunological coverage against the disease, the States, Federal District and

¹⁹² “IACHR Adopts Precautionary Protection Measures for Members of the Munduruku Indigenous People in Brazil”, IACHR. Available at: <http://www.oas.org/pt/cidh/prensa/notas/2020/302.asp>.

¹⁹³ “Bolsonaro: ‘I’m not getting a vaccine, full stop. That is my problem’”, *Correio Braziliense*. Available at: <https://www.correiobraziliense.com.br/politica/2020/12/4895094-eu-nao-vou-tomar-a-vacina-e-ponto-final--problema-meu.html>.

¹⁹⁴ “Bolsonaro visits Ceagesp, which registers agglomeration of hundreds”, *Veja SP*. Available at: <https://vejasp.abril.com.br/cidades/bolsonaro-visita-ceagesp-que-registra-aglomeracao-de-centenas/>.

¹⁹⁵ Ministry of Health, “National Plan for Covid-19 Vaccination Operationalization”. Available at: https://download.uol.com.br/files/2020/12/2817213405_plano_vacinacao_verso_eletronica.pdf.

¹⁹⁶ Within the scope of ADPF 770, proposed by Brazilian Bar Association (OAB)’s Federal Council.

Municipalities will be able to dispense to their respective populations the vaccines that have been previously approved by Anvisa, or (ii) if this government agency does not issue the competent authorization, within 72 hours, they may import and distribute vaccines registered by at least one of the foreign health authorities, or any others that may be approved for emergency use¹⁹⁷.

17/12/20 Normative Acts

139. In compliance with a determination from the STF¹⁹⁸, the President enacts Provisional Measure 1,015, which opens extraordinary credit for the purchase of vaccines, with no time feasibility for its full budget execution by the end of that financial year, unless in case of its new registration for use in 2021. For the first time, significant extraordinary credit was granted for the purchase of vaccines, five days after the MS sent the National Immunization Plan for Covid-19 to the STF. Therefore, on 31st December, 2020, R\$21.6 billion was available as extraordinary credit in favour of the Ministry of Health for the purchase of vaccines.

16/12/20 Propaganda

140. Speaking at the Montreal Conference - *International Economic Forum of the Americas*¹⁹⁹, Economy Minister Paulo Guedes rules out the return of emergency aid : “From now until the end of the year, 31st December, the idea is that we return to an ordinary situation, so by the end of the year we will have closed these ancillary layers that we have launched to preserve jobs, lives and the economy” (...)” People are going back to work, the disease has made a comeback, but we cannot talk about a second wave”.

¹⁹⁷ Available at: <https://portal.STF.jus.br/processos/downloadPeca.asp?id=15345314162&ext=.pdf>.

¹⁹⁸ ADPF 756.

¹⁹⁹ “Guedes discards Covid-19 second wave and reinforces the end of emergency aid”, UOL. Available at: <https://economia.uol.com.br/noticias/reuters/2020/12/16/guedes-descarta-segunda-onda-de-covid-19-e-reforca-fim-do-auxilio-emergencial.htm>.

141. In an interview, the President states: “In the middle of this package leaflet, it says the company is not responsible for any side effects. This makes a yellow light turn on. We start asking people: are you going to get this vaccine?”²⁰⁰

142. On the same day, the Minister of Health says about vaccination: “Why all the anxiety and angst?”²⁰¹

17/12/20 Propaganda

143. During his inauguration ceremony as Minister of Tourism, Gilson Machado Neto made an appeal: “Our country was an example of job maintenance, it was the country with the lowest unemployment rate. I make an appeal to you, governor, not to decree a lockdown. Our trade cannot take it anymore. I make an appeal”²⁰². During the same event, the President said: “we will land in Porto Seguro soon, and Porto Seguro is a city in Bahia that also marks history, I have just talked to her there again, Dr. Raissa, a physician who lives there. In my opinion, she was one of the pioneers in early treatment, so we will meet, have a chat, she will be joined by a few doctors from the region. It is in fact a city where the mayor, the local government adopted this procedure, and was very successful in political terms issue”²⁰³.

144. What did the Supreme Court decide? If you do not want to be vaccinated, I, the President of the Republic, the governors or mayors can impose restrictive measures on

²⁰⁰ “Bolsonaro advises Pazuello to show the population 'dangers of the vaccine'; learn more”, Last Second. Available at: <https://ultimosegundo.ig.com.br/brasil/2020-12-16/bolsonaro-orienta-pazuello-a-mostrar-perigos-da-vacina-a-populacao-entenda.html>.

²⁰¹ “Why all the anxiety and angst?”, asks Pazuello about the vaccination plan”, Correio Braziliense. Available at: <https://www.correiobraziliense.com.br/brasil/2020/12/4895235-para-que-essa-ansiedade-e-essa-angustia--diz-pazuello-sobre-plano-de-vacinacao.html>.

²⁰² “Gilson Machado Neto takes office as Minister of Tourism”, Ministry of Tourism. Available at: <https://www.gov.br/turismo/pt-br/assuntos/noticias/gilson-machado-neto-toma-posse-como-ministro-do-turismo>.

²⁰³ “Speech by the President of the Republic, Jair Bolsonaro, at the Inauguration Ceremony of Mr. Gilson Machado, State Minister of Tourism”, Planalto. Available at: <https://www.gov.br/planalto/pt-br/acompanhe-o-planalto/discursos/2020/discurso-do-presidente-da-republica-jair-bolsonaro-na-cerimonia-de-posse-do-senhor-gilson-machado-ministro-de-estado-do-turismo-palacio-do-planalto>.

you. You won't be able to get a passport, a driver's license, you can be put under house arrest, think about how great that would be”, says the PR on a live broadcast²⁰⁴.

18/12/20 Government Acts

145. In a new stage of litigation that took place over the year, Justice Luís Roberto Barroso (STF) denied the approval of the third version of the General Plan to Combat Covid-19 for Indigenous Peoples presented by the government and determined that a new document should be presented by 01/08/2021. According to the Supreme Court Justice, the new version of the plan presented by the federal government is still generic, which prevents an assessment on its sufficiency and feasibility or the monitoring of its implementation: “I’m impressed in that nearly 10 months into the pandemic, the Federal Government has not done the bare minimum: offering a plan with its essential elements, which is a situation that continues to put the lives and health of indigenous peoples at risk”²⁰⁵.

146. An STF injunction²⁰⁶ extended, without a time limit, the authorization given by Congress for the authorities to adopt a series of measures for tackling the Covid-19 pandemic, considering that the corresponding law, Law 13,979 (please see § 2), would lose effectiveness the following day. The decision upheld the validity of ten articles from the aforementioned law that describe health measures that can be adopted by authorities on a federal, state and local levels, including isolation and quarantine, and a provision that requires ANVISA to grant authorization within 72 hours for the import and use of medical supplies, drugs and vaccines against Covid-19 that have already been registered by at least one of the regulatory bodies in the United States, Europe, Japan or China. The litigation arises out of an amendment to the law that made the end of its effectiveness coincide with the legislative decree on public calamity that would lose effectiveness on 3/12/21. The decision was based on the principles of prevention and precaution, and on

²⁰⁴ "Thursday Live - 17/12/2020". Available at: <https://www.youtube.com/watch?v=zNVRld3flao>.

²⁰⁵ “Barroso rejects third version of the plan to contain Covid-19 among indigenous people”, STF. Available at: <http://www.stf.jus.br/portal/cms/verNoticiaDetalhe.asp?idConteudo=457584>.

²⁰⁶ ADI 6625, filed by the Sustainability Network Party (REDE).

the protection of constitutional rights to life and health, taking into account that the true intention of the lawmakers would have been to maintain the extraordinary prophylactic and therapeutic measures, provided for in the regulation, for as long as it would be necessary to overcome the most critical phase of the pandemic, “even because at the time of its enactment they could not predict the surprising persistence and lethality of the disease”²⁰⁷ .

18/12/20 Propaganda

147. During ceremony held in Porto Seguro (BA), the President states: “Some say I'm setting a terrible example. Hey, you imbecile, you, idiot who's saying I'm a bad example, I've already had the virus, I already have antibodies. Why get the vaccine again? And another thing, this has to be very clear, Dr. Raissa. The Pfizer contract states very clearly that ‘we (Pfizer) are not responsible for any side effects’. If you turn into an alligator, that's your problem (...) If you become Superman, if some woman is born with a beard, or if a man starts to have a thin voice, they (Pfizer) have nothing to do with it. What's worse is they are tampering with people's immune systems”²⁰⁸ . During a chat with supporters in front of the Palácio da Alvorada, the President once again stated: “(...) You will have to sign the term of responsibility if you want to take it. Pfizer is very clear in the contract: 'We don't take responsibility for side effects'. There are people who want to take it, so take it. The responsibility is yours. For those who are physically fit, there is no need to worry. The concern is the elderly. (...) There is a biblical passage, Proverbs 24:10. 'If you show yourself lacking courage on the day of distress, your strength is meagre'. **You have to face it, man! You have to fight**”²⁰⁹ .

²⁰⁷ Available at: <http://www.stf.jus.br/arquivo/cms/noticiaNoticiaStf/anexo/ADI6.625MC4.pdf>.

²⁰⁸ "Bolsonaro: 'If you are vaccinated and turn into an alligator I will have nothing to do with that', UOL. Available at: <https://www.youtube.com/watch?v=IBCXkVOEH-8>.

²⁰⁹ “It will be necessary to sign a liability waiver to take the vaccine, says Bolsonaro”, Correio Braziliense. Available at: <https://www.correiobraziliense.com.br/brasil/2020/12/4894965-sera-preciso-assinar-termo-de-responsabilidade-para-tomar-vacina-diz-bolsonaro.html>.

19/12/20 Propaganda

148. “The pandemic is truly coming to an end. We have a small upward bump now, which is a small spike that can happen, but the rush for the vaccine is not justified. (...) They will inoculate something into you. Your immune system can react, in an unforeseen way even”, the President states in an interview with his son in a program released on YouTube²¹⁰.

<p>Epidemiological week 52, 20-26/12/20 Accumulated Covid-19 Cases - 7,465,806 Accumulated Covid-19 deaths - 190,795</p>

23/12/20 Propaganda

149. Amid the agglomeration he created in São Francisco do Sul (SC), according to a live stream from his Facebook profile, the President told a supporter: [emphasis added] “**I’ve had the best vaccine: the virus. No side effects**”²¹¹.

<p>Epidemiological week 53, 27/12/20-02/01/21 Accumulated Covid-19 Cases - 7,716,405 Accumulated Covid-19 deaths - 195,725</p>

30/12/20 Government Acts

150. Through the Information Transparency Act (LAI), it is discovered that the Ministry of Health donated thousands of masks and other personal protective equipment to the Federal District that were considered unsuitable for use by health professionals.

²¹⁰ “To Bolsonaro, the rush for a vaccine against Covid-19 'is not justified'”, Metropoles. Available at: <https://www.metropoles.com/brasil/politica-brasil/para-bolsonaro-pressa-por-uma-vacina-contra-a-covid-19-nao-se-justifica>.

²¹¹ “I’ve had the best vaccine: the virus”, says Bolsonaro in Santa Catarina”, Poder 360. Available at: <https://www.poder360.com.br/governo/cu-tive-a-melhor-vacina-o-virus-diz-bolsonaro-em-santa-catarina/>.

According to data from the Department of Health of the Federal District, 344,000 N45 masks, 108,700 PFF2 masks, 5,700 long sleeve aprons and 1,400 aprons of other types were considered inappropriate²¹².

31/12/20 Government Acts

151. According to the National Health Council²¹³, approximately R\$ 33.1 billion that could have been earmarked for measures that could have effectively contributed to social distancing and to the maintenance of employment and income of the population, thus reducing the negative impact of the pandemic on the levels of economic activity and avoiding infection and death by Covid-19, was not used until the end of 2020.

²¹² “MS donated thousands of PPE deemed inappropriate for use to the Federal District”, Época. Available at: <https://epoca.globo.com/guilherme-amado/ministerio-da-saude-doou-milhares-de-equipamentos-de-protecao-improprios-para-uso-do-df-24816712>.

²¹³ “Budget and Financing Committee Bulletin (Cofin/CNS) of 31/12/20”. Available at: http://conselho.saude.gov.br/images/comissoes/cofin/boletim/Boletim_2020_1231_Tab1-4_Graf1_ate_20_RB-FF-CO.pdf.

JANUARY 2021

Epidemiological week 01, 03-09/01/21

Accumulated Covid-19 Cases - 8,075,998

Accumulated Covid-19 deaths - 202,631

04/01/21 Government Acts

152. After failing to acquire syringes and needles for vaccination, the Ministry of Health makes an administrative request for the stocks of national manufacturers. At least seven states had already purchased inputs and would be passed over. Two days later, the government zeroed the import tax on syringes and needles, and the President announced on social media he had suspended the purchase of syringes until prices “went back to normal”²¹⁴. On the 8th, the Supreme Court granted an injunction²¹⁵ to prevent the Federal Government from requesting supplies purchased by the State of São Paulo, especially needles and syringes, if the payments had already been made, for the execution of the state immunization plan against Covid-19²¹⁶.

05/01/21 Propaganda

153. PR declares, upon leaving the Palácio do Planalto: “Brazil is broken, man. I can't do anything. I wanted to change the Income Tax rates, alright, then there was this virus, which was made more powerful by the media we have, this reckless media”²¹⁷.

154. On the same day, the Ministry of Foreign Affairs confirms the purchase of 2 million

²¹⁴ “Government requests syringes intended for states to centralize vaccination”, Folha de S. Paulo. Available at: <https://www1.folha.uol.com.br/equilibrioesaude/2021/01/governo-sugere-que-industria-cancele-entregas-de-seringas-a-estados-para-centralizar-distribuicao.shtml>.

²¹⁵ ACO 3,463, filed by the Attorney General of the State of São Paulo.

²¹⁶ “Injunction prevents the Federal Government from requesting supplies contracted by the government of SP for vaccination”, STF. Available at: <https://portal.STF.jus.br/noticias/verNoticiaDetalhe.asp?idConteudo=458326&ori=1>.

²¹⁷ “Bolsonaro says the country is 'broken' and blames covid for not extending Income Tax exemption”, O Estado de S. Paulo. Available at: <https://economia.estadao.com.br/noticias/geral,bolsonaro-diz-que-pais-esta-quebrado-e-culpa-covid-por-nao-ampliar-isencao-no-ir,70003571152>.

doses of the AstraZeneca/Oxford vaccine from India. In the following days, the federal government organizes a major advertising operation, including massive publicity in the media and placing a sticker on an Airbus from Azul Linhas Aéreas that would make a “historic trip” with the slogan “Vaccination - Immunized Brazil - We are one nation”. The President even sent a letter to the Prime Minister of India requesting urgency in sending doses, but the operation is suspended on 01/15/21²¹⁸. According to the CNN, although a contract had already been signed, India would have cancelled the commitment due to Brazil’s indiscretion and the impact of the news it would make to send vaccines to another country as it had not started the mass immunization of its own population²¹⁹.

07/01/21 Government Acts

155. In a letter sent to the Manaus City Hall, the Ministry of Health insists on the use of drugs such as chloroquine and ivermectin: “We take the opportunity to highlight the scientific evidence on the role of antiviral medications suggested by the Ministry of Health, which makes it so that the lack of adherence to said guidance, in view of the severity of the health situation in Manaus, is unacceptable”²²⁰.

07/01/21 Propaganda

156. In a live broadcast, alongside the Minister of Health, the President states: “People who go to the beach, sunbathe and remember the sun fixates vitamin D in the body. Did they have serious issues? No. The solution is right there. Some people just keep harping on the same string: ‘There is no scientific evidence’. Hey wise guy, I know there isn’t,

²¹⁸ “President sends a letter to India asking for speed in sending the vaccine”, Agência Brasil. Available at: <https://agenciabrasil.etc.com.br/saude/noticia/2021-01/Presidente-envia-carta-india-pedindo-agilidade-no-envio-de-vacina#>.

²¹⁹ “Publicity about the delivery of vaccines hindered negotiations with India”, CNN Brasil. Available at: <https://www.cnnbrasil.com.br/saude/2021/01/15/publicidade-na-remessa-das-vacinas-atrapalhou-negociacao-com-india>.

²²⁰ “Ministry of Health is putting pressure on Manaus and says it is 'unacceptable' not to use chloroquine against Covid-19”, Folha de S. Paulo. Available at: <https://www1.folha.uol.com.br/colunas/painel/2021/01/ministerio-da-saude-pressiona-manaus-e-diz-ser-inadmissivel-nao-usar-cloroquina-contra-Covid-19.shtml>.

wise guy, but there will be in a few years”²²¹. The President also states, while holding the *Estado de S. Paulo* newspaper in his hands²²² : “This press here has no commitment to the truth and to human life. And when you spread lies, you misinform, invent, lives are lost. When you spread the terror of Covid, which leads the population to panic, they close businesses, take lockdown measures, this leads to unemployment, and an unemployed person is killed by other causes as well, such as depression, suicide. (...) We’ve had to face an indiscriminate closure of the Brazilian economy. If I had the power back then to deal with this matter, we would have given very special attention to people from high risk groups, people with comorbidities and elderly people, and the rest of the population would have gone back to work. (...) What some are doing now again, closing everything down, that is irresponsible.” Next, Minister Pazuello talks about early treatment: “It’s crucial. There is no way other than a diagnosis by a doctor as soon as possible and start early treatment as soon as possible. That’s what saves lives, that’s what prevents people from getting worse and having to go to an ICU and be intubated.” The President also talks about the treatment: “It’s a finding made by tens of thousands of doctors (...) others don’t believe it, that’s fine. Now what’s the alternative? Is it staying at home and when you feel short of breath, go to the hospital as it was encouraged by Globo Network with its marketer Mandetta? What are you going to do in hospital if there is no medicine? It doesn’t matter. If you don’t want to take it, don’t take it, but don’t be keep on talking nonsense and try to discourage anyone who wants to take it. It doesn’t do any harm”. In relation to vaccines, he says: “Laboratories do not want to take any responsibility in case of side effects. (...) It’s an emergency vaccine, it doesn’t have scientific proof yet. It is irresponsible for any authority in Brazil to say that if you do not take it, in my state, in your municipality, you will suffer certain sanctions”. Minister Pazuello talks again about early treatment: “The understanding of what works and what doesn’t in terms of restrictive measures is a big question mark over time that no one actually knows the result of this coronavirus, this disease, but it is very clear that we need to have the medical assistance for all people as effectively as possible, and diagnose and

²²¹ “Bolsonaro: people who go to the beach do not have serious problems with Covid-19”, Estado de Minas. Available at: https://www.em.com.br/app/noticia/politica/2021/01/07/interna_politica,1227047/bolsonaro-pessoas-que-vaio-a-praia-nao-tem-problemas-graves-com-covid-19.shtml.

²²² “First Live of 2021 (07/01) - President Jair Bolsonaro”. Available at: <https://www.youtube.com/watch?v=ZZj93uz78NE>.

treat as early as possible. If we have early treatment, this percentage will drop and it will drop sharply”. The President adds: “The vaccine is expensive, so there is huge interest in the vaccine.” Pazuella adds: “Pfizer, regardless of the complicated clauses it tries to impose on us, talks about 2 million doses in the first quarter and 6 million doses in the second quarter.”

Epidemiological week 02, 10-16/01/21

Accumulated Covid-19 Cases - 8,455.059

Accumulated Covid-19 deaths - 209,296

11/01/21 Propaganda

157. Minister of Health at an event in Manaus: “When I came home yesterday, my sister-in-law was there. The brother had no oxygen even for the day. Oh, I think it will arrive tomorrow. What are you going to do about it? Nothing. You and everyone else will wait for the oxygen to arrive and be distributed”²²³.

12/01/21 Normative Acts

158. Through the message No. 6, the President vetoed part of the Complementary Law No. 177 (1/12/21), the main instrument for financing science, technology and innovation in Brazil, which had been approved by vast majority in the Senate (71 x 1 votes) and in the Chamber of Deputies (385 x 18 votes). The Initiative for Science and Technology in the Parliament (ICTP.br) and the Brazilian Society for the Advancement of Science (SBPC), with the support of more than 90 scientific, academic and technological entities across the country, stated in a text of 26/ 01/21 that the vetoes “completely alter the original project: one of them removes the ban on FNDCT funds being placed in a contingency reserve; another prevents the release of the full funds of the FNDCT for

²²³ "What will you do? Nothing. You will wait for oxygen to arrive", said Pazuella in Manaus three days ago", Carta Capital. Available at: <https://www.cartacapital.com.br/saude/o-que-voce-vai-fazer-nada-vai-esperar-chegar-o-oxigenio-disse-pazuella-em-manaus-ha-tres-dias/>.

2020. With the first veto, the core point of the law was removed, which was to eliminate the contingency reserve, which takes 90% from FNDCT's investment funds. This is a catastrophic decision for the country, even more so at a time of serious health, economic and social crisis, and one that moves in the opposite direction to what developed countries are doing. The country will remain deprived of a crucial resource to support universities, federal institutes and research institutions, of maintaining and expanding research laboratories and fostering innovative projects, particularly in small and medium-sized companies, which are essential for the country's economic recovery. The release of FNDCT funds is also crucial to support scientific research and technological development in the fight against the novel coronavirus²²⁴. On 18/03/21 the National Congress overrides the vetoes.

12/01/2021 Propaganda

159. “I ask God to enlighten governors and mayors so that they don't close everything down. That is not the correct policy. Life and economy go hand in hand. We can't talk about health without employment”, says the President at official ceremony²²⁵.

13/01/21 Government Acts

160. The Ministry of Health releases an app named TrateCOV to “assist health professionals in recording symptoms and signs from patients in order to improve and expedite Covid-19 diagnoses” and chooses Manaus for its “premiere”²²⁶. The user inserts the patient's symptoms and comorbidities and the platform suggests the prescription of drugs such as hydroxychloroquine, chloroquine, ivermectin, azithromycin and

²²⁴ “Ninety entities call for override of vetoes to FNDCT Law”, FAPESP Agency. Available at: <https://agencia.fapesp.br/noventa-entidades-pedem-derrubada-dos-vetos-a-lei-do-fndct/35072/>.

²²⁵ Closure is not correct policy against Covid-19, says Bolsonaro, EBC. Available at: <https://agenciabrasil.ebc.com.br/politica/noticia/2021-01/fechamento-nao-e-politica-correta-contra-Covid-19-diz-bolsonaro>.

²²⁶ “TrateCOV: app helps doctors in diagnosis of Covid-19”, Ministry of the Chief of Staff Office. Available at: <https://www.gov.br/casacivil/pt-br/assuntos/noticias/2021/janeiro/tratecov-aplicativo-auxilia-medicos-no-diagnostico-da-Covid-19>.

doxycycline²²⁷. On 21/01/21, the Federal Council of Medicine asked the Ministry of Health to immediately remove and deactivate TrateCov app, due to “inconsistencies in the tool: It does not adequately preserve the confidentiality of information; It allows its completion by non-medical professionals; It ensures scientific validation of drugs that do not have international recognition; It induces self-medication and interference in the physicians' autonomy; It does not make clear, at any time, the purpose of the use of the data filled in by assistant physicians²²⁸”.

161. Through Resolution 1/21, the IACHR adopted precautionary measures in favour of members of the Guajajara and Awá indigenous peoples of the Araribóia Indigenous Land in Brazil. The Commission took into account the particular context not only in terms of the pandemic, but also the alleged historical situation of violence against members of the Guajajara and Awá indigenous peoples. According to the information presented by the parties, there were between 25 and 69 confirmed deaths by Covid-19, in a supposedly under-reported scenario, with estimated infection of 50% of the Guajajara population, according to the Awá Ethno-environmental Protection Front. According to the Brazilian State, by August 2020, more than 8% of the Araribóia Indigenous Land population would have already been diagnosed with Covid-19 (1,394 positive cases). The Commission recorded the information provided by the State and noted that different action plans would have been developed on a national level in favour of indigenous peoples, as well as specific actions that would affect the beneficiaries. However, it warned that the aforementioned plans are of a general and/or programmatic nature, without the State having explained how they are being implemented in favour of the beneficiaries and if they are effective. Regarding the Awá people in voluntary isolation, the State claimed that they would receive special attention from the Awá Ethno-environmental Protection Front. However, it did not clarify how such attention would be integrated with the protection of indigenous peoples considering the pandemic scenario and the supposed presence of unauthorized third parties close to the areas occupied by the Awá indigenous

²²⁷ "Covid-19: Minister of Health launches app that encourages the use of ineffective medicines", *Correio Braziliense*. Available at: <https://www.correiobraziliense.com.br/brasil/2021/01/4900367-Covid-19-saude-lanca-app-que-incentiva-uso-de-remedios-sem-eficacia.html>.

²²⁸ Federal Council of Medicine, “Clarification to the Press”. Available at: <https://portal.cfm.org.br/wp-content/uploads/2021/01/Nota-aplicativo-TrateCov-21.01.2021-1.pdf>.

people. The Commission requested that Brazil adopt the necessary measures to protect the right to health, life, and personal integrity of the members of the Guajajara and Awá indigenous people of the Araribóia Indigenous Land, by implementing measures to prevent the spread of COVID-19 from a culturally appropriate perspective and provide them with adequate medical care that complies with the conditions of availability, accessibility, acceptability, and quality, in accordance with the applicable international standards; that it agree on the measures to be adopted with the beneficiaries and their representatives; and that it report on the actions it takes to investigate the events that led to the adoption of this precautionary measure and thus prevent these from being repeated. This is the third IACHR resolution to grant precautionary measures related to Brazil and indigenous peoples (please see §85 and §136)²²⁹.

14/01/21 Government Acts

162. Federal Attorney General’s Office appeals against the judicial decision that suspended the application of the National High School Exam (ENEM) in Amazonas during the collapse of the health system²³⁰. The AGU recognized that the “severity of the public health emergency caused by the coronavirus pandemic has shown the challenges to authorities of the three federative levels in implementing a public health policy. However, one cannot adopt an exclusionary view where access to higher education and health protection are irreconcilable public policies. Therefore, the Executive Branch, which has - among the Government division of powers - the best conditions to safely establish the conditions for conducting the Enem exams, needs to have its autonomy preserved”. The suspension was requested by the Amazonas MPF, on the basis that the maintenance of the schedule established by INEP represented “a real danger to public health and physical safety”, with its postponement being a measure of “undeniable humanity, which is crucial to also guarantee equal access to University

²²⁹ “IACHR Adopts Precautionary Measures in Favour of Members of the Guajajara and Awá Indigenous Peoples of the Araribóia Indigenous Land in Brazil,” IACHR. Available at: <https://www.oas.org/pt/CIDH/jsForm/?File=/pt/cidh/prensa/notas/2021/009.asp>.

²³⁰ “Attorney-General Office appeals decision that barred Enem in Amazonas”, R7. Available at: <https://noticias.r7.com/educacao/r7-ensina/advocacia-geral-recorre-de-decisao-que-barrou-enem-no-amazonas-14012021>.

education. (...) In addition to creating greater circulation of the virus throughout the city, the exposure of students to risk of infection and the insistence on the conduct of tests in January are illegal measures, as they put students and their families at increased risk and contribute to the overload and collapse of an already insufficient local health system”²³¹

14/01/21 Propaganda

163. Live with the President²³², the Minister of Health Eduardo Pazuello states: “Early treatment is recommended by the Federal Councils, Regional Councils, guided by the Ministry of Health. It has proved to be effective in all cities and states in Brazil. Clinical diagnosis and treatment as early as possible based on a doctor's diagnosis and the drugs must be available in the public health system so that all Brazilians can receive and start their treatment (...). Manaus is a combination of factors. (...) anything you need is only brought by plane or takes days by boat (...) humidity is very high and you start having have respiratory complications (...) another factor, Manaus did not act effectively in providing early treatment with clinical diagnosis in primary care. This greatly impacted the severity of the disease”, in addition to a “poor hospital infrastructure”. The President asks: “Have you started early treatment there now?” and the Minister answers: “It's already working with the new administration”. Later, the President recalls: “Back in March I was saying that it's like rain. You'll get it and the elderly have to protect themselves (...) The power to talk about the pandemic has been taken from me. The STF has said that the responsibility for lockdown, confinement, isolation, etc. lies exclusively with the states and municipalities. (...) Until a few months ago, Brazil was first in the ranking of millions of inhabitants. Now it's at the twentieth place. Why?”. “Early treatment”, answers the Minister. The President adds: “Because we have early treatment. There is no other explanation. Thanks to the voluntary work of tens of thousands of doctors who decided to take this forward. They have proven this in the front line. They treated it with hydroxychloroquine, treated it with ivermectin, nitazoxanide, azithromycin, and it worked. (...) It has no scientific proof. Oh man, but it has no side

²³¹ “Courts suspend Enem in Amazonas because of Covid-19”, R7. Available at: <https://noticias.r7.com/educacao/justica-suspende-realizacao-do-enem-no-am-por-cao-da-Covid-19-13012021>.

²³² Live with President Jair Bolsonaro (14/01/21). Available at: <https://fb.watch/5VTJS1b84o/>.

effects, not even the heart issue - arrhythmia”.

15/01/21 Government Acts

164. The Supreme Court grants an injunction ordering the Federal Government to “immediately promote all actions within its power to end the very serious health crisis in Manaus, capital of Amazonas, in particular supplying local health establishments with oxygen and other medical and hospital supplies so that they may provide prompt and adequate care to their patients, without bias towards the performance of state and municipal authorities within the scope of their respective jurisdiction”; present to the Supreme Court, within 48 hours, a comprehensive and detailed plan about the strategies it is putting into practice or intends to develop to deal with the emergency situation, describing the corresponding actions, programs, projects, and partnerships, with the identification of the respective schedules and financial resources; and update the plan in question a every 48 hours for as long as the exceptional situation continues²³³.

15/01/21 Propaganda

165. The President talks about hydroxychloroquine and ivermectin: “**If a doctor does not prescribe early treatment, go see another doctor. There are no side effects.** If you wait until you feel short of breath and go to the hospital to be intubated, about 70% [of people in this situation] die. Let's be careful now”²³⁴.

166. On the same day, the Vice President explains the new collapse in Manaus: “Our people do not have this imposed discipline. Brazilians don’t respond to that so much. So, you have to know how to deal with these characteristics and try to inform the population so that they may protect themselves. (...) That’s a problem for the state government, city hall... They are the ones on the ground and should have taken the necessary measures at the right time. (...) It is not a matter of lockdown. It is a matter of communicating to the population that they have to maintain certain rules so as not to be contaminated at such

²³³ Incidental Provisional Protection in the case records of ADPF 756 filed by PT and PCdoB.

²³⁴ “Bolsonaro says the government did its part in Manaus crisis”, R7. Available at: <https://noticias.r7.com/brasil/bolsonaro-diz-que-governo-fez-a-sua-parte-na-crise-em-manaus-15012021>.

a speed that the health system cannot contain it”²³⁵.

167. President posts on Twitter: “Clinical studies demonstrate that early Covid treatment, with antimalarials, can reduce disease progression, prevent hospitalization and is associated with reduced mortality. @alexandregarcia”²³⁶. This post and another one by the Ministry of Health were flagged by the platform as “potentially harmful” and as presenting “misleading information” by encouraging the so-called “early treatment” against covid-19²³⁷. The Ministry of Health later deleted the post²³⁸. Because of that, on 18/01/21, the then Minister of Health, Eduardo Pazuello, denied that the ministry recommended any medication for Covid-19: “You know how much we have been talking publicly, since June, about early care. Do not confuse care with individualizing which medication to take. (...) Care is one thing, treatment is another. As laymen, we sometimes use the wrong name, but we have to know the difference. (...) We defend and encourage and advise that a sick person immediately seek a health unit, a doctor, and that the doctor give the patient a clinical diagnosis. Which medications the doctor will prescribe, that is private between the doctor and his patient”²³⁹.

168. In an interview with presenter José Luiz Datena, the President comments on Manaus crisis: “We are doing everything possible even though the Supreme Court has forbidden me to do it. I'm committing a crime for helping. (...) A few months ago Brazil was the country where people died the most, we are now ranked at 22nd, 23rd, and what leads to this, early treatment, which is demonized by João Doria and many others. (...) There is no scientifically recognized medication, but based on experience we have information

²³⁵ “Indiscipline 'hinders anti-covid measures, says Mourão; 'We've never closed, right?'”, UOL. Available at: <https://noticias.uol.com.br/politica/ultimas-noticias/2021/01/15/indisciplina-trava-medidas-anticovid-diz-mourao-nunca-fechamos-ne.htm>.

²³⁶ Available at: <https://twitter.com/jairbolsonaro/status/1350149912009334784>.

²³⁷ “Twitter refers to Ministry of Health's publication on 'early care' as 'misleading'”, O Estado de S. Paulo. Available at: <https://saude.estadao.com.br/noticias/geral,twitter-aponta-publicacao-do-ministerio-da-saude-sobre-tratamento-precoce-como-enganosa,70003583933>.

²³⁸ “Ministry of Health deletes post on chloroquine recommendation by scientific journal”, Metrôpoles. Available at: <https://www.metropoles.com/brasil/saude-apaga-post-sobre-recomendacao-de-cloroquina-por-revista-cientifica>.

²³⁹ “After recommending 'early treatment', Pazuello denies recommending Covid medication”, CNN Brasil. Available at: <https://www.cnnbrasil.com.br/saude/2021/01/18/apos-recomendar-tratamento-precoce-pazuella-nega-indicar-remedio-para-covid>.

about ivermectin, hydroxychloroquine, nitazoxanide... and where those are being used, death has sharply dropped, and so much so that Brazil is no longer the first country in number of deaths per million inhabitants”²⁴⁰ .

16/01/21 Government Acts

169. Federal Public Defender's Office (DPU) files suit to prevent the ENEM (National High School Exam) from taking place, since it was still scheduled to take place on 01/17, despite the increase in Covid-19 cases and deaths in Brazil, claiming that the Anísio Teixeira National Institute of Educational Studies and Research (INEP), the body in charge of organizing the exam, lied about the security measures adopted, as there were rooms that were 80% full²⁴¹. INEP announced and informed the Judicial branch that the exam rooms would be less than 50% full as a way to ensure the proper distance between the candidates. According to INEP, the second day of ENEM exams had a record number of abstentions, i.e., 55.3%; out of a total of 5,523,029 students registered for the exam, less than half, 2,470,396, were present at exam sites, more than on the first day, when 51.5% of those registered did not attend the tests; the historical average of abstention at ENEM exams is approximately 27%, with a previous record recorded in 2009, with a 37.7% abstention²⁴² .

<p>Epidemiological week 03, 17-23/01/21 Accumulated Covid-19 Cases - 8,816.254 Accumulated Covid-19 deaths - 216,445</p>

²⁴⁰ “Bolsonaro calls Dória a 'little brat'”, Brasil Urgente. Available at: <https://youtu.be/IPvKinvRO8s>.

²⁴¹ “Enem test rooms are 80% full, and Defender's Office says that Inep lied about safety,” Folha de S. Paulo. Available at: <https://www1.folha.uol.com.br/educacao/2021/01/salas-de-prova-do-enem-tem-80-de-ocupacao-e-defensoria-diz-que-inep-mentiu-sobre-seguranca.shtml>.

²⁴² “Second day of Enem has 55.3% abstention”, Agência Brasil. Available at: <https://agenciabrasil.ebc.com.br/educacao/noticia/2021-01/segundo-dia-de-enem-tem-abstencao-de-55%2C3>.

17/01/21 Propaganda

170. In an interview with Jovem Pan radio²⁴³, the President comments: “The virus is still largely an unknown issue to us. I would like to be actively participating in this issue, but last April I was simply prohibited by the Federal Supreme Court from participating in actions that became exclusively incumbent on governors and mayors. The case of Manaus. Last week the temperature rose in Manaus and problems started to appear, I talked to Minister Pazuello and on Monday morning he went to Manaus and stayed there for 3 days, not only did he take note of the chaotic situation that occurred in the capital, but he also took measures in that regard, despite the fact that I am prohibited from taking many measures for tackling coronavirus. We’ve sent [oxygen] cylinders there, which have already arrived there, taken by the air force to a field hospital. He immediately adopted the early treatment for Covid, which is hydroxychloroquine, which is ivermectin, which is nitazoxanide, azithromycin, among other things. (...) The policy preached back then – stay at home and we’ll think about the economy later – has knocked on our door. Now if they keep staying at home again, there’s going to be chaos in Brazil, then we don’t know.... we know there are no dogs or cats in Venezuela, people have eaten everything. Here we will go into chaos and we don’t want chaos because chaos is the path to socialism. (...) I do not intend to get a vaccine unless it is scientifically proven. (...) This lockdown, isolation, causes many more deaths due to depression, suicide, lack of jobs afterwards than the pandemic itself. (...) The hydroxychloroquine issue has no side effects (...) I am convinced, I’m really guided by doctors to talk about this and it has worked in many cities in Brazil, even in other countries it has been working. (...) Look, what’s happening in Manaus? Pazuello, our minister of health, arrived there and he quickly intervened and ordered early treatment. (...) There is a difference between hydroxychloroquine, which is scientifically proven, and this vaccine that has never been given to anyone. We don’t know its side effects. Hydroxychloroquine doesn’t have it, not even arrhythmia. (...) Even though I’m being harshly criticised, I keep on talking about ivermectin, about hydroxychloroquine for tackling Covid-19”.

²⁴³ “Interview with the 'Pingos nos is' program”, Jovem Pan. Available at <https://www.youtube.com/watch?v=JSmTzQearO8>.

18/01/21 Government Acts

171. In a note, STF's Secretariat for Social Communication "clarifies that the claims being posted on social media that the Court has prohibited the federal government from acting in the fight against the Covid-19 pandemic is not true. In fact, the Plenary decided, at the beginning of the pandemic in 2020, that the Federal Government, the States, the Federal District and municipalities have concurrent jurisdiction in the public health area to carry out actions to mitigate the impacts of the novel coronavirus. Such understanding was reaffirmed by STF justices on several occasions. That is, according to the decisions, it is incumbent upon all entities of the federation to adopt measures for the benefit of the Brazilian population with regard to the pandemic"²⁴⁴.

21/01/21 Propaganda

172. In his weekly live²⁴⁵, the President says: "With China we don't have any problems." After that, he comments: "Label me as that? [genocidal] I present an alternative. Ah, there is no scientific proof... It doesn't. I've always said that. But it has no side effects either... and many, tens of thousands of doctors give guidance in this direction".

22/01/21 Government Acts

173. Attorneys from the Republic of Amazonas, Pernambuco, Rio de Janeiro, Rio Grande do Sul, São Paulo and Sergipe sent official letter to the CFM²⁴⁶ requesting information regarding the municipality's current position on early Covid-19 treatment. The focus of the request is the off-label use of medicines, that is, the use without recognition of their efficacy by ANVISA, questioning whether the Council has revised the guidelines of the Ministry of Health and its own documents, issued during the early stages of the pandemic, based on new evidence, guidance from medical societies and indications from international health authorities. They also question the CFM regarding the use and

²⁴⁴ Available at: <http://portal.stf.jus.br/noticias/verNoticiaDetalhe.asp?idConteudo=458810&ori=1>.

²⁴⁵ "Weekly Live - President Jair Bolsonaro - 21/01/2021". Available at: <https://www.youtube.com/watch?v=Bu8xZYWWo7o>.

²⁴⁶ Available at: <http://www.mpf.mp.br/sp/sala-de-imprensa/docs/oficio-conselho-federal-de-medicina>.

disclosure, by the public administration, of these drugs, without having established a Clinical Protocol and Therapeutic Guidelines or guaranteeing the patient additional tests to check for any adverse effects. Based on the Code of Medical Ethics, the questioning also extends to any doctors who disclose or support these substances on social media. Regarding such program, the MPF also sent an official letter to the Ministry of Health²⁴⁷ about the TrateCov app (please see §160), also asking the CFM questions about it.

Epidemiological week 04, 24/01-30/01/21
Accumulated Covid-19 Cases - 9,176,975
Accumulated Covid-19 deaths - 223,945

26/01/21 Government Acts

174. The Association of Judges for Democracy filed a Formal Complaint to PGR against the President of the Republic²⁴⁸ and his conduct “against the WHO’s recommendation for countries to adopt 'an integral and combined strategy to prevent infections, save lives and minimize the impact' of the crisis”, having such a stance reached its most serious consequences, until then, in January 2021 in the State of Amazonas. It then requests that a Complaint be filed so that the President can be prosecuted for the following crimes typified in the Penal Code: Art. 132 - Expose the life or health of others to direct and imminent danger (...); Art. 257 - Take, conceal or render useless, in the event of fire, flood, shipwreck, or other disaster or catastrophe, any device, material or any means intended for service related to tackling danger, to aid or rescue; or prevent or hinder a service of such a nature (...); Art. 268 - Violate a determination from the public authorities, aimed at preventing the introduction or spread of a contagious disease.

27/01/21 Propaganda

175. “Fate wanted that a pandemic, which could have been manufactured, hit us in the

²⁴⁷ Available at: <http://www.mpf.mp.br/sp/sala-de-imprensa/docs/oficio-ministerio-da-saude>.

²⁴⁸ Available at: <https://www.conjur.com.br/dl/associacao-juizes-pgr-denuncie-jair.pdf>.

beginning of last year”, says the President at luncheon organized by a group of country singers²⁴⁹ .

28/01/21 Propaganda

176. In his weekly live²⁵⁰, the President states: “Sooner or later it will be really proven that ivermectin, hydroxychloroquine, azithromycin, vitamin C, vitamin D really do not allow the increase the viral load and heals Covid-19 (...) 140,000 people could have been treated and not died for political reasons of the Funeral Network and by some authorities here in Brazil. (...) We have to get back to work”.

29/01/21 Government Acts

177. Four former prosecutors, a retired judge and a retired deputy attorney-general filed a formal complaint to the Federal Attorney-General Office (PGR) against the President of the Republic²⁵¹ . The signatories accuse the president of crimes related to the pandemic, such as: danger to life or health; violation of preventive health measure; misuse of public funds or income; malfeasance in office; and epidemic. According to the signatories, “The purpose of the epidemic crime, because it is aimed at safeguarding public health, is precisely to rid the population of behaviours that increase the possibility of spreading pathogenic germs.” In the document, the authors recall the President's conduct, which downplayed the effects of the pandemic, encouraged face-to-face activities and the use of medicines that have no scientific evidence. To the signatories, the President has always known the consequences of his behaviour, but he decided to take the risk. “The case is one of wilful misconduct (*dolus eventualis*), rather than negligence. (...) Just in the same way that someone who aggravates an existing injury is liable for bodily injury, a president who intensifies an existing epidemic is

²⁴⁹ “Bolsonaro says pandemic could be manufactured and disdains impeachment requests”, UOL. Available at: <https://economia.uol.com.br/noticias/reuters/2021/01/27/bolsonaro-diz-que-pandemia-pode-ser-fabricada-e-desdenha-de-pedidos-de-impeachment.htm>.

²⁵⁰ “President Jair Bolsonaro - Weekly Live (28/01/2021)”. Available at: <https://fb.watch/5VTYc9DTB9/>.

²⁵¹ Available at: https://www.migalhas.com.br/arquivos/2021/1/d79fbd671e26a1_representacao.pdf.

liable for such crime”²⁵². On 01/02/21, the former Attorneys were notified that the Formal Complaint had been shelved on a preliminary basis (*arquivamento sumário*). When they complained about the fact, the PGR answered in a statement: “Due to a failure by the person responsible for filing the formal complaint, who may have pressed the button more than once, or the system itself, the document arrived at the agency twice, and only the one filed repeatedly has been shelved, as informed to the plaintiffs of the formal complaint. This is a standard procedure”, assuring that the formal complaint would be progressing normally²⁵³. On 12/02/21 the Formal Complaint was shelved by the PGR, in view of the “material impossibility of imputing the novel coronavirus outbreak to a person”, as “since the dissemination of Covid-19 results from a diffuse transmission and, in some cases, already maintained, a reconstruction of its transmission chain ends up being, in practice, unfeasible. (...) In order for the application of the aforementioned crime to be enforced within the current epidemiological context, it would be necessary to admit the possibility of finding and punishing the person who gave rise to the pandemic, which is something that cannot obviously be contemplated”²⁵⁴.

29/01/21 Propaganda

178. The government leader in the Chamber, Deputy Ricardo Barros says in interview with Rádio Banda B: “I believe General Pazuello does an excellent job, as he fulfills what President Bolsonaro determines in terms of the line of conduct in the fight against Covid. (...) I believe so, people should get the vaccine. It is a necessary, adequate prevention. Now, as for me, I’ve already had Covid, I already have antibodies, me and other 10 million Brazilians. I think we don't need to get the vaccine to produce antibodies that we already have, but if the doctors tell me to get it, I will get it (...) Yes, I'm not in a

²⁵² “Former prosecutors action PGR against Bolsonaro for pandemic-related crimes”, Migalhas. Available at: <https://www.migalhas.com.br/quentes/339651/ex-procuradores-acionam-pgr-contra-bolsonaro-por-crimes-na-pandemia>.

²⁵³ “PGR informs that it did not shelve formal complaint against Jair Bolsonaro”, Conjur. Available at: <https://www.conjur.com.br/2021-fev-02/pgr-informa-nao-arquivou-representacao-jair-bolsonaro>.

²⁵⁴ “PGR shelve formal complaint by former prosecutors against Bolsonaro on Covid”, Column by Rubens Valente, UOL. Available at: <https://noticias.uol.com.br/columnas/rubens-valente/2021/02/12/pgr-denuncia-ex-procuradores-bolsonaro-pandemia.htm>.

priority group because I've had Covid and I've got the antibodies. There are a lot of people in front of me who need to be vaccinated. And if there is a mutation, we need to check if current vaccines are going to be effective against them. I think there's a lot of guesswork in this process, and we don't need to go into that. This is not the time to decide on this topic. We need to sort out the priorities, especially in relation to the elderly, because they're the ones who die from Covid the most, so they need immunization. And then we will move forward (...) Reopening the schools is already a great step forward in the fight against Covid, because children and young people will be infected, will be asymptomatic, and will create herd immunity because they will have antibodies and will help to block the spread of the virus”²⁵⁵ .

²⁵⁵ “Barros defends reopening of schools for 'herd immunity', he says he doesn't intend to get vaccinated or become a minister again”, Banda B. Available at: <https://www.bandab.com.br/politica/barros-defende-volta-as-aulas-por-imunidade-de-rebanho-diz-que-nao-pretende-se-vacinar-e-nem-ser-ministro-de-novo/>.

FEBRUARY 2021

04/02/2021 Propaganda

179. “Let's not cower, let's not hide, we need to increasingly show up at times like the pandemic's. We are sorry for every single death (by coronavirus). It's a pandemic that's here to stay, it's no use complaining. Let's fight, win and invest in our vaccine. Without pressure from anyone, the vaccine will be purchased”, says the President at a Ministry of Citizenship event at the National Academy of Federal Highway Police (PRF), in Florianópolis (SC)²⁵⁶.
180. The President says during speech at an official ceremony: “Brazil cannot stop. We cannot forget the pandemic, which still exists. Although some of the numbers are unreliable. And one thing, there is a biblical passage that says well, you cannot be weak at times of anguish as that will show you have no personality, we must face the problems, they exist and we are only passengers here on Earth. We will all be gone one day, obviously, we are sorry for the deaths. Like my mother who is 93 years old, she is an old lady that we know that sooner or later, will leave us. I'm sure I'll cry that day, like any of you when you lose a father, a mother, a relative or a friend, but it's a reality. We cannot stop Brazil for this. Some already say that the cause, the effects from fighting the pandemic, can kill more people than the virus itself. We all have responsibilities, it's not easy for me, for the governor or the mayor to make certain decisions, but we have to. What I always say, I'm seeing some military here, from the most varied forces, and we know, that indecision is worse than a bad decision. (...) I used to be an athlete, I was discovered in 1969 and I fell in love with the sport. I was part of the Military Pentathlon team of the Armed Forces. I went on to be a skydiver, which requires a low IQ and a lot of muscles, to be a skydiver, and I went there. I also have taken the Special Operations courses of the Military Police, the Federal Highway Police, the PF, among others. And definitely, thanks to that, I've gained two more lives. The stabbing, given by guy who

²⁵⁶ “In SC, Bolsonaro defends again vaccine manufactured in Brazil and celebrates the victory of allies in Congress”, NSC Total. Available at: <https://www.nsc total.com.br/noticias/bolsonaro-em-sc-visita-florianopolis-entrega-de-carros>.

was affiliated with the PSOL party and then when the virus hit me. I've never said it was a little flu. I said that, for me, it would be a little flu. So much so that they show either the audio or video, of me generalizing the pandemic. Whoever said that is either uninformed or ill-intentioned. Unfortunately, we have a lot of that in Brazil"²⁵⁷ .

181. In a live session with the presence of Antônio Barra Torres, ANVISA CEO²⁵⁸, the President says: “Obviously, life comes first, but let's not forget employment. Employment is important. Every time a job is destroyed, it is very difficult to return to that situation. And some say, it's not me, right, as everything I say here is subject to thorough scrutinisation by the media which, instead of collaborating, wants to destroy; they say that, according to the remedy of “stay at home, we will think about the economy later”, more people will die of hunger, poverty, malnutrition, suicide, and other causes... than the virus itself. (...) The early treatment issue, which is still highly politicized in Brazil. We have out there, something, some drugs that are used for something else, which many doctors have been using as early treatment. And the question I ask, right: if it doesn't harm, why not take it? Now the vaccine is something new, so much so that it is experimental”. Barra Torres observes: “at this stage, these two protocols, for emergency use at this time, will tend to be widely used when requested.” The President continues: “There will come a day when it will be said: this vaccine is 100% reliable like so many others out there, but at the moment it is an emergency. There is no specific scientifically proven medication for, an individual who has been found to have the virus, who has Covid, to have treatment, and there are many people who have been treating themselves with another type of medication. And to conclude it, Barra, I would like you to talk a little bit now, about the early treatment issue, the *off-label* treatment. Does the doctor have this right? If it doesn't harm, if the doctor told you that the package insert does not include such harm, it does not cause arrhythmia, why not take it? I've taken it. What if

²⁵⁷ “Speech by the President of the Republic, Jair Bolsonaro, at the Ceremony related to the Inauguration of the National Athletics Training Centre - CNTA- Cascavel/PR”, Planalto. Available at: <https://www.gov.br/planalto/pt-br/acompanhe-o-planalto/discursos/2021/discurso-do-presidente-da-republica-jair-bolsonaro-na-cerimonia-alusiva-a-inauguracao-do-centro-nacional-de-treinamento-de-atletismo-cnta-cascavel-pr#:~:text=E%20uma%20coisa%2C%20tem%20uma,obviamente%2C%20n%C3%B3s%20lamentamos%20as%20mortes.>

²⁵⁸ "Weekly Live - President Jair Bolsonaro - 04/02/2021". Available at: <https://www.youtube.com/watch?v=zW7ihlX7a24>.



later, the same fact happens again, a concrete fact during the war of the Pacific when they injected coconut water in the soldier who was dying of...” Barra Torres then says: “blood injury, dehydration, bleeding”. The President goes on: “It worked, if we hadn't done that, how many would have died? Same thing later on. There are already studies, I'm not going to talk here to avoid any blah-blah-blah, right, the time will come when they will talk about whether it is effective or not, and what if they say it is effective, as seen in some studies, which talk about a 70% cure? We have just over 200,000 dead, 140,000 people could have been saved. How are these people going to react? And I repeat, if it doesn't harm, why not take it? The doctor is saying that it is not specific for that, and he has evidence through observation, that it is working, why not take it? Why keep criticizing? Or do you have to go home, wait to become short of breath, as the Globo billboard boy there, Mr. Mandetta, used to say, only to go back to hospital? Why go back to hospital if there is no medication. To be intubated? I do not know what is the percentage of deaths for people under intubation conditions, but there is a high percentage of intubated who to die. Why take this risk? I'm not a doctor, far from it, quite the opposite. My activity is different, I am a member of the Army, but why not take it? In my building, more than 200 people caught Covid. I don't know if the majority, the minority... but I talked about this treatment there and nobody even went to the hospital. Why take this risk? Some take the piss, “Captain Chloroquine”... Stop being an asshole. We are living in a moment of crisis. It's life at stake. So why not do that? I would be remiss if I didn't talk about it now. It may be that later they will say: the chance is zero, it was a placebo. Alright, we deal with that, I'm sorry, bye, **at least I didn't kill anyone**. Now, if it proves to be effective, you - who criticized it - part of the press will be at least morally responsible. And then will they continue calling me genocidal, like some of them do, as I was called by half a dozen PSOL parliamentarians, who even brought a lawsuit in court so that the mayor of Porto Alegre would not use hydroxychloroquine? Look at PSOL, that party is a joke. But it's alright”.

Epidemiological week 6, 07-13/02/21

Accumulated Covid-19 Cases - 9,809,754

Accumulated Covid-19 deaths - 238,532

182. In his weekly live²⁵⁹, the President recommends: **“The use of hydroxychloroquine as an aerosol, the information that arrived to us, it lacks further proof on our part, but reports are that in a few hours, a person who receives hydroxychloroquine inhalation would feel relieved and move on towards a cure.** Of course it's just one person, one piece of information, but it's a sign that there are people who are really worried about it, doctors who have courage, it's not just “stay at home”, when you can't breathe come back here and we will intubate you”. He also addresses other topics: “USP's research: Brazil leads cases of depression during quarantine (...) it's the side effect of staying home. It's that feeling of fear that was put in people's minds. You will die. Do not leave home. You will die. You can't treat something serious like Covid that way, how long are you going to stay at home? (...) Soon we will have, I don't want to talk here because it is unofficial, a survey with the number of suicides in Brazil because of this stay at home policy. Used, to be redundant, politically”. About Israel, he comments: “A medicine to cure Covid is being developed there”. About the vaccine: “A guy who gets excited about the vaccine is a useful idiot, because for someone who's infected just a vaccine won't work (...) Those who are infected have to go for early treatment, seek a doctor (...) vaccines are in the same situation as this medicine, they do not have a certificate”.

Epidemiological week 08, 21-27/02/21
Accumulated Covid-19 Cases - 10,517,232
Accumulated Covid-19 deaths - 254,221

²⁵⁹ "Thursday Live - 11/02/2021". Available at: https://www.facebook.com/watch/live/?v=911396412928913&ref=watch_permalink.

25/02/21 Propaganda

183. In his Weekly Live²⁶⁰, the President says: “Guys, **studies have started to come up here, I won't go into detail, but initially, a German university says that they [masks] are harmful to children, they take into account several items here, such as irritability, headache, difficulty concentrating, decreased perception of happiness, reluctance to go to school or kindergarten, malaise, impaired learning ability, drowsiness, fatigue...** So, the side effects of masks start to appear here. I won't go into detail, because everything ends up in criticism against me, right, and I have my opinion about masks, everyone has their own opinion, but we wait for a more in-depth study about this by qualified people. (...) Now, the population wants to go back to work, unfortunately a few governors, a few mayors insist on issuing decrees forcing these people to stay at home. **Anyone who wants emergency aid (and their city is closed), must demand that the mayor provide emergency aid. They should demand it from their respective governor,** since he wants you to stay at home forever, and he wants to send us a bill for us to pay. I would be happy to pay everyone a salary, and for everyone to be at home without working, right. But that doesn't exist. And if this policy takes too long, there will be harmful consequences for the economy as a whole. And what we want: a return to normality”.

Epidemiological week 09, 28/02-06/03/21
Accumulated Covid-19 Cases - 10,938,836
Accumulated Covid-19 deaths - 264,325

²⁶⁰ "Thursday Live - 25/02/2021". Available at: <https://www.youtube.com/watch?v=sA1AJ1NuDP4>.

28/02/2021 Propaganda

184. The President states, in his weekly live²⁶¹: “Look at you, mayor, governor, arresting people on the beach, we increasingly see that this policy is not working, it's working to destroy jobs, look at the problem here in São Paulo and Belo Horizonte, with a new decree by head of the executive branch, São Paulo, for instance, is not opening anything after 8 p.m. and on Saturdays and Sundays, look, this will only lead to unemployment. (...) And the stay-at-home people are responsible for suicide deaths, and where do most cases of infection happen? In the homes. (...) The National Council of Medicine encourages Covid medication with that old ‘not in the package insert’ cliché, it neither supports nor disapproves it, but it clearly says that front line doctors must be respected.... In my observations here **I want to prescribe you** the medicine that is used for tackling malaria, not for Covid, but we have observed here that hydroxychloroquine reduces the viral load, the side effects are these, there is no arrhythmia. (...) The information we have is that sooner or later hydroxychloroquine, ivermectin do not actually increase the viral load and cure Covid-19. And when it is proven, you will see, knowing that out of the 200 thousand, 140 could have been treated and not died”.

²⁶¹ “President Jair Bolsonaro - Weekly Live (28/01/2021)”. Available at: <https://www.youtube.com/watch?v=SNLP3GJD-mc>.

MARCH 2021

01/03/21 Government Acts

185. The transfer of federal funds to the states was the subject of a public statement signed by 19 governors²⁶². The statements challenges the data released on social media by the President of the Republic²⁶³ and other authorities. The posts would have been prepared by SECOM, and were shared by the President, his sons Carlos and Eduardo, and by the Minister of Communications, Fábio Faria²⁶⁴. The governors “express concern regarding the use, by the Federal Government, of official communication instruments, funded by public money, in order to produce distorted information, generate misinterpretations and attack local governments. Amid a pandemic of perhaps unprecedented proportions in history, aggravated by a scathing economic and social crisis, the federal government seems to prioritise the creation of confrontation, the construction of Manichean images and the weakening of federal cooperation crucial to the interests of the population. (...) According to the Brazilian federative model, a good part of federal taxes (such as the Income Tax paid by citizens and companies) belongs to the States and Municipalities, in the same way that a good part of the state taxes (such as ICMS and IPVA) belongs to the Municipalities. In none of those cases the tax distribution is done as favour from the holders of the positions of head of the respective Executive Branch, but instead it is done according to an express constitutional command. In this sense, the post published today on the social media of the Federal Government and of the President of the Republic mostly accounts for amounts belonging, due to a constitutional obligation, to the States and Municipalities, such as those relating to FPE, FPM, FUNDEB, SUS, royalties, while treating them as a concession policy of the current Federal Government. A similar absurd

²⁶² They are Renan Filho (Alagoas), Waldez Góes (Amapá), Rui Costa (Bahia), Camilo Santana (Ceará), Renato Casagrande (Espírito Santo), Ronaldo Caiado (Goiás), Flávio Dino (Maranhão), Mauro Mendes (Mato Grosso), Helder Barbalho (Pará), João Azevêdo (Paraíba), Ratinho Junior (Paraná), Paulo Câmara (Pernambuco), Wellington Dias (Piauí), Cláudio Castro (Rio de Janeiro), Fátima Bezerra (Rio Grande do Norte), Eduardo Leite (Rio Grande do Sul), João Doria (São Paulo), Belivaldo Chagas (Sergipe) and Mauro Carlesse (Tocantins).

²⁶³ Available at: <https://www.facebook.com/jairmessias.bolsonaro/posts/2308941839254789>.

²⁶⁴ “Governors React to Bolsonaro Attacks due to Covid-19 Crisis,” Reuters. Available at: <https://www.reuters.com/article/saude-covid-bolsonaro-estados-idLTAKCN2AT2TJ>.

situation would be if each Governor published ICMS and IPVA figures belonging to each city, and treated them as an investment of funds in the Municipalities based on an individual decision. They also mention the amounts transferred to Brazilians as emergency aid, an initiative by the National Congress, which was crucial in order to prevent the hunger of millions of people. Suspensions of federal debt payments due to settlements and court rulings long before Covid-19, and not related to the pandemic, are also listed there. (...) To adopt the President of the Republic's behaviour pattern, it would be the duty of the states to clarify to the population that the total federal taxes paid by citizens and companies in all states, in 2020, amounted to R\$ 1.479 trillion. If the total amounts, as posted today, add up to R\$ 837.4 billion, the question is: where did the other R\$ 642 billion that citizens of each city and each Brazilian state paid to the Federal Government in 2020 have gone? But the answer to that last question is not what is needed. It is rather the understanding that misinformation and the promotion of conflict among governors will not fight the pandemic at all, and will definitely not allow a path of progress for the country. The containment of agglomerations - preserving, as much as possible, economic activity, respect for science and agility in vaccination - compose the menu that should be practiced in a coordinated manner by the Federal Government, as it promotes the protection of life, the first universal right of every human being".²⁶⁵

²⁶⁵ "Governors challenge Bolsonaro's data on transfers and point out distortion", UOL. Available at: <https://noticias.uol.com.br/saude/ultimas-noticias/redacao/2021/03/01/governadores-contestam-bolsonaro-por-dados-sobre-repasse.htm>.

01/03/21 Government Acts

186. Initiating a series of similar decisions, Justice Rosa Weber, of the STF, determined the Federal Government²⁶⁶ to immediately analyse requests for authorization of new ICU beds made by the states of Maranhão, São Paulo and Bahia, together with the Ministry of Health, to tackle Covid-19; to restore in those states, immediately and proportionally to other federative units, ICU beds intended for treatment of Covid-19, if funded by the Ministry of Health until December 2020, but which had beds reduced in January and February 2021; and provide technical and financial support for the expansion of the ICU network in the requesting states, in proportion to other federative units, in case of evolution of the pandemic²⁶⁷. On 04/03/21, Weber determined the Federal Government to immediately re-establish the ICU beds for the treatment of Covid-19 in Piauí²⁶⁸ funded by the Ministry of Health until December 2020, reduced in January and February 2021. On 11/03/21, the Justice determined that the Federal Government immediately re-establish the number of ICU beds for Covid-19 treatment in Rio Grande do Sul²⁶⁹. In her decisions, Weber argued that the Federal Constitution does not allow unjustified setbacks related to the social right to health and that, especially in times of a health emergency, any conduct of public officials that contradict scientific evidence for the preservation of life should not be classified as legitimate administrative acts, “not being even acceptable”, and requiring the federal government to take actions supported by technical and scientific criteria, as “It is neither logical nor coherent, or scientifically defensible, to reduce the number of ICU beds at a challenging pandemic times, precisely when a significant increase in deaths and hospital admissions is observed”²⁷⁰.

²⁶⁶ Within the scope of ACOs 3473 (MA), 3474 (SP) and 3475 (BA).

²⁶⁷ "Justice determines immediate restoration of ICU beds for Covid-19 treatment in MA, SP and BA", STF. Available at: <http://portal.stf.jus.br/noticias/verNoticiaDetalhe.asp?idConteudo=461341&ori=1>.

²⁶⁸ ACO 3478 (PI).

²⁶⁹ ACO 3483 (RS).

²⁷⁰ "Justice determines that the Federal Government restore funding of ICU beds for Covid-19 in RS", STF. Available at: <https://portal.stf.jus.br/noticias/verNoticiaDetalhe.asp?idConteudo=462143&ori=1>.

01/03/21 Propaganda

187. “Sorry there, I won't talk about me. But **I haven't got anything wrong since March last year. I got it really right last year and you don't have to be smart to understand that. One must have the bare minimum of character.** Now, only those who are bad people play in the opposite direction. Everything I say... The spray thing. When it arrives in Brazil, and everything is on its way so it should arrive, they will also demonize the spray. You can be sure of that”, says the President²⁷¹.

02/03/21 Government Acts

188. Physician and Professor Bruno Caramelli filed a formal complaint at the MPF requesting an investigation into CFM's omission in relation to the alleged “early treatment” for Covid-19, such as the prescription of drugs chloroquine, hydroxychloroquine and ivermectin. According to the formal complaint, the CFM did not take action against the dissemination of the false idea about the existence of effective early treatment, having colluded with the spread of misleading practices and misinformation, generating a false sense of safety that allowed the population to abandon practices of proven effectiveness, such as the use of masks and social isolation, contributing to the spread of Covid-19. According to the plaintiff of the Formal Complaint, “time and knowledge have shown us that such early treatment has no proof of effectiveness and that it can be harmful. More importantly, it can represent a shift in focus, relaxation of effective protective measures such as social distancing and vaccination. Perhaps for this reason, Brazil is the only country in the world in which the government and some medical insurance companies still recommend (and provide) such treatment, with unnecessary expenses, as an alternative to its inability to manage shortages of oxygen as occurred in Manaus or to offer vaccination at an adequate pace and rate”²⁷².

²⁷¹ “Bolsonaro on acting in the midst of a pandemic: I haven't made a mistake since March”, Correio Braziliense. Available at: <https://www.correiobraziliense.com.br/politica/2021/03/4909431-bolsonaro-sobre-atuacao-em-meio-a-pandemia-nao-errei-nenhuma-desde-marco.html>.

²⁷² “Doctor wants MPF to investigate CFM's omission against Covid's early treatment”, Jota. Available at: <https://www.jota.info/tributos-e-empresas/saude/mpf-cfm-tratamento-precoce-covid-03032021>.

Epidemiological week 09, 28/02-06/03/21

Accumulated Covid-19 Cases - 10,938,836

Accumulated Covid-19 deaths - 264,325

04/03/21 Propaganda

189. In a ceremony held in Goiás, the President declares: “The side effect of Covid's wrong treatment, which I've been talking about for a year, is much more harmful than the virus itself”²⁷³. During a speech broadcast by TV Brasil, the president stated: “Enough of fussiness and whining. For how long will you be crying? We have to face the problems, obviously respecting the elderly, those who have diseases, comorbidities. But where will Brazil end up if we stop?”²⁷⁴. According to the same source, that same day, without a mask and surrounded by supporters, he said: “There are idiots we see on social media, in the press, (saying) 'go buy vaccines'. Only if it's at your mother's house. There is no (vaccine) being sold in the world”.

190. In his weekly live²⁷⁵, the President comments: “I have always said. Once certified by ANVISA, we will buy that vaccine. It doesn't matter which country is the manufacturer. (...) A renowned European investigative newspaper indicates a lockdown policy does not benefit the population. It says that defending closure is challenging science. (...) The Federal Public Prosecutor Office of Goiás issues a statement supporting early treatment. What is early treatment? It's immediate treatment, some guy got sick, goes to a UBS, or seeks a doctor, and from that moment on, the doctor starts treating that person. There is a treatment called off-label treatment, and a doctor has the right, when dealing with a disease that no one knows much about, such as Covid, to seek an alternative treatment. Unlike Mr Mandetta, who ordered people to stay at home and when they felt short of breath, they would go to hospital to be intubated. (...) The Federal District Regional Council of Medicine is against a lockdown. (...) It's a simple matter: you stay at home,

²⁷³ “The people want to work”. Available at <https://www.youtube.com/watch?v=1AWrirTA2Sw>.

²⁷⁴ “In the worst moment of the pandemic, Bolsonaro criticizes 'whining' and says Brazilians must face the virus”, BBC. Available at <https://www.bbc.com/portuguese/brasil-56287135>.

²⁷⁵ “Weekly Live - President Jair Bolsonaro (04/03/2021)”. Available at <https://www.youtube.com/watch?v=aPjFX-cvN-I>.

stuck all the time, you don't know what that is like. What can happen? Depression. (...) Essential activity is every activity necessary for the head of a household to bring food home. (...) On the streets, people say: we want to work. The lockdown, confinement, stay-at-home policy is harmful as researches, reports and entities say. I'm not the one saying this, because I don't say anything anymore, otherwise they create a huge stir around me. And another thing, until when are we staying home? We know the seriousness of the virus, we are sorry for the deaths, but the side effect of shutting everything down is much more harmful than the virus itself. (...) We are going to sign an agreement [talking about Israel] to start deploying the third phase of the spray here in Brazil. It's still a test, the documentation will have to go through ANVISA”. About food prices, he says: “Oh, it's expensive here, I know it's expensive here, mostly because of the stay-at-home policy. With 'stay at home and we'll see about the economy later', we are having problems. An inflation increase problem. (...) We have to move on with life. Impoverishment leads to death, too. (...) This almost savage policy of shutting everything down again is not going to work. We know that the virus kills, we are sorry for the deaths, let's take care of people”.

06/03/21 Government Acts

191. According to the President²⁷⁶, a federal government delegation went to Israel to discuss the drug known as “EXO-CD24 spray”, which could help in the treatment of the novel coronavirus: [emphasis added] “everything has been arranged, but it doesn't mean that it's going to happen” [referring to the possibility of phase 3 of the study being carried out in Brazil] (...) All deals, agreements, memos have been made. (...) Since it is something to be used in those who are hospitalized, in the ICU, I think there is no problem whatsoever putting the spray in the guy's nose. What is this spray? I don't know. But what happens? For ten years, this product was being investigated, it was being studied in Israel for another type of virus. And they used it in 30, and worked for 29. The last one took a little longer, but it also worked. **It seems to be a miraculous product, it**

²⁷⁶ “Bolsonaro says he will send a team to Israel to discuss nasal spray against Covid-19”, Jovem Pan. Available at: <https://jovempan.com.br/noticias/brasil/bolsonaro-diz-que-enviara-equipe-a-israel-para-tratar-de-spray-nasal-contra-a-Covid-19.html>.

seems. We're going after it.” Composed of the then Minister of Foreign Affairs, Ernesto Araújo; by the President's son, Deputy Eduardo Bolsonaro; by Fábio Wajngarten, then Secretary of Communication; and 7 other people, the Brazilian mission evidenced the contrast between the stances of the Brazilian and Israeli governments in relation to the pandemic: during an official event, the speaker who announced the names of those present asked the then Chancellor to put on a protective mask; the team was confined in the hotel and was only able to leave for previously scheduled occasions²⁷⁷. At the request of PSOL, the government officially provided information about the mission²⁷⁸, based on which it is concluded that it did not result in an agreement on the nasal spray against Covid-19, nor in the sharing of technologies to fight the pandemic, and that the trip would have cost R\$ 88,245.07, excluding the cost of air travel by FAB.

<p>Epidemiological week 10, 07-13/3/21 Accumulated Covid-19 Cases - 11,439,558 Accumulated Covid-19 deaths - 277,102</p>

10/03/21 Government Acts

192. In an interview with Folha de S. Paulo²⁷⁹, the Vice President of the Republic, General Hamilton Mourão, when asked: “Does the movement of governors jointly with the Judiciary and Legislative branches in defence of restrictive measures not demonstrate that the Executive branch is alone in the fight against the pandemic?”, answers [emphasis added]: “I interpret such movement as a political movement. **This pandemic has been used politically both by our side and by the opposition. That was even bad. This political use of the pandemic is terrible.** So, we have to do what's right because it's

²⁷⁷ “Brazil does not close deal on nasal spray that motivated a trip to Israel”, Poder 360. Available at: <https://www.poder360.com.br/governo/brasil-nao-fecha-acordo-do-spray-nasal-que-motivou-viagem-a-israel/>.

²⁷⁸ Minister of State for Foreign Affairs, Official Letter 43 G/SG/AFEPA/SOMEA/SCAEC/PARL, Brasília, 05/07/21. Available at: <https://static.poder360.com.br/2021/05/resposta-governo-comitativa-israel-14mai2021.pdf>.

²⁷⁹ “The people are sovereign, if you want Lula's return, nothing can be done. I find it difficult”, says Mourão”, Folha de S. Paulo. Available at: <https://www1.folha.uol.com.br/poder/2021/03/o-povo-e-soberano-se-quiser-a-volta-de-lula-paciencia-acho-dificil-diz-mourao.shtml>.

right. Not because I will have political gains later on. So, [this dispute] is very much centred in the dichotomy between the president and the governor of São Paulo [João Doria]”.

193. A National Pact in Defence of Life and Health is proposed by the National Forum of Governors, and signed by 21 of them. In a dialogue with the presidents of the Senate and the Chamber, the signatories propose a “broad agreement between the three Branches and the three spheres of the Federation, aiming at strengthening the fight against the coronavirus pandemic. We reaffirm this proposition, which has become even more urgent due to the worsening of the health situation, with terrible loss of lives, in addition to economic and social damage. Coronavirus is today our nation's greatest adversary. We need to prevent the complete collapse of hospital systems across Brazil and improve the fight against the pandemic. Only this way will our homeland be able to find a path of growth and job creation. Therefore, the signatory governors reiterate this commitment to a Covenant that covers items such as: 1) Expansion of vaccination, with multiple suppliers, more acquisitions and the search for international solidarity, given the seriousness of the Brazilian crisis. We emphasize that all acquisitions must be distributed according to the legal framework of the National Immunization Plan; 2) Support of preventive measures, which are crucial to contain the virus. There are objective limits to the expansion of hospital beds, given the scarcity of supplies and human resources. This way, preventive measures protect families, save lives and ensure the viability of hospital systems. Measures such as the use of masks and discouraging agglomerations have been used successfully in the vast majority of countries, across all continents. 3) Support to states in terms of maintenance and expansion of the number of beds, whenever possible. Furthermore, there must be an integration of all hospital systems, in order to make the most of the existing availability, based on daily planning and analysis of scenarios in each federated unit. We believe that this Pact should be managed by a Management Committee, with the participation of the three Branches and all levels of the Federation, in addition to the assistance of a committee of experts. This is our respectful invitation to the Nation, believing that the Houses of the National Congress, as levels of representation for the entire society, could conduct this important Pact. We are united for

life and health”²⁸⁰.

10/03/21 Propaganda

194. At an official ceremony²⁸¹, the President speaks: “A team of ours, including members of the Ministry of Technology and the Ministry of Health, is returning from Israel today. We went there to look for partnerships to make vaccines and also an agreement, a signed memorandum of intent, so that we may seek a medication. After all, even those who are vaccinated could one day contract the virus. And the solution for the cure would obviously be a medicine. (...) in case of any minimum symptoms of COVID, such as loss of taste, cold and fever, look for a basic health unit. Doctors know that no medicine has scientific proof yet. But many doctors also claim that there are optional treatments. And that treatment has to be sought. (...) We cannot accept, or advise an infected person to go home and only return to hospital when they are short of breath. When you are feeling short of breath, that is already a serious symptom of the disease. Doctors know, they have learned, they have the right and the duty to medicate anyone who comes to them with a disease that is not yet fully known. Many have been saved in Brazil with such immediate care. (...) In this building, more than 200 people contracted COVID, and almost everyone, as far as I know, including myself, have sought this immediate treatment. With a basket of products such as ivermectin, hydroxychloroquine, nitazoxanide, azithromycin, vitamin D, among others. And we were successful.”

11/03/21 Propaganda

195. In his weekly live, the President states²⁸²: “We're watching a lockdown wave again. (...) Along with unemployment, many other things come, depression comes. We have already started to see things published in the media: 'child abuse increases twelvefold in

²⁸⁰ Available at: <https://www.ma.gov.br/agenciadenoticias/wp-content/uploads/2021/03/Pacto-Nacional-em-Defesa-da-Vida-e-da-Sau%CC%81de.pdf>.

²⁸¹ “Sanction of Draft Law s that expand vaccine acquisition capacity”. Available at https://www.youtube.com/watch?v=G-h92uqq_zc.

²⁸² “Thursday Live -11/03/2021- President Jair Bolsonaro”. Available at: https://www.youtube.com/watch?v=CcFfO5rM_EI.

the pandemic'. In São Paulo, which is the city with the greatest closure. 'Family fights for custody after separation, physical aggression, sexual harassment and abandonment surge in the city'. So, unemployment is a terrible thing. (...) The direct side effect of the lockdown is unemployment. (...) They use the virus to oppress you, to humiliate you. To try to break the economy. I see some governors blaming me for unemployment. Whose is the “stay-at-home, close down everything” policy? It’s not mine. I understand that the virus kills. I understand that you have to do everything possible to prevent deaths. But unemployment leads to depression. It leads to violence, fights. It leads to death. It leads to chaos. That is what is happening in Brazil. (...) It has become a crime in Brazil to talk about off-label treatment or early immediate treatment. (...) Here it has become taboo, you can't talk about it (about the drugs). If you talk about it, you become a flat earther. They are dumb people calling me a flat earther. Start asking the people present who have had the virus what medicine they took. Almost all of them: chloroquine. (...) We are having cases of suicide all over Brazil due to the lockdown. (...) The side effect of the lockdown has been more damaging than the virus itself. (...) We cannot keep people indoors anymore. It's not a matter of patience, it's a matter of survival”.

13/03/21 Propaganda

196. During conversation with supporters²⁸³, the President says: “So people have to know what's at stake, what they may lose. And don't expect one person to solve your problems. This problem belongs to all of us. (...) The most sacred thing we have is our freedom, people don't give a damn. I have even mentioned the parable (boiled frog?). Part of the press misinterpreted when I said 'how easy it is to impose a dictatorship in Brazil'. That was the last year I said that during that session that leaked. Slowly, slowly, they take away people's means, take away their hope, take away their livelihood. You are forced to be supported by the state. Have you seen that now there are governors who are talking about emergency aid? And they want to do the actual family allowance (*bolsa família*). The more people are living thanks to the State, the more dominated those people become”.

²⁸³ "The more people are forced to live thanks to the State's favours, the more dominated this people becomes." Available at <https://www.youtube.com/watch?v=YidGbish6w4>.

197. The Minister of Tourism, Gilson Machado Neto, publishes on Twitter; “Governors and Mayors, please do the following: Black Phase, population without work, YOU ZERO YOUR SALARY TOO. Red phase, you receive 25%. Orange phase, 50%. Yellow phase, you receive 75%. Once it is normalized, they return to full payment”²⁸⁴ .

Epidemiological week 11, 14-20/03/21
 Accumulated Covid-19 Cases - 11,950,459
 Accumulated Covid-19 deaths - 292,752

15/03/21 Government Acts

198. The Vice President, General Hamilton Mourão, says in an interview with Canal MyNews²⁸⁵: “We should have had, from the beginning, a campaign on a federal level, since local measures belong to the administrators, that is undisputed, but a serious campaign to raise awareness among the population. It's not a question of lockdown or no lockdown, instead it is a question of people understanding that they have to protect themselves as much as possible. (...) We should have talked about that all the time, as well as about more basic issues like wearing masks, handwashing, using hand sanitisers. So I think this is our fault, here in the government”.

199. Ludhmila Hajjar announces that she has refused the invitation to become Minister of Health “mainly for technical reasons”, stating in an interview: “I'm a doctor, I'm a scientist, I'm a cardiology and intensive care unit specialist. All my expectations regarding the pandemic, what I've seen, what I've learned, is above any ideology, any expectation that is not based on science. (...) I think there was a lack of confluence of ideas, we failed to find converging lines. I think the president was very concerned that my administration would not please some groups and at the same time suffer many attacks from others”²⁸⁶ . On 14/03/21, the doctor would have attended a meeting with the

²⁸⁴ Available at: <https://twitter.com/gilsonmachadont/status/1370842403389706242?s=20>.

²⁸⁵ “‘It was our fault,’ says Mourão about the absence of awareness campaign during pandemic”, MyNews Channel. Available at: <https://canalmynews.com.br/politica/foi-uma-falha-nossa-diz-mourao-sobre-ausencia-de-campanha-de-conscientizacao-na-pandemia/>.

²⁸⁶ “Ludhmila Hajjar says she rejected Bolsonaro's invitation to Ministry of Health,” Infomoney. Available at:

President in the presence of then Minister Pazuello and the President's son, federal deputy Eduardo Bolsonaro. Hajjar's possible appointment sparked intense attacks from digital 'militias', including death threats and the disclosure of her mobile phone number on social media²⁸⁷. According to Poder 360 website, the President would have told the doctor: "You're not going to determine a lockdown in the Northeast to fuck me up and then I would lose the elections, right?". She would have replied that the more restrictive distancing measures should be taken in extreme situations, in places where the number of sick people and deaths required that.²⁸⁸ According to the same source, Hajjar would have been thoroughly questioned by the President and his son about issues such as abortion and use of weapons. On the same day, it was announced that Marcelo Queiroga would be the new Minister of Health. According to the President, "He has everything, in my opinion, to do a good job, continuing everything that Pazuello has done to date"²⁸⁹.

16/03/21 Government Acts

200. In a statement, the IACHR and its Special Rapporteurship on Economic, Social, Cultural and Environmental Rights expressed concerns about the serious public health situation regarding COVID-19 in Brazil. They urged the government to brace the measures it has implemented to protect the rights to life, physical integrity, and health of affected individuals, by adopting broader public health measures, provide adequate medical supplies, materials, and services to ensure appropriate care for anyone requiring treatment, and protect the labour rights and the biosecurity of healthcare workers. They also **called for the adoption of urgent, decisive measures to prevent the spread of the virus and contain the pandemic, based on the best available scientific evidence**

<https://www.infomoney.com.br/economia/ludhmila-hajjar-diz-que-rejeitou-convite-de-bolsonaro-para-ministerio-da-saude/>.

²⁸⁷ "Attacks against Ludhmila Hajjar expose modus operandi of 'bolsonarist' influencers on Twitter", Estadão. Available at: <https://politica.estadao.com.br/noticias/geral,ataques-a-ludhmila-hajjar-expoem-modus-operandi-da-bolha-bolsonarista-no-twitter,70003650880>.

²⁸⁸ "If you determine lockdown in the NE, you're going to fuck me up and I'll lose the elections," says Bolsonaro," Poder 360. Available at: <https://www.poder360.com.br/governo/se-voce-fizer-lockdown-no-ne-vai-me-foder-e-perco-a-eleicao-diz-bolsonaro/>.

²⁸⁹ "Marcelo Queiroga accepts invitation to take over the Ministry of Health", CNN Brasil. Available at: <https://www.cnnbrasil.com.br/politica/2021/03/15/marcelo-queiroga-aceita-convite-para-assumir-o-ministerio-da-saude>.

and in keeping with the recommendations of specialist international institutions; call for campaigns to guide people to scientifically proven risk-mitigation measures, efforts to improve transparency, and full access to public information and to measures to contain the pandemic. They recalled that in the current circumstances, State authorities have an absolute duty to broadly inform the population, taking into consideration its diversity, and to address the issue, act with due diligence, and reasonably consider the available scientific evidence. These measures should ensure an approach that is focused on the comprehensive protection of human rights, in accordance with the provisions of Resolution 1/20 on the Pandemic and Human Rights in the Americas and Resolution 4/2020, Human Rights of Persons with COVID-19.²⁹⁰ .

18/03/21 Normative acts

201. After months of interruption, which occurred at a time of collapse of health care in various locations in Brazil, the President issues MP 1,039, which institutes the 2021 emergency aid to tackle Covid-19, to be paid, according to the MP, in four monthly instalments of R\$ 250.00, which began to be paid on 06/04/21. In addition to arriving late, the aid amount is less than half of what was granted in 2020 (please see § 27). On 06/04/21, health entities that compose the CNS requested the STF to determine the reinstatement of the amount of R\$ 600.00 as emergency aid, in addition to a national lockdown for 21 days, stressing the government's inaction “in adopting the restrictive measures necessary to tackle the health crisis”, affirming such fact resulted in “the escalation in the number of deaths throughout the national territory and the full collapse of the health system”²⁹¹ .

²⁹⁰ “The IACHR and its REDESCA express concern about the serious public health situation regarding COVID-19 in Brazil”, IACHR. Available at: <https://www.oas.org/pt/CIDH/jsForm/?File=/pt/cidh/prensa/notas/2021/061.asp>.

²⁹¹ “Health entities call STF to demand national lockdown this month”, Correio Braziliense. Available at: <https://www.correio braziliense.com.br/brasil/2021/04/4917048-entidades-da-saude-acionam-stf-para-exigir-lockdown-nacional-ainda-neste-mes.html>.

202. The President comments during his weekly live²⁹²: “What I see is that the population is still a little divided. There are people who continue to insist on staying at home, and others who want to work out of necessity. I think staying at home is cool, right? Who doesn't want to stay at home on holiday? But very few people have the purchasing power to stay in without working”. In relation to the 1980s, he analyses: “At that time, many AIDS cases were starting to appear. It became a plague. I also remember that they started talking about AZT. Nobody criminalized AZT. And now? There is an initial treatment. **If you say another word it's a crime.** So talk about initial treatment. You got sick, you have a little headache, pain in your eyes, a little fever, a cold, go to the doctor immediately. Some don't even go, they already take the treatment for lice. **Saying the name is not allowed either.** I've taken another one, and I did well.(...) If there is a possibility, the same existed in the past with AZT, which at first, worked. If there is another form of treatment, do that. Don't wait for the worst to happen. (...) You, who don't want to take that medicine for lice, which doesn't kill anyone, that's fine. Mind your own business. Let that person who wants to take it, listen to their doctor and take it, for Christ's sake. I've taken mine. (...) Ah, ‘Captain Chloroquine’, you think you're offending me, do you? You're going to have ‘Captain Corruption’. (...) It's very easy for me to adhere to lockdown, to close everything down. It's cool. It's politically correct. But I would be betraying my conscience if I acted that way. Some people take the piss out of us. But I remember some atheists that when the plane starts falling they say 'Oh my God', 'Oh my God', 'Oh my God' three times, they learn how to make the sign of the cross very quickly. And I've also seen a lot of people who spoke against these emergency medications, and when they were affected, they looked for them”. Regarding workers in non-essential activities, he claims: “What will become of that person? What is that person's future? Depression, you are watching people commit suicide. Where will we end up? You can't go on the way it is”. In this live, the President also mimicked a person with shortness of breath, making guttural sounds.

²⁹² "Thursday Live - 18/03/2020 - President Jair Bolsonaro". Available: <https://www.youtube.com/watch?v=xVWLIFdRNt8>.

203. President proposed ADI²⁹³, with a request for an injunction to stay the effects of the decrees from Bahia, Federal District and Rio Grande do Sul that establish restrictive measures for tackling the Covid-19 pandemic, such as the closure of non-essential activities and a night-time curfew; it also requests the interpretation, in accordance with the Federal Constitution, of provisions of Law 13.874/2019 (Economic Freedom Law) and Law 13.979/2020 (known as the new quarantine law) which provides for the general rules for tackling the disease, so that it is established that, even in cases of proven health need, measures to close non-essential services require legal support and must preserve a minimum of people's economic autonomy, enabling personal and family subsistence²⁹⁴. The choice of only three federative units in the scope of action, at a time when almost all Brazilian states and municipalities adopted similar quarantine measures; and the fact that the initial complaint was signed by the President of the Republic are both noteworthy aspects. According to the decision by Justice Marco Aurélio that rejected the complaint [emphasis added] “the Chief of the Executive Branch personifies the Federal Government, and judicial representations, the practice of acts in court, are incumbent upon the Attorney-General. Having considered the **gross error, the procedural remedy is not applicable thereto**. (...) there is a condominium, composed of the Federal Government, the states, the Federal District and the municipalities, aimed at looking after health and public care – Article 23 II [of the Federal Constitution]. Given the current democratic atmosphere, a totalitarian vision is inappropriate, in all respects. The President of the Republic is responsible for the highest leadership, coordinating efforts aimed at the well-being of Brazilians”²⁹⁵. The Federal Attorney-General at the time, José Levi Mello do Amaral Júnior, resigned from his post a few days later, on 29/03/20. According to Jota website, one of the reasons for such exit would have been the ADI²⁹⁶

²⁹³ STF, ADI 6764 DF.

²⁹⁴ "Bolsonaro questions decrees on closure of commercial activities and curfew", STF. Available at: <https://portal.stf.jus.br/noticias/verNoticiaDetalhe.asp?idConteudo=462626&ori=1>.

²⁹⁵ "Pandemic: Justice Marco Aurélio rejects Bolsonaro's legal action against restriction decrees", STF. Available at: <https://portal.stf.jus.br/noticias/verNoticiaDetalhe.asp?idConteudo=462819&ori=1>.

²⁹⁶ “José Levi Mello do Amaral resigns from AGU post”, JOTA. Available at: <https://www.jota.info/justica/jose-levi-mello-do-amaral-pede-demissao-do-cargo-de-agu-29032021>.

Epidemiological week 12, 21-27/03/21
Accumulated Covid-19 cases - 12,490,362
Accumulated Covid-19 deaths - 310,550

22/03/21 Propaganda

204. “They want me to decree a national lockdown or a regional lockdown, because I must follow science (...) The WHO says that the only consequence of the lockdown is to make poor people poorer (...) The majority of the population contracts the virus at home”, the President said at an official ceremony²⁹⁷ .

23/03/21 Government Acts

205. In a statement, CONASS recommended the suspension of elective surgeries due to an abrupt increase in the consumption of drugs used in orotracheal intubation - IOT (“intubation kit” - sedatives, analgesics and neuromuscular blockers) and maintenance of mechanical ventilation for respiratory support and prolonged ICU stays, as those drugs are essential for the maintenance of critically ill patients with respiratory failure, and for the continuity and operation of ICU beds, and that there was a scenario of difficulties in restoring the stock of those types of drugs in most Health Care Establishments in the country²⁹⁸ . According to Portal 360, most Brazilian states received from the Ministry of Health more medicines from the so-called “Covid kit” than medicines that compose the intubation kit. The “Covid kit” would consist of chloroquine diphosphate, hydroxychloroquine and oseltamivir phosphate (Tamiflu). From June 2020 to March 2021, the Ministry of Health would have sent 21.6 million units of these drugs to the States and the Federal District. Intubation kits, instead, are composed of sedatives, neuromuscular-blocking drugs and opioid analgesics – basic supplies to perform the procedure, which aims to preserve the patient's breathing. 8.61 million units of these

²⁹⁷ “Words on lockdown / WHO envoy David Nabarro”. Available at <https://www.youtube.com/watch?v=Pl660H3t808>.

²⁹⁸ Available at: <https://www.conass.org.br/conass-informa-n-56-2021-nota-conjunta-conass-e-conasems-recomendam-a-suspensao-de-cirurgias-eletivas/>.

drugs would have been distributed in the same period²⁹⁹.

24/03/21 Government Acts

206. In a private ceremony, Marcelo Queiroga took office as Minister of Health, in a private ceremony at Palácio do Planalto³⁰⁰. At the time, in widely circulated videos, General Pazuello expresses his displeasure towards his departure from the Ministry, and says he was the target of “orchestrated action” by eight actors whose identity was not mentioned, including a “pseudo-technical note” that would have put his administration under “extreme vulnerability, meaning that drug A, B or C from then onwards had technical criteria from the Ministry”; the authors would be doctors who “created fake news for the President”³⁰¹. On the need for a doctor leading the Ministry of Health, he said: “The perfect arrangement was Teich and I. Do you have any doubts about that? If Teich had stayed, he would have grown in the position. Then we would have had a doctor and an administrator to run the administration, make the logistics work, put the house in order, and let the doctor handle the specific issues. That was the plan.” Pazuello also states: “Aren't you going to take on a guy through lobbying? No. Aren't we going to favour party A, B or C? No. And so-and-so's operator? No. Humm, this is going to end up badly. That's how it works. (...) The operation of money for political purposes takes place here. Did we manage to end with 100%? I'm not going to say this here. 100%, not even Jesus Christ”. He also stated: “And then the crisis began with the political leadership that we have today, who sent a list for us to follow and we didn't. And then you're sentenced to death. By the end of the year, there was a long queue of people politically asking for money. What did we do? [Interacts aggressively with subordinates, even saying that one of them must have a “mental problem”]. We distributed all the Ministry's resources [according to technical criteria]. (...) It was another blow, because

²⁹⁹ “21 States and DF receive more drugs from the 'covid kit' than for intubation”, Poder360. Available at: <https://www.poder360.com.br/coronavirus/21-estados-e-df-recebem-mais-medicamentos-do-kit-covid-do-que-para-intubacao/>.

³⁰⁰ “Marcelo Queiroga is appointed Minister of Health”, Agência Brasil. Available at: <https://agenciabrasil.ebc.com.br/saude/noticia/2021-03/marcelo-queiroga-e-nomeado-ministro-da-saude>.

³⁰¹ “Pazuello says his departure was the result of 'orchestrated action'; watch”, CNN Brazil. Available: <https://www.cnnbrasil.com.br/saude/2021/03/24/em-video-pazuello-diz-que-saida-foi-resultado-de-acao-orquestrada-contra-ele>.

everyone wanted some gratuity at the end of the year “³⁰² .

25/03/21 Normative Acts

207. President enacts Decree 10,659 which introduces a National Coordination Committee for Tackling the Covid-19 Pandemic, with a duration of 90 days. It is incumbent upon the Committee, “within the scope of measures to tackle the Covid-19 pandemic and the resulting economic, tax-related, social and health problems”, to discuss the measures to be taken and assist in inter-branch and inter-federative articulation. The committee [emphasis added] “is composed of the President of the Republic, who will coordinate it, and, **upon invitation** : I - by the President of the Federal Senate; II - by the President of the Chamber of Deputies; and III - as an observer, by an authority appointed by the President of the National Council of Justice” (Article 3). The President may invite to participate in the meetings, whenever requested by any of the members, “authorities representing bodies and entities, whether public or private, and experts with renowned knowledge of the issue to be discussed”. With the Executive Secretariat being exercised by the Ministry of Health, the Coordinating Committee may create working groups with the purpose of studying and articulating solutions for specific issues related to the pandemic. Despite being a pandemic response body with national coordination, no portal or website presenting any news or documents related to it has been found. Four meetings would have already been held by such Committee so far, the first being on 31/03/21³⁰³ , when the President of the Senate, Rodrigo Pacheco, would have asked for “alignment in the government's speech with actions against Covid-19”, stating that “the meeting was also used to discuss ways to expand the participation of the private sector in the purchase

³⁰² “Pazuello says he was under pressure from politicians who wanted 'gratuity’”, Poder 360. Available at: https://www.youtube.com/watch?v=8b3-7pN_bf8&t=20s.

³⁰³ “The Federal Government holds the first meeting of the National Coordination Committee for Tackling the Covid-19 Pandemic”, Chief of Staff Office. Available at: <https://www.gov.br/casacivil/pt-br/assuntos/noticias/2021/marco/governo-federal-realiza-primeira-reuniao-do-comite-de-coordenacao-nacional-para-enfrentamento-da-pandemia-da-Covid-19>.

of vaccines “³⁰⁴. A second meeting was held on 14/04/21³⁰⁵, and a third on 28/04/21³⁰⁶. The fourth meeting was held on 19/05/21; according to the newspaper Poder 360, the participants were the president of the Republic, wearing a mask, a rare situation in meetings in the Planalto; the president of the Senate, deputy Doctor Luizinho (PP-RJ), ministers Luiz Eduardo Ramos (Chief of Staff Office) and Marcelo Queiroga (Health), while the president of the Chamber, Arthur Lira was absent³⁰⁷. No information was found about the existence of a work plan by such body, or about the participation of mayors, governors, experts or social entities.

25/03/21 Propaganda

208. The Chief Minister of the General Secretariat of the Presidency of the Republic, Onyx Lorenzoni, speaks in an interview to Jovem Pan radio: “I consider them all to be very silly. Why? Because they're not intelligent. Many still insist on a tool called lockdown, which has already been proven in several experiences around the world to be inefficient (...) And why is it inefficient? Can anyone in urban areas prevent a bird, a stray dog, a cat, a mouse, a flea, an ant, an insect from moving around? Can anyone lockdown bugs? Obviously not. And they all carry the virus. They are not infected by the virus, but they can carry the virus. They can. It's a possibility”³⁰⁸.

209. “Emergency aid is already the largest social program in the world to assist exactly those who were affected by the 'stay-at-home, close everything down' policy. So the federal government kept the economy alive last year. (...) Anyone who experiences any

³⁰⁴ “Committee for Tackling Pandemic asks for social distancing and the use of masks”, CNN Brasil. Available at: <https://www.cnnbrasil.com.br/politica/2021/04/01/comite-de-enfrentamento-a-pandemia-pede-distanciamento-social-e-uso-de-mascaras>.

³⁰⁵ “#Live: Press conference of the Minister of Health, Marcelo Queiroga”, TV Brasil. Available at: <https://www.youtube.com/watch?v=gEd0m8Dt9n0>.

³⁰⁶ “Federal Government holds the 3rd meeting of the National Committee for Tackling the Covid-19 Pandemic”, Chief of Staff Office. Available at: <https://www.gov.br/casacivil/pt-br/assuntos/noticias/2021/abril/governo-federal-realiza-a-3a-reuniao-do-comite-de-enfrentamento-a-covid>.

³⁰⁷ Anticovid committee discusses ways to prevent 3rd wave and Indian variant, Poder 360. Available at: <https://www.poder360.com.br/coronavirus/comite-anticovid-discute-meios-de-evitar-3a-onda-e-variante-indiana/>.

³⁰⁸ “Onyx Lorenzoni: 'We fight against the pandemic, unemployment and narratives’”, Jovem Pan. Available at: <https://www.youtube.com/watch?v=rVxeRESGy5k>.

symptoms that may be Covid, look for a basic health unit, a hospital and talk to your doctor to check what he will prescribe you. There is no right medication yet, but doctors have alternatives and can save your life with that alternative. Prompt assistance is welcome and necessary. If I get re-infected, I already have my doctor, I already know what he's going to prescribe me. What saved me back then”, states the President in his weekly live³⁰⁹.

<p>Epidemiological Week 13, 28/03-03/04/21 Accumulated Covid-19 Cases - 12,953,597 Accumulated Covid-19 deaths - 330,193</p>

28/03/21 Government Acts

210. The then Head of the General Department of Personnel (DGP), Army General Paulo Sérgio Nogueira de Oliveira, gave a long interview to *Correio Braziliense* newspaper³¹⁰, in which he describes the response to the pandemic within the Army, allowing for the identification of significant differences between the Federal Government's treatment of civilians and the military [emphasis added]: “The Army, for instance, issued clear administrative recommendations regarding, more specifically, prevention. From then on, the thing was very disciplined, with the use of masks, social distancing in the cafeterias, in the dormitories. Then, awareness campaigns began to appear. Hospitals started asking for blood, and we started a campaign. Today, there are more than 40,000 blood donors from the Army throughout Brazil. We’ve launched the 'Helping is in our blood' campaign. **All health measures, guidelines issued by the World Health Organization (WHO), corroborated by our health directorates, are strictly adhered to in our barracks.** It is a disciplined Force. (...) The numbers are relatively good in relation to the general population, due to the prevention we conduct. **The lethality rate is very low, lower than in the public system, thanks to such awareness, such understanding,**

³⁰⁹ “Weekly Live with President Jair Bolsonaro - 25/03/2021”. Available at: <https://www.youtube.com/watch?v=aVoUcX4wLwU>.

³¹⁰ “General Paulo Sérgio says the Army is already preparing for Covid 3rd wave”, *Correio Braziliense*. Available at: <https://www.correiobraziliense.com.br/politica/2021/03/4914583-general-paulo-sergio-diz-que-exercito-ja-espera-3---onda-da-covid.html>.

which is what I think, if it improved in Brazil, the number of infections would probably be much smaller. (...) We have a mortality rate of 0.13%. Minimum, in terms of comparison with the country's “. When asked about the existence prevention campaigns for the disease, the General answers: “It is like a fever. Right now we are receiving the new contingent of incorporated soldiers. They receive three weeks of instruction. They are those recruits who enlist, and all the health measures have been put in place. From arrival at the barracks to instruction; at night, at bedtime; it is **the thermometer upon entry, foot hygiene, hand sanitiser, use of masks, distancing**. We have **tested almost all recruits**, almost 90%, and the infection rate was very low. Those infected were isolated and monitored by medical teams. In 2020, not a single soldier incorporated into the Army died. (...) I think there is no safer place for a young person today than inside the barracks, as they are being monitored, supervised about preventive measures, and instructed. Infection rates are minimal, and those who are infected are taken to hospital. We have isolated locations in the barracks for this sort of thing. (...) Today, at the Headquarters, we are not fully staffed on normal business hours. Half come one day; another half on the next day. Or half come in the morning and half in the afternoon. Everyone in the environment poses a risk, having lunch together... This prevention has been done for a year. (...) we imagine that, if the same tradition from the first to the second wave is repeated, in two months we will be hit by a third wave. And we precisely want to maintain the planning so we can prepare for the third wave. That's what we're doing, and we hope that the public authorities will do it too. (...) The Army's efforts today to reduce infection numbers is impressive. Every day, our commander, General Leal Pujol, conducts video calls with us and recommends that the teams wear a mask, use hand sanitisers, respect distancing. There are no more military graduation ceremonies. When you do an event, we have 10, 20 people, at most. Just now, there was a company's birthday, and there was merely half a dozen people”.

29/03/21 Propaganda

211. In an interview with Rádio A Hora, the Chief Minister of the General Secretariat of the Presidency of the Republic, Onyx Lorenzoni, said: “Lockdown is something stupid. (...) I'm fighting lockdown and defending social distancing. This business of locking

everything up, closing everything down are things of small kings in Brazilian cities and states, where they order the municipal guard to beat up citizens who want to work, this is outrageous. Instead of focusing on a short schedule, why not open all day? Let's allow people to work, but just provide protection, care and hospital structure"³¹¹ .

30/03/21 Government Acts

212. The Ministry of Defence announced the replacement of Armed Forces commanders Edson Leal Pujol, in the Army; Ilques Barbosa, in the Navy; and Antônio Carlos Moretti Bermudez, in the Air Force. The day before, General Fernando Azevedo e Silva was dismissed by the President and replaced by General Walter Braga Netto. According to Jovem Pan, the President “had been demanding a political alignment from the Armed Forces, with declarations of support for the government and with pronouncements against social isolation measures, for instance”. The refusal from the three commanders would have caused a strain on the relationship; on more than one occasion, the head of the federal executive would have asked for Pujol's replacement from the command of the army. A retired general heard by the article's author would have said: 'We cannot allow politics to invade the barracks. The Armed Forces are State institutions, not government institutions', he said, on condition of anonymity"³¹².

31/03/21 Government Acts

213. The Public Agency, through LAI, found that, in January 2021, SECOM hired four influencers, who received an amount of BRL 23,000 to talk about “early care”, with funds that are part of a total investment of BRL 19.9 million for an advertising campaign called “Covid-19 Early Care”. Former BBC Flávia Viana would have received R\$ 11.5

³¹¹ “Lockdown is something stupid”, A Hora. Available at: <https://grupoahora.net.br/conteudos/2021/03/29/o-lockdown-e-uma-burrice/>.

³¹² “Commanders of the three Armed Forces will leave their positions”, Jovem Pan. Available at: <https://jovempan.com.br/noticias/politica/comandantes-das-tres-forcas-armadas-va-deixar-os-cargos.html>.

thousand. In the action's script, SECOM guided form Big Brother participant Viana and influencers João Zoli (747 thousand followers), Jéssika Taynara (309 thousand followers) and Pam Puertas (151,000 followers) to create a post in the feed and six stories - all on Instagram – telling followers that if they experience symptoms of Covid, “it's important that you immediately see a doctor and request early care”³¹³ .

214. In an open letter to the Presidents of the Republic, Senate and Chamber, and to the Minister of Health, the CNS maintains: “the budget intended for financing health actions and services for 2021, approved in March, is incompatible with the its minimal costs, even more so when considering the exponential growth of the Covid-19 pandemic. The health budget was approved with amounts equivalent to that of the federal SUS floor in 2017 (updated according to the inflation for the period). That means a withdrawal of approximately R\$60 billion compared with the 2020 budget, plus extraordinary credits to meet Covid-19's needs. It means using the same logic that allowed the end of the state of public calamity on December 31, 2020, that is, that there is no more need for funds for Covid-19 in 2021. The budget proposal prepared by the Federal Government in August 2020, in the midst of the Covid-19 pandemic, at the time with more than 115,000 deaths, unrealistically and irresponsibly disregarded the needs for the acquisition of vaccines, diagnostic kits and supplies; sustainability and maintenance of services provided by the SUS, such as clinical and ICU beds, medical equipment, care for Covid-19 sequelae, suppressed demand for outpatient and hospital procedures. Therefore, it ignored all actions to guarantee people's lives – a basic, inalienable constitutional right, which cannot be violated – in the name of the EC 95 expenditure ceiling. Even more serious was the National Congress, which represents society, to have voted the budget on March 25 of this year, to have agreed with the very serious error of the Federal Government, having maintained, in a fictitious and irresponsible way, the federal funding for SUS at a level similar to that of the 2017 floor, a year in which the country was not mourning the death of more than 320,000 citizens and had a population smaller than the current one. All of this is being done in the name of tax adjustment, demonstrating that

³¹³ “Digital influencers received R\$ 23,000 from Bolsonaro’s government to publicise “early care” against Covid-19”, A Pública. Available at: <https://apublica.org/2021/03/influenciadores-digitais-receberam-r-23-mil-do-governo-bolsonaro-para-propagandear-atendimento-precoce-contr-Covid-19/>.

between the lives of citizens and tax austerity, a general cut in public expenditure would prevail 'at whatever cost'. It is sad to see that the heads of the Legislative and Executive Branches of the Republic have chosen to bet on tax adjustment, on expenditure ceilings, rather than on the lives of the children of this Nation, setting aside more than half of the Federal Government's budget for the payment of interest and public debt charges, going against what has been practiced by those countries that are best dealing with the pandemic and getting better responses as they recognize that tax austerity kills. On the other hand, at a time of extremely serious risk to people's health, it was decided to consider that the national health emergency would have ended on December 31, 2020, when the number of infected people and deaths in the country was growing. In the current stage of the pandemic, a bed occupancy rate above 95% in almost the entire country, causing a collapse in the health care system for the population, demonstrates that the health emergency still continues and that the pandemic will carry on throughout the current year its effects will be felt in the coming years. It is important to point out that it will not be possible to accept, due to being completely, the issuance of extraordinary credits to finance actions against Covid-19, as that is no longer one of the unpredictable situations, as provided for in the Federal Constitution. If this happens, the so-called 'fiscal pedalling' crime will certainly be committed. The question that this Council asks Your Excellencies is who will be liable for preventable diseases and deaths as a result of the international health emergency, still maintained by the WHO, with more than 3,000 people (on average) dying daily in the country, totalling more than 320,000 deaths, pain and grief? How can one accept that the health emergency is over? What is this falsification in the name of expenditure ceiling, which will cost lives? If the health emergency is formally over, how can new extraordinary credits be issued? How to guarantee the funds that SUS will need so that its sustainability does not diminish in an extremely serious health situation?"³¹⁴

³¹⁴ Available at: <http://conselho.saude.gov.br/ultimas-noticias-cns/1676-carta-aberta-do-cns-as-autoridades-do-legislativo-e-executivo-sobre-a-incompatibilidade-do-orcamento-do-sus-em-2021>.

31/03/21 Propaganda

215. President addresses the nation, broadcast by TV Brasil³¹⁵ : “The appeal that we make here is that this lockdown policy be revised, this concerns governors and mayors, because that's the only way we can return to normality. We have seen in several countries in Europe, fatigue, stress, related to the lockdown policy. The population not only wants, they needs to work. No nation maintains itself for long with this kind of policy. What we really want is to return to normality as soon as possible, seeking measures to fight the pandemic as we have been doing with the vaccination matter. Brazil, in absolute and relative numbers, is also in a very privileged position. We would like to be the first, but we do our best to assist the population with the vaccine. Now, I repeat, Brazil has to go back to work, the Brazilian population has to go back to work. Some measures, some decrees have surpassed what would even deemed to be a state of siege in Brazil. It is not the president who decrees the state of siege, he can even send the decree to parliament, but it is only after the chamber and the senate have agreed on it that such policy would come into force, based on my understanding. Based on the isolation, these restrictive measures, the curfew, the suppression of the right to come and go, we have gone beyond the state of siege. I call on all authorities in Brazil to review this policy and allow the people to work”.

³¹⁵ “President Jair Bolsonaro makes yet another pronouncement to the nation / lives / jobs / emergency relief”. Available at <https://www.youtube.com/watch?v=BQdXxBHhZz8>.

APRIL 2021

Epidemiological week 14, 04-10/04/21

Accumulated Covid-19 Cases - 13,445,006

Accumulated Covid-19 deaths - 351,334

07/04/21 Propaganda

216. “We are still experiencing a pandemic that is, in part, used politically. Not to defeat the virus, but to try to overthrow a president. We are all responsible for what happens in Brazil. In which country in the world do people not die? Unfortunately people dies everywhere. (...) I am sure that soon a drug for the cure of Covid will be presented to the world. Because we get scared, dear Brazilian press, so much efficiency and so much focus only on the vaccine. Do we want the vaccine to go through ANVISA? Yes, but also seek a medicine for its cure and do not demonize any other medication that the doctor prescribes”, said the President in an official ceremony³¹⁶.

08/04/21 Government Acts

217. STF Justice Luís Roberto Barroso determined, on a preliminary basis³¹⁷ that the Senate adopt the necessary measures for the creation of a CPI to investigate possible omissions by the federal government in dealing with the Covid-19 pandemic. According to the injunction³¹⁸, the Constitution establishes that CPIs must be instated when three requirements are met: signature from one third of the members of the House; indication of which fact must be verified; and establishment of a definite term for duration; therefore, there is no possibility of omission or analysis of political convenience by the Presidency of the Legislative House, with several precedents from the Supreme Court in this regard: “This is a guarantee that results from a clause of the Democratic Rule of Law

³¹⁶ “In which country in the world do people not die?”, says Bolsonaro after a record number of deaths by Covid-19”, Paraná Portal. Available at: <https://paranaportal.uol.com.br/politica/em-qual-pais-do-mundo-nao-morre-gente-diz-bolsonaro-mortes-covid/>.

³¹⁷ MS 37,760, filed by senators Alessandro Vieira and Jorge Kajuru.

³¹⁸ Available at: <http://www.stf.jus.br/arquivo/cms/noticiaNoticiaStf/anexo/MS37760decisaoMRB.pdf>.

and that makes it possible for parliamentary minorities to exercise democratic opposition. So much so that the quorum is one third of the members of the legislative house, and not a majority. For this reason, its effectiveness cannot be conditioned to the predominant parliamentary will”. The urgency was due to the worsening of the health crisis in the country, which is “at its worst moment, breaking regrettable records of daily deaths and cases of infection”.

218. By majority vote, the STF decided³¹⁹ to uphold the temporary restriction concerning the performance of in-person collective religious activities, in the State of São Paulo, as a pandemic tackling measure. São Paulo State Attorney, Rodrigo Minicucci, stressed that the enactment of the decree aimed at reducing the number of deaths; that life is a prerequisite for the exercise of every basic right, and the measure under appraisal was exceptional, proportional, temporary and justified, which is why “it only restricts, without violating, the essential core of the basic right”³²⁰. The Head of AGU, André Mendonça, who is also a pastor of the Esperança Presbyterian Church of Brasília³²¹, maintained: “About these measures being taken regionally. There is no Christianity without community life, without the house of God and without the 'Lord's day'. Therefore, true Christians are never willing to kill for their faith, but are always willing to die to guarantee freedom of religion and worship”³²². The Court found, however, that the prohibition in question does not violate the essential core of religious freedom; that the priority of the current moment is the protection of life, and that the Coronavirus Contingency Center of the State of São Paulo presents data related to the advance of the pandemic capable of revealing the high risk of infection during in-person collective religious activities. Justice Nunes Marques diverged, voting for the unconstitutionality of the São Paulo rule and stressing that the Constitution protects religious freedom, being followed by Justice Dias Toffoli. In line with AGU and PGR, Nunes Marques highlighted the importance of religion in human life, especially in the current moment of pandemic,

³¹⁹ ADPF 811, filed by the PSD.

³²⁰ “Reporting Justice votes against permission of services and masses in the pandemic”, STF. Available at: <http://portal.stf.jus.br/noticias/verNoticiaDetalhe.asp?idConteudo=463754&ori=1>.

³²¹ “André Mendonça: meet the new Minister of Justice and Public Security”, Estado de Minas. Available at: https://www.em.com.br/app/noticia/politica/2020/04/28/interna_politica,1142506/andre-mendonca-conheca-o-novo-ministro-da-justica-e-seguranca-publica.shtml.

³²² “André Mendonça says that Christians 'are willing to die to guarantee freedom of religion””, Poder 360. Available at: <https://www.youtube.com/watch?v=HiGkhd5rpU4>.

considering it possible to conduct masses and services in a prudent manner and with the right balance of preventive measures, keeping the rooms well-ventilated, observing the capacity of the venue, spacing between the faithful, the use of masks and hand sanitisers, as well as temperature control³²³ .

08/04/21 Propaganda

219. The President states in his weekly live: “This atmosphere of terror that is preached by society, it doesn't help to save lives (...) we have a photo here of a man with a gun in his hand, it must be a military police officer who approached a mother with two children on the beach and obviously his mission was to send them home”³²⁴ .

220. In an interview with CNN Brazil³²⁵ , the President commented on STF's decision on religious services (please see § 218): “The church issue? There is article 5 of the Constitution, nothing can be changed there. Almost daily I see suicide, something that didn't exist that often. What takes us away is depression: family fighting, no food on the table, too embarrassed to face the children. When the guy is in difficulty, he looks for God, he goes to church, to the temple. The temple is closed”. And he stated: “In there, with all measurements, the chance of transmitting [Covid-19] is almost zero. Justice Kássio's actual decision was 25% of capacity”.

09/04/21 Government Acts

221. According to CNN Brasil, the President [emphasis added] “**authorized the government** to launch campaign in favour of social distancing and the use of individual protection masks, to contain Covid-19. The **news** was disclosed this Friday evening (9th) on the social media of Palácio do Planalto’s official profile, which posted a message

³²³ “STF maintains temporary restriction of in-person religious activities in the State of São Paulo”, STF. Available at: <http://portal.stf.jus.br/noticias/verNoticiaDetalhe.asp?idConteudo=463849&ori=1>.

³²⁴ “Thursday Live - 08/04/21- President Jair Bolsonaro”. Available at: <https://www.youtube.com/watch?fbclid=IwAR1KzBUqvE2uLqfncex-UnuY4X4PdnMfrqe92Q-M0hvmJSJYZL8MyeTTbnE&v=vgYo-ielv2U&feature=youtu.be>.

³²⁵ “On CNN, Bolsonaro criticizes Covid's CPI: 'There is interference by the Supreme (Court) in the branches’”, CNN Brasil. Available at: <https://www.cnnbrasil.com.br/politica/2021/04/09/a-cnn-bolsonaro-critica-cpi-da-covid-ha-interferencia-do-supremo-nos-poderes>.

encouraging people to avoid crowding, wear a mask, wash their hands and maintain social distancing”³²⁶ . On the same day, without wearing a mask, the President generated crowds during a walk and told a supporter: “Stay at home, and you will starve”; in a religious service, he stated: “With this close everything down, stay-at-home policy, the poor are getting desperate; they have nothing to eat. (...) The side effect of this type of virus fight has been really devastating”³²⁷ .

09/04/21 Propaganda

222. The President attacked Minister Luís Roberto Barroso on social media due to the injunction that determined the creation of the Covid-19 CPI (please see § 217): “He lacks moral courage and has too much inappropriate political engagement” and in a conversation with supporters in front of Palácio da Alvorada: “Barroso, we know your past, your life, what you’ve always defended, how you arrived at the STF, even having defended the terrorist Cesare Battisti. So, use your pen for good deeds, in defence of life and of the Brazilian people rather than politicking in the Senate. If you have any morals, an ounce of morals, Luís Barroso, have impeachment proceedings filed against some of your comrades at the Supreme Court”³²⁸ .

<p>Epidemiological week 15, 11-17/04/21 Accumulated Covid-19 Cases - 13,900,091 Accumulated Covid-19 deaths - 371,678</p>
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13/04/21 Government Acts

223. An opinion by the Special Committee of Jurists of the National Brazilian Bar Association (OAB) is published, providing Analysis and Suggestions of Measures for

³²⁶ “Bolsonaro authorizes campaign for social distancing and the use of masks”, CNN Brasil. Available at: <https://www.cnnbrasil.com.br/politica/2021/04/10/bolsonaro-autoriza-campanha-por-distanciamento-e-uso-de-mascara>.

³²⁷ “President Jair Bolsonaro speaks at church and talks with residents in São Sebastião - DF”, Focus of Brazil. Available at: <https://www.youtube.com/watch?v=bFLah6p4dl8>.

³²⁸ “Bolsonaro attacks Barroso for CPI on pandemic: 'he lacks moral courage'”, UOL. Available at: <https://noticias.uol.com.br/saude/ultimas-noticias/redacao/2021/04/09/bolsonaro-barroso-cpi-sobre-pandemia.htm>.

Tackling the Coronavirus Pandemic on the crimes committed by the President of the Republic during the pandemic, and identifies the following theoretical violations in the conduct practiced by the Head of State: I) on a national level, A) crimes of murder and bodily injury through inappropriate omission (commission by omission); B) responsibility crimes; II) on an international level, crime against humanity (art. 7 of the Rome Statute). The Committee was chaired by Carlos Ayres Britto, retired STF justice, and is composed of Miguel Reale Jr., Carlos Roberto Siqueira Castro, Cléa Carpi, Nabor Bulhões, Antônio Carlos de Almeida Castro, Geraldo Prado, Marta Saad, José Carlos Porciúncula and Alexandre Freire. According to the opinion, “although it is undisputed, from a constitutional point of view, that the President and the Minister of Health are responsible for ensuring public health (as guarantors of such legal asset), what could be seen throughout the serious pandemic crisis that hit the country was the exact opposite. What was found, to a great extent, was a systematic and deliberate violation, by both of them, of their *munus* (duty) of *ad tempus* (timely) implementation of social and economic policies that could reduce the progressive risks of coronavirus”. He also notes that the President's attack on the right to health, “a basic social right, took place in a double dimension: not only did he fail to protect public health care, but he also created a series of hindrances and obstacles to its achievement”, concluding: “In short: through systematic actions and omissions, the Bolsonaro Administration ended up having the pandemic under his control, under his domain, as he used it deliberately as an instrument of attack (biological weapon) and to have the submission of the entire population.”

15/04/21 Government Acts

224. At a meeting promoted by the European Parliament Delegation for Relations with Brazil, held in Brussels, Belgium, MEPs assessed the situation of the pandemic in Brazil and presented questions to the Brazilian ambassador to the European Union, Marcos Galvão. He would have stated, according to journalist Jamil Chad: “I am a civil servant in a democracy’, he said, recalling that he had presented ‘transparent data’. ‘I’m not going to talk about responsibilities. We have solid institutions that can do that. Taxpayers pay

me to seek help abroad,' he said. The diplomat explained the Brazilian situation and, unlike other ambassadors of the country abroad, was clear in recognizing the dimension of the crisis in the country. (...) He also made it clear that the health sector is going through a critical moment, referring to overcrowded hospitals, record-breaking unemployment, the country's indebtedness and warned about the lack of oxygen and supplies. To him, the emergency aid package was 'decisive to guarantee income' among many Brazilians, but he insisted that the focus must be on access to vaccines and he begged for help. 'Our priority must be vaccines, vaccines and vaccines. There is no other way out of this disaster', said the ambassador, who repeated at various times his appeal for support from the EU. 'We're racing against the clock to save lives'³²⁹. On the same occasion, in an interview with France International Radio, German MEP Anna Cavazzini, vice-president of the European Parliament's Delegation for Relations with Brazil, said "what is happening in Brazil is not just a tragedy, it was caused by deliberate decisions by Bolsonaro's administration. Brazilian leaders must be held accountable for their failure to respond adequately to the Covid-19 crisis. For a long time, the current government underestimated the virus and refused to adopt measures supported by science, such as social distancing, the use of masks and confinement"³³⁰. In an interview with the BBC, Cavazzini stated: "It's a totally different level of disaster, government mismanagement, political denial, basically it is as if Brazil were 'walking towards a cliff with its eyes wide open.' [The President] is greatly accountable for the number of sick and dead people because he did not take the disease seriously, encouraged people to gather in large crowds, remained sceptical at first about vaccination, and obstructed immunization services in cities and states in Brazil"³³¹. Representing Conectas Human Rights in the region, Camila Asano highlighted the proactivity by the federal government in inhibiting measures that could protect the population and fight the pandemic, citing examples such as the expansion of activities considered essential, interruption of

³²⁹ "In the European Parliament, Bolsonaro is accused of crimes against humanity", Column by Jamil Chad, UOL. Available at: <https://noticias.uol.com.br/colunas/jamil-chade/2021/04/15/no-parlamento-europeu-bolsonaro-e-acusado-de-crimes-contra-humanidade.htm>.

³³⁰ "MEPs argue for Bolsonaro to be held responsible for necropolitics," RFI. Available at: <https://www.rfi.fr/br/europa/20210415-eurodeputados-defendem-que-bolsonaro-seja-responsabilizado-por-necropol%C3%ADtica>.

³³¹ "Bolsonaro is 'largely responsible' for Covid's 'disaster', says vice-president of the European Parliament delegation for Brazil," BBC. Available at: <https://www.bbc.com/portuguese/internacional-56750919>.

emergency aid for months and failure to distribute oxygen to hospitals in Manaus, in addition to the “shameful” slowness in immunization against the disease, related to the refusal to “pre-negotiate the acquisition of vaccines”³³².

15/04/21 Propaganda

225. In his weekly live³³³, the President stated: “Something curious, we know about the virus issue, Covid, which kills a lot of people, etc. but it seems that the numbers started to drop after the CPI in the Senate also included an investigation against governors and mayors. (...) This stay-at-home, lockdown, confinement policy. This superpower that the Supreme Court has given to governors and mayors... has such consequence (...) the fight of those governors is not about containing the virus, it's about trying to overthrow the president”.

<p>Epidemiological week 16, 18-24/04/21 Accumulated Covid-19 Cases - 14,308,215 Accumulated Covid-19 deaths - 389,492</p>
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19/04/21 Government Acts

226. Action coordinated by CEAGESP was announced by the President in a post on Twitter: “Right now, a convoy is leaving CEAGESP towards Araraquara/SP, taking food to those victimized by the 'stay at home and we'll think about the economy later' policy. Congratulations to Colonel Mello Araújo, CEAGESP licensees, @exercitooficial and @PMESP”³³⁴. Five days earlier, the President of CEAGESP, Colonel Mello Araújo, had

³³² “In the European Parliament, Conectas reports measures taken by the Brazilian government to weaken the fight against Covid-19”, Conectas Human Rights. Available at: <https://www.conectas.org/noticias/no-parlamento-europeu-conectas-denuncia-medidas-do-governo-brasileiro-para-enfraquecer-combate-a-Covid-19/>.

³³³ “Thursday Live -15/04/2021- President Jair Bolsonaro”. Available at: <https://www.youtube.com/watch?v=NrjUlszssM>.

³³⁴ Available at: <https://twitter.com/jairbolsonaro/status/1387705337726255106?s=20>.

posted: “I ask everyone who can help someone, let's go to Araraquara this week, the people were confined, the MAYOR finished with their city, let's bring a little hope to more than 20 entities and to many who are in a critical situation³³⁵”. Upon the distribution, there was a queue of about 2,000 people, which led the Mayor of Araraquara, Edinho Silva, to declare: “I thank any action in my city to fight hunger. We are already doing this, and it is not new. But President Jair Bolsonaro could do this without humiliating people, without having them standing in a single line for hours, in the middle of the street, overnight, or during the day, in the sun, without water, to get a bag of food”; he also stressed that the CEAGESP action lasted only one day and that they should have used “the assistance network, the accredited entities recognized by the federal government, which would have delivered the food at people's homes. It is not by exposing vulnerable families in a long queue that we will solve the problem³³⁶”.

22/04/21 Government Acts

227. The Minister-Chief of Staff, Luiz Eduardo Ramos, confirmed the submission of a table to 13 ministries, listing 23 frequent accusations about the performance of the Bolsonaro administration in tackling Covid-19, so that each agency may inform what it is doing or has done about critical issues³³⁷. The theme “indigenous genocide” is the one that would demand the response of more ministries, in a total of five. The charges listed in the document would be as follows: “1 - Government was negligent with the acquisition process of, and discredited the effectiveness of, Coronavac (which is currently in the PNI); 2 - Government minimized the severity of the pandemic (denial); 3 - Government did not encourage the adoption of restrictive measures; 4 - Government promoted early

³³⁵ “Bolsonaro uses food distribution from Ceagesp to criticize lockdown in Araraquara”, Folhapress/Yahoo Notícias. Available at <https://br.noticias.yahoo.com/bolsonaro-usa-distribui%C3%A7%C3%A3o-alimentos-da-205700581.html>.

³³⁶ “Bolsonaro could help without humiliating those who are hungry, says Araraquara mayor”, Folha de S. Paulo. Available at: <https://www1.folha.uol.com.br/colunas/monicabergamo/2021/04/bolsonaro-pode-ajudar-sem-humilhar-quem-tem-fome-diz-prefeito-de-araraquara.shtml>.

³³⁷ “Chief of Staff Office says that research in ministries is a necessary preparation for the CPI”, UOL. Available at: <https://economia.uol.com.br/colunas/carla-araujo/2021/04/25/casa-civil-confirma-documento-cpi-mas-nega-medo-do-governo.htm>.

treatment without proven scientific evidence; 5 - Government delayed and neglected action to tackle the crisis in Amazonas; 6 - Government did not promote Covid prevention campaigns; 7 - Government did not coordinate the fight against the pandemic on a national level; 8 - Government handed over the management of the Ministry of Health, during the crisis, to non-specialized administrators (militarization of the Ministry of Health); 9 - Government delayed the payment of emergency aid; 10 - Ineffectiveness of PRONAMPE [credit program]; 11 - Government politicized the pandemic; 12 - Government failed to implement testing (allowed tests to expire); 13 - Shortage of various supplies (intubation kit); 14 - Delay in the transfer of funds to the States intended for ICU beds; 15 - Genocide of indigenous peoples; 16 - Government delayed the creation of a Committee for Tackling Covid; 17 - Government was not transparent and did not prepare a Communication Plan about the fight against Covid; 18 - Government did not comply with TCU audits during the pandemic; 19 - Brazil became the epicentre of the pandemic and 'covid breeder' of new strains due to the Government's inaction; 20 - General Pazuello, General Braga Netto and several military personnel did not present strategic guidelines for tackling Covid; 21 - President Bolsonaro pressured Mandetta and Teich to force them to defend the use of Hydroxychloroquine; 22 - Federal Government refused 70 million doses of Pfizer's vaccine; 23 - Federal Government manufactured and disseminated fake news about the pandemic through its hatred office³³⁸. According to the same source, the Ministry of Health should respond to all items, with the exception of 9, 10 and 11; Ministry of Science and Technology, items 1, 7, 9, 19 and 20; Ministry of Foreign Affairs, items 1, 11 and 13; Ministry of Defence, items 5, 7, 8, 15 and 20; Ministry of Communications, 6 and 17; AGU, 7, 18 and 23; the Ministry of Economy would respond to 8, 9, 10, 14 and 18; Government Secretariat, 9, 11, 12, 14, 16, 17, 19 and 20; Citizenship, 9 and 10; Justice and Public Security, 9 and 10; Institutional Security Office, 15 and 23; the cabinet for Women, Family and Human Rights, 15; and CGU, 18.

228. According to Piauí magazine, as a result of the mobilization of the Chief of Staff Office described above, the Ministry of Health would have deleted from its website

³³⁸ “Government document lists 23 accusations regarding its role in the pandemic”, UOL. Available: <https://noticias.uol.com.br/colunas/rubens-valente/2021/04/25/covid-cpi-governo-bolsonaro-ministerios.htm>.

documents relating to recommendations on the use of chloroquine in mild, moderate and severe cases of Covid-19 (please see §§ 58 and 88), on the eve of the instatement of Covid's CPI in the Senate, after keeping them published for 337 days, against scientific evidence and a formal request from the National Health Council³³⁹. The Ministry of Health had already been denying it had recommended any medication for Covid-19 after Twitter deemed posts that encourage alleged “early treatment” against Covid-19 to be “potentially harmful” and to contain “misleading information” (please see § 167) .

229. The 2nd Federal Court of Porto Alegre granted urgent relief to the request for injunction made by the Federal Public Prosecutor Office³⁴⁰, determining that the Federal Government present, within 10 days, a National Communication Plan for tackling Covid-19, containing an execution schedule and the start date of its implementation. According to the report found in the Order/Decision³⁴¹, [emphasis added] the complaint is signed by 38 Federal Attorneys, from 24 states of the Federation and the Federal District, and highlights the absence of a national communication plan with the objective of disseminating and reinforcing the importance of prevention measures to the population. As an example, it mentions the Ministry of Health website, where there are few references to such measures, with merely descriptive content. Furthermore, it states that **those publications are isolated** and do not work as encouragement to the population, in **addition to having a reduced reach, incompatible with the health crisis faced, and outdated content, such** as the publication on the use of masks, which is dated April 2020. Specifically **about the need to observe social isolation, it says there is no state policy with guidance and encouragement**. It claims that the guidelines regarding national communication actions related to the coronavirus were drawn up by the Ministry of Health itself in the “National Contingency Plan for Human Infection by the novel Coronavirus - COVID-19”, which was never appropriately implemented. It lists some communication measures that were set in this plan. It adds that the low rates of social

³³⁹ “Pre-CPI chloroquine burning”, Piauí, 06/05/21. Available at: <https://piaui.folha.uol.com.br/queima-de-cloroquina-pre-cpi/>.

³⁴⁰ Public Civil Action 5015211-47.2021.4.04.7100/RS.

³⁴¹ Available at: <https://www2.jfrs.jus.br/wp-content/uploads/2021/04/LIMINAR-ACAO-CIVIL-PUBLICA-No-5015211-47.2021.4.04.7100.pdf>.

distancing in the country indicate a lack of engagement on the part of the population in preventive actions, and notes that the topic was the subject of a recommendation to the Minister of Health³⁴², which was not answered. According to the decision [emphasis added], “The **information that the Federal Government claims to disseminate is not seen. The campaigns that the Federal Government claims to be promoting are not seen. There is no continuous, permanent, constant, regular communication capable of encouraging the population to act in a manner that contributes to halting the progress of the Covid-19 pandemic, which has been overwhelming. (...) There are no regular press conferences given by health authorities of the Ministry of Health, with informative content to the population. This mechanism was used by the federal administration in the early stages of the pandemic, and then abandoned.** It is important to have direct and immediate communication with the population, through the media channels; simple, clear speech, through a person identified by the public, in the form of questions and answers, helping to transmit instructions on how people can act and behave in order to contain and mitigate the effects of the risk of exposure to the virus and of infection, if it occurs”. MPF's request for injunction was also granted, determining that Federal Government present in court, within five days, a series of actions related to information communication with the purpose of informing the population about the risks and measures that need to be taken to prevent infection and tackle the pandemic. It also determined the holding of press conferences with a designated spokesperson, with minimum frequency of three times a week³⁴³.

22/04/21 Propaganda

230. President speaks in his weekly live³⁴⁴: “Our army does not go to the streets to keep

³⁴² Joint Recommendation PR/AM PR/CE PR/PE PR/RJ PR/RS PR/SE PR/SC PR/SP PR/DF PR/AC PR/PB PR/ES PR/MG PR/RN PR/AL PR/PA PR/PR PR/RO PR/TO PR/BA PR/MS PR/MA PR/AP PR/RR PR/MT, of March 4, 2021. Available at: <https://www.conjur.com.br/dl/mpf-ministerio-saude-adote-medidas.pdf>.

³⁴³ “Federal Justice orders Federal Government to present a National Communication Plan to tackle the pandemic”, Federal Justice. Available at: <https://www2.jfrs.jus.br/noticias/justica-federal-determina-que-uniao-apresente-plano-nacional-de-comunicacao-para-enfrentar-pandemia/>.

³⁴⁴ “Weekly Live with President Jair Bolsonaro - 22/04/2021”. Available at: <https://www.youtube.com/watch?v=prkZ-s8jP5g>.



our people indoors. We've already lost a lot with lockdown in Brazil. I have always been against lockdown. I have favoured vertical isolation. They did a horizontal one and look at the disgrace out there. (...) It's obvious that the poor were the ones who would suffer the most with this 'stay-at-home and we'll think about the rest later' policy. I'm not happy with that, I wanted it to be different, but the Supreme Court determined that states and municipalities could feel free to take all measures to fight the virus and the objective back then was confinement, lockdown, restrictive measures to flatten the curve, right? And at initially this was going to be for one month, two months, (...) A year has gone by and they continue with lockdown as if that were a remedy to fight the virus, and it is actually increasingly impoverishing our population. It's amazing how they only talk about vaccines. Because in the case of Covid you have to go home and stay there, according to Mandetta's protocol, until you feel short of breath and go to the hospital. And you go to hospital to do what? To be intubated. What they do in Brazil is a crime. What they do in Brazil with regard to Covid is indecent. It seems like ... It is not that it seems. It is in their interest that people die. (...) I took something last year, I won't say its name otherwise this live will be stopped, if I get sick I'll take the same thing again. It doesn't harm. (...) we had to renew the stock and the army manufactured a little more of it”.

<p>Epidemiological week 17, 25/04-01/05/21 Accumulated Covid-19 Cases - 14,725,975 Accumulated Covid-19 deaths - 406,437</p>

27/04/21 Propaganda

231. At a meeting of the Supplementary Health Council, the Minister of Economy, Paulo Guedes, who supposedly was not aware of the live transmission on the Ministry of Health's social media, stated: “We're going to have to do with public health the same thing done with emergency aid. A poor person is sick? Give them a voucher. Do they want to go to Einstein's [Albert Einstein Hospital]? Go to Einstein's. If you want to go to SUS, you can use your voucher wherever you want. There is no management in public health (...) The public sector will not be able to keep up with the health issue. The private sector is the solution. (...) Even NASA's rockets are already private. The state is broken, can't send a man to the moon every year. The United States have a strong industry. The

Chinese invented the virus and their vaccine is worse than the American one. Take Pfizer here.”

232. President tells supporters, as he leaves Palácio da Alvorada: “Show me any audio with me, any video of me saying that it was a little flu. I said it would be a little flu for me. Now, even O Globo announced now, without mentioning my name, that those who are in good health, who go for walks, go for a run, swim, do some exercise, have approximately eight times more chances of going through the virus or surviving without any problems. I didn't make a mistake about vitamin D. I didn't make any mistakes. I talk, I don't have a crystal ball or take guesses. I talk to people, right”³⁴⁵ .

³⁴⁵ “I didn't get anything wrong,' says Bolsonaro when commenting on managing the pandemic”. Metrôpoles. Available at: <https://www.metropoles.com/brasil/politica-brasil/nao-errei-nada-diz-bolsonaro-ao-comentar-gestao-da-pandemia>.

MAY 2021

Epidemiological week 18, 02-08/05/21
Accumulated Covid-19 Cases - 15,145,879
Accumulated Covid-19 deaths - 421,316

05/05/21 Propaganda

233. The President speaks: “It's a new virus, nobody knows if it was created in a laboratory or through a human being eating an unsuitable animal. But it is out there. The military knows that this is chemical, bacteriological and radiological warfare. Are we facing a new war? Which country has grown its GDP the most? I won't tell you. (...) A scoundrel is someone who is against early treatment and won't present an alternative, that is a scoundrel. What I've taken, everyone knows, I dare say that millions of other people have had this treatment. Why be against it? And I hope the Manaus experience with massive doses of hydroxychloroquine will be completely stripped bare by the senators. Why not invest in medicines? Because it is too cheap? Is it profitable for pharmaceutical companies or for laboratories to invest in what is expensive? We know this. (...) If any of you notice some noise at your door, or in your kitchen, at night, what would you do? Go under the bed? Or would you prepare for that person who is most certainly invading your property? With the virus it's the same thing, we have to face it”³⁴⁶. In view of the repercussion from the statement, the President affirmed that he did not mention China in his speech: “I know what biological warfare chemical warfare, nuclear warfare are. [...] I just said that and nothing else. Now, you from the press don't talk about where the virus was born. Speak up. Or are you fearing something. I didn't say the word China”³⁴⁷.

234. “We, through social media, when we show a bridge, show civil works, and do not

³⁴⁶ “A scoundrel A scoundrel is someone who is against early treatment and won't present an alternative, says Bolsonaro”, *Correio Braziliense*. Available at: <https://www.correio braziliense.com.br/politica/2021/05/4922397-canalha-e-ser-contra-o-tratamento-precoce-sem-dar-alternativa-diz-bolsonaro.html>.

³⁴⁷ “I didn't mention China,” says Bolsonaro after talking about 'lab virus”, *Power 360*. Available at: <https://www.poder360.com.br/governo/nao-citei-a-china-diz-bolsonaro-depois-de-falar-em-virus-de-laboratorio/>.

harp on the same string 'the president was not wearing a mask at the inauguration'. I'm already fed up with this", stated the President at an official ceremony³⁴⁸ .

235. At an official ceremony, President speaks³⁴⁹ : “Where did this blight come from to empower governors and mayors and lock us home, sentencing us to impoverishment, stealing millions of jobs, driving families to despair for not being able to work, for not being able to move?” (...) “And some, even when they seek a way to comfort themselves, are prohibited from going to church or going to a temple. Pastors and priests have become Brazil's villains. (...) scenes of people being arrested in public, women being handcuffed and the press won't say anything. (...) Men being banned from going to the beach, like a decree issued by Costa Verde mayor, prohibiting families from going out on speedboats in Angra Bay. What is that? Where are we? Where is our freedom? Where are the media to report this? (...) for the lefties everything is fine, and unemployment and poverty are fertile ground for dictatorships. (...) Everything that is at stake and some still dare oppress us through decrees, subordinates? What do we want from Article 5? Do we want freedom of worship? Freedom to be able to work. We want our right to come and go. Nobody can dispute this. (...) **On the streets, people are already asking the government to issue a decree, and if I issue a decree, it will be complied with. It will not be challenged by any court, because it will be enforced.** (...) The Congress, of which I was a member, I am sure it will be on our side. The people, to whom we, Executive branch and Parliamentarians, owe our loyalty, will obviously be on our side” [emphasis added].

³⁴⁸ “I'm already fed up with this,' says Bolsonaro about the use of masks”. Metr p les. Available at: <https://www.metropoles.com/brasil/politica-brasil/ja-encheu-o-saco-isso-diz-bolsonaro-sobre-uso-de-mascaras>.

³⁴⁹ “Bolsonaro raises the tone and says he has decree against lockdown ready”, R7. Available at: <https://noticias.r7.com/brasil/bolsonaro-sobe-o-tom-e-diz-ter-pronto-decreto-contra-lockdowns-05052021>.

06/05/21 Propaganda

236. In weekly live, President states: “Do you know what I think my answer would be? A statement does not kill anyone. What kills is the diversion of public funds that your State has diverted. So let's investigate your son and we'll solve this problem. Diversion kills, a statement doesn't kill”³⁵⁰. During the same live, the President mimics a person with shortness of breath once again. He also stated: “A scoundrel is someone who criticizes chloroquine and ivermectin and does not present an alternative”. On the same date, the PDT party filed a crime report at the STF against the president, with the purpose of investigating the practice of the crime described in art. 132 of the Brazilian Penal Code, i.e., expose the life or health of others to direct and imminent danger by prescribing medication without scientific indication for the disease; and crime of charlatanism, typified in art. 283 of the Penal Code, for announcing the cure for Covid-19³⁵¹.

07/05/21 Propaganda

237. At an event in Rondônia, the President speaks: “The right to come and go is sacred. (...) Our freedom of belief is also sacred, as is work. From now on, after all that we have been through, closing any point of our Brazil cannot be justified. Those who give up part of their freedom in exchange for security, however small, end up, in the future, having neither freedom nor security. (...) I put myself in the shoes of those who has lost everything or almost everything because of decisions that must be remade, I repeat, as I have already made mistakes. I could do something similar to what many have done, but my Army will never go out on the streets to keep you indoors. My Navy, my Army and my Air Force play within the four lines of the Constitution”³⁵².

³⁵⁰ "President Jair Bolsonaro speaks to the nation - Live 06/05/2021". Available at: <https://www.youtube.com/watch?v=UX4wRuswBg0>.

³⁵¹ Available at: <https://www.pdt.org.br/wp-content/uploads/2021/05/PETICAO.INICIAL-Assinado.pdf>.

³⁵² “In a new threat, Bolsonaro says that a decree against lockdown is ready”, Correio Brasiliense. Available at: <https://www.correiobraziliense.com.br/politica/2021/05/4922951-em-nova-ameaca-bolsonaro-diz-que-decreto-contra-lockdown-esta-pronto.html>.

Epidemiological week 19, 09-15/05/21
Accumulated Covid-19 Cases - 15,586,534
Accumulated deaths per Covid-19 - 434,715

10/05/21 Normative acts

238. Decree 10,697 creates the Extraordinary Department for Tackling Covid-19, announced by the Minister of Health on 24/03/21³⁵³. It is incumbent on the new body, among other duties, to propose national guidelines and health policy implementation action to fight the Covid-19 pandemic, jointly with state, federal district and local administrators; define and coordinate the actions of the National Vaccination Operational Plan for Covid-19 vaccines; and provide transparency to the actions and measures related to tackling the Covid-19 pandemic. According to the Decree, the disclosure to the population of information regarding the measures to fight the Covid-19 pandemic will comply with the guidelines from the Institutional Communication Secretariat of the Ministry of Communications”. On 22/05/21, infectious disease specialist Luana Araújo, appointed for the position, informed that she would not exercise it, without stating the reasons for her resignation³⁵⁴.

12-13/05/21 Government Acts

239. Two preventive writs of Habeas Corpus with request for preliminary injunctions were filed at the STF in favour of former Health Minister Eduardo Pazuello, one of them by a “common citizen”³⁵⁵, and another by the AGU, which requests the issuance of a pass in favour of the party, so that: a) the right to silence is guaranteed, safeguarding the right to answer questions that, in their opinion, do not constitute a violation of the principle of

³⁵³ "Queiroga announces secretariat for tackling the pandemic and strengthening the vaccination campaign: 'We will give 1 million vaccines a day', Ministry of Health. Available at: <https://www.gov.br/saude/pt-br/assuntos/noticias/queiroga-anuncia-secretaria-de-combate-a-pandemia-e-fortalecimento-da-campanha-de-vacinacao-201cvamos-aplicar-1-milhao-de-vacinas-por-dia201d>.

³⁵⁴ “Covid-19 Fight Secretary leaves office 10 days after her appointment was announced”, CNN Brasil. Available at: <https://www.cnnbrasil.com.br/nacional/2021/05/22/secretaria-de-enfrentamento-a-Covid-19-deixa-cargo-10-dias-apos-ser-anunciada>.

³⁵⁵ Available at: <https://www.conjur.com.br/dl/hc-favor-pazuello.pdf>.

nemo tenetur segetere [no one is required to produce evidence against themselves]; b) the right to silence is guaranteed, in the sense of only answering questions that refer to objective facts, exempting the deponent from issuing value judgments or personal opinions, except when inseparable from the factual exposure; c) the right to be accompanied by a lawyer is guaranteed; and d) during the exercise of these rights, they cannot suffer any threat or physical or moral constraints, such as the typification of a crime of perjury and/or threat of arrest in *flagrante delicto*, ensuring, as an extreme measure, the possibility of terminating their participation in the deposition”³⁵⁶. On 14/05/20, the Deputy Attorney-General from the Public Prosecutor Office at the TCU filed a formal complaint requesting the court to assess the public interest in using the public system to file the Habeas Corpus, which tries to guarantee the silence of the former Minister of Health Eduardo Pazuello during the Covid-19 CPI. He argues that the institution is being used for the benefit of Pazuello and President Jair Bolsonaro, as the investigation could create imputations against them: “The transformation of a private issue into a dispute financed with public resources cannot be allowed”. If the misuse of the AGU is confirmed, it asks the TCU to determine the accountability of those involved and apply the appropriate sanctions. It also requests the court to order the AGU to refrain from promoting new acts of that kind and adopt measures to reverse the already established situation.³⁵⁷ . Justice Ricardo Lewandowski's decision on 14/05/21 assured the party: “(i) the right to silence, that is, not to answer questions that may, in any way, incriminate them, being, however, prohibited from not telling the truth regarding all other questions not covered by this clause; (ii) the right to be assisted by a lawyer throughout deposition; and (iii) the right to be questioned with dignity, urbanity and respect, to which, moreover, all deponents are entitled, and shall not suffer any physical or moral constraints, in particular threats of arrest or prosecution, when acting in the regular exercise of the rights described above, this decision working as a safe pass”³⁵⁸ .

³⁵⁶ Available at: <https://www.conjur.com.br/dl/agu-salvo-conduto-pazuello-ficar.pdf>.

³⁵⁷ Available at: <https://www.conjur.com.br/dl/mp-tcu-questiona-atuacao-agu-silencio.pdf>.

³⁵⁸ Available at: <https://www.conjur.com.br/dl/decisao-ministro-lewandowski-pazuello.pdf>.

13/05/21 Propaganda

240. “The narrative ended, we couldn't sign a contract last year because it was a contract that had a lot of legal uncertainties, in addition to health uncertainties, as Anvisa needed to give its approval. We did the right thing. It started with Pazuello. That started and practically ended with Pazuello [the acquisition of the vaccines]. (...) We did the right thing, Pazuello got everything right about what he did last year, everything has been clarified”, maintains the President in his weekly live³⁵⁹ .

14/05/21 Normative Acts

241. Ordinance 653 from the Chief of Staff, Public Security and Health Office sets out exceptional and temporary restriction related to entry of foreigners of any nationality into the country, as recommended by ANVISA. Only on that date did Brazil adopt specific measures to prevent the entry of potential foreign visitors infected with new coronavirus variants identified in India, identified as a global risk since October 2020. The late control was carried out by means of amending the regulatory provision that already regulated the entry of persons from the United Kingdom and South Africa (Articles 7.3 and 7.6). In addition, the Ordinance maintains unfounded discrimination against foreigners who enter by land from Venezuela (article 3.3 and 4, sole paragraph). On 28/05/21, Ordinance 653 was revoked by Ordinance 654, which maintains the stricter restrictions on flights from the United Kingdom, South Africa and India, and continues discriminating against those coming from Venezuela by land.

15/05/21 Propaganda

242. During an act at the Esplanade of Ministries³⁶⁰, the President states: “There are

³⁵⁹ "Thursday Live - 13/04/2021 [sic] - PR Jair Bolsonaro". Available at: <https://www.youtube.com/watch?v=pjfBcotB2cE>.

³⁶⁰ “Bolsonaro reinforces criticism against isolation measures: there could be 'infinite waves' of Covid-19”, Correio do Povo. Available at: <https://www.correiodopovo.com.br/not%C3%ADcias/pol%C3%ADtica/bolsonaro-refor%C3%A7a->

already talks about a third wave, if a third wave comes, there will be a fourth, fifth, sixth, infinite waves. (...) We are sorry for the deaths by Covid, as well as the other deaths in Brazil, but we must face the problem. It's not by hiding under the bed or at home that we're going to solve this problem. There is a biblical passage that says: if you falter in times of anguish, your strength is small”.

<p>Epidemiological week 20, 16-22/05/21 Accumulated Covid-19 Cases - 16,047,439 Accumulated Covid-19 deaths - 448,208</p>
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17/05/2021 Propaganda

243. “Agriculture hasn't really stopped. There are some idiots out there, the 'stay at home' ones. There are some idiots who are still staying at home today. If field workers had stayed home, those guys would have starved, those idiots would have starved to death. And then, they keep complaining about everything”, said the President to a group of supporters at the door of Palácio do Alvorada³⁶¹.

21/05/21 Government Acts

244. An audio file circulated on social media wherein lawyer José Roberto Feltrin, who died on 18/05/21 as a result of Covid-19, blames the President of the Republic and the governing Federal Deputy José Medeiros (Podemos-MT), for whom he worked, for the advancement of Covid-19 in the country³⁶². Feltrin maintains: “I don't think I can handle it. I'm in a really bad shape. It's bad man, I'm not well. The fault is on that dirty-ass

[cr%C3%ADtica-a-medidas-de-isolamento-poder%C3%A1-haver-infinitas-ondas-de-Covid-19-1.620356.](#)

³⁶¹ “Without wearing a mask, Bolsonaro mocks: 'I am immortal, unlimpable and inedible’”, Jornal Estado de Minas. Available at: https://www.em.com.br/app/noticia/politica/2021/05/17/interna_politica,1267383/sem-mascara-bolsonaro-debocha-sou-imorivel-imbrochavel-e-incomivel.shtml.

³⁶² “That's the dirty-ass captain's fault,' parliamentary advisor said before he died,” Correio Braziliense. Available at: <https://www.correiobraziliense.com.br/politica/2021/05/4926093-culpa-e-desse-capitao-bunda-suja-disse-assessor-parlamentar-antes-de-morrer.html>.

captain who didn't provide a vaccine. (...) This [Deputy José] Medeiros guy is responsible for everything that is happening to the Brazilian people. These guys have been supporting this genocidal government. These guys have been sabotaging the vaccine from the beginning... And nobody does anything about the disgrace of this damned country". Lawyer Carlos Naves de Resende, who released the audio, filed a police report and requested police protection from the Covid CPI in which he reports having been threatened by journalists and advisers Evandro Soares and Rodrigo Rodrigues, supposedly on the orders of José Medeiros; he says, even though the disclosure of the audio had been requested by Feltrin, in case he died³⁶³. The widow, Cláudia Feltrin, stated: "Not only do I confirm the authenticity of the audio, but I also thank Carlos Naves, José Roberto's only friend who was with him until the end. I didn't want it to go this far, I wanted my husband to be alive, with his family, but the disclosure of the audio fulfilled his wish. He said something that had been stuck in his throat for a long time"³⁶⁴.

21/05/21 Government Acts

245. President Jair Bolsonaro was fined by the Health Surveillance Superintendence of Maranhão after creating crowds, without wearing a mask, during a two-day visit to the state. According to the health infraction notice, the President failed to comply with state legislation, in particular the "obligation to wear a mask as a pharmacological measure intended to contribute to the containment and prevention of Covid-19, in places of collective use, even if private", in addition to having committed the irregularity of "promoting, in an event of the Presidency of the Republic, agglomerations with more than 100 people with no health control"³⁶⁵. In relation to the same trip, the president of PCdoB party in Maranhão, Márcio Jerry, announced an action had been filed at the TSE

³⁶³ "Lawyer reports threats from advisers on the orders of Medeiros and requests police protection from Covid CPI," TV Mais News. Available at: <http://www.tvmaisnews.com.br/noticia/16782/advogado-relata-ameacas-de-assessores-a-mando-de-medeiros-e-pede-protecao-policia-a-cpi-da-covid>.

³⁶⁴ "My husband's wish was fulfilled,' says widow on audio blaming Bolsonaro," RD News. Available at: <https://www.rdnews.com.br/coronavirus/cumpriu-o-desejo-do-meu-marido-diz-viuv-a-sobre-audio-culpando-bolsonaro/144675>.

³⁶⁵ "MA Government fines Bolsonaro for not wearing mask and crowding", Migalhas. Available at: <https://www.migalhas.com.br/quentes/345975/governo-do-ma-multa-bolsonaro-por-nao-usar-mascara-e-aglomerar>.

and at the Regional Electoral Attorney Office in order to investigate whether the President would not have made “early electoral propaganda in an institutional event carried out with public money”, adding: “At an official government event, he did negative propaganda about opponents. He transformed an institutional platform into an electoral platform. There is off-season carnival and off-season campaign. Off-season campaign is a crime”³⁶⁶ .

<p>Epidemiological week 21, 23-29/05/21 Accumulated Covid-19 cases - 16,471,600 Accumulated Covid-19 deaths - 461,057</p>
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23/05/21 Propaganda

246. In a political act that generated agglomeration in Rio de Janeiro (RJ), General Eduardo Pazuello joined the President, both without masks, in the sound-equipped car used as a platform, where he would have spoken: “Hey guys. No way was I going to miss this motorcycle tour. We're together, huh. We're together. Congratulations to all the guys who are here, honouring the PR [president]. PR is a good person. PR is a good person. Hugs guys”³⁶⁷ . Military law prohibits members of the force from participating in political demonstrations. Faced with the announcement of a disciplinary investigation by the Army into Pazuello's behaviour, the President stated in his live on 27/05/21: “It's a meeting that didn't have any political bias, even because I'm not affiliated with any political party yet. It was a movement for freedom, democracy and support for the president”³⁶⁸ . Retired General Santos Cruz, former minister of the Government Secretariat, said: “From soldier to general the same rules and values must apply. A president and an active-duty military person mixing the Army with politics is irresponsible and dangerous. The disrespect the institution. A bad example that cannot

³⁶⁶ “Government of Maranhão fines Bolsonaro for causing crowding during trip”, Power 360. Available at: <https://www.poder360.com.br/coronavirus/governo-do-maranhao-autua-bolsonaro-por-causar-aglomeracao-durante-viagem/>.

³⁶⁷ “Bolsonaro, the government's military and Pazuello claim that the act was not partisan and that no punishment is applicable”, Folha de S. Paulo. Available at: <https://www1.folha.uol.com.br/poder/2021/05/bolsonaro-militares-do-governo-e-pazuello-defendem-que-ato-nao-foi-partidario-e-que-nao-cabe-punicao.shtml>.

³⁶⁸ “27/05/21 live - PEF Maturacá/AM”. Available at: <https://www.youtube.com/watch?v=XWYTur5g-u0>.

be followed. Terrible for Brazil”³⁶⁹. According to Vice President Hamilton Mourão, “The rule has to be applied to prevent anarchy from taking hold within the Armed Forces. Just as there are people who are fond of government, there are people who are not, so everyone has to stay within the line that the Armed Forces have to adopt. The Armed Forces are non-partisan, they have no party. The party of the Armed Forces is Brazil”³⁷⁰

26/05/21 Government Acts

247. The Ministry of Health dismissed the Superintendent of the cabinet in Rio de Janeiro, retired colonel George da Silva Divério, allegedly on suspicion of having committed irregularities in contracts in the amount of R\$ 28 million for renovation of rooms at the Ministry's headquarters and sheds for storage of documents from the agency in Rio de Janeiro, after a warning from the TCU that investigates the case³⁷¹.

26/05/21 Propaganda

248. During a public hearing in the Chamber of Deputies, Health Minister Marcelo Queiroga holds the SUS accountable for the 2020 health crisis: “we had many difficulties in health care, firstly because we were unaware of the full characteristics of this disease. Second, because our health system, despite the progress made in the last three decades, suffered from vicissitudes, which are known to all of you. Wrecked hospital units, crowded emergency rooms, ICUs at maximum capacity and queues for surgeries to be performed”³⁷².

³⁶⁹ “Army decides to initiate disciplinary investigation against Pazuello due to participation in an act with Bolsonaro”, G1. Available at: <https://g1.globo.com/jornal-nacional/noticia/2021/05/24/exercito-decide-abrir-apuracao-disciplinar-contra-pazuello-por-participacao-em-ato-com-bolsonaro.ghtml>.

³⁷⁰ “Mourão defends punishment of Pazuello to avoid 'anarchy' in the Armed Forces”, Jovem Pan. Available at: <https://jovempan.com.br/programas/jornal-da-manha/mourao-defende-punicao-de-pazuello-para-evitar-anarquia-nas-forcas-armadas.html>.

³⁷¹ “Minister of Health dismisses the superintendent colonel in Rio after charges”, UOL/Band News FM. Available at: <https://www.band.uol.com.br/noticias/ministro-da-saude-exonera-coronel-de-superintendencia-no-rio-apos-denuncias-16351188>.

³⁷² “Queiroga blames aggravation of pandemic on SUS problems”, UOL. Available at: <https://www.youtube.com/watch?v=XUVBoceeCGg>.

27/05/21 Government Acts

249. The President and Federal Attorney-General, Minister André Mendonça filed an ADI (Direct Unconstitutionality Action), with request for injunction, asking the STF to declare the unconstitutionality of lockdown and curfew measures instituted by decrees of the states of Paraná, Pernambuco and Rio Grande do Norte, due to supposed “violation of the principles of democracy, the rule of law, legality and proportionality, as well as an violation of the basic rights to work, to free enterprise and livelihood”³⁷³. A similar action had been signed by the President in relation to measures taken by the states of Bahia, the Federal District and Rio Grande do Sul (please see §203).

27/05/21 Propaganda

250. In his weekly live, the President talks about Covid-19: “I’m **not going to say what I took in Brazil otherwise they will cut my internet signal, but you know what I took.** (...) I had the symptoms a month or so ago, symptoms just like the ones I had the first time I was infected. What did I do? I took that and that's it. (...) what I took, people take it all the time here in the Amazon, without a prescription, they take it to fight what? Malaria. The guy was stricken with malaria, he takes those pills, the **one I showed the emu**, and takes them for malaria”. The President also referred to PL 1912/2021, proposed by Senator Omar Aziz, President of the Covid-19 CPI, through which article 284 of the Brazilian Penal Code, referring to healerism, would be added: “**Prescription of a product intended for therapeutic or medicinal purposes without scientific proof** Art. 284-A. Prescribe, administer or apply a product intended for therapeutic or medicinal purposes without scientific proof of its efficacy in the treatment of the disease presented by the patient: Penalty – imprisonment, from six months to two years, plus fine. § 1 The same penalty applies to anyone who promotes or encourages, by any means, the use of the product referred to in the main section. § 2 If the conduct set out in the main section is

³⁷³

Available at: <https://www.gov.br/agu/pt-br/comunicacao/notas-a-imprensa/ADI2021ASSINADOPRAGU.pdf>.

<https://www.gov.br/agu/pt-br/comunicacao/notas-a-imprensa/ADI2021ASSINADOPRAGU.pdf>

practiced by a health care professional, the penalty will be increased from one third to half. § 3 The penalties set out in the main section and in §§ 1 and 2 will be increased by two-thirds, if the conduct is practiced during the occurrence of an epidemic. § 4 Scientific evidence, for the purposes of determining the crimes provided for in this article, is the authorization and registration of the product intended for therapeutic or medicinal purposes for the treatment of the disease presented by the patient by the health surveillance agency”³⁷⁴ . About this PL, which was removed by the plaintiff two days before this live, the President says: “**It was supposed to hit me too. If I talked again about that thing I showed the emu, I would also get three years in jail**”³⁷⁵ .

³⁷⁴ Available at: <https://legis.senado.leg.br/sdleg-getter/documento?dm=8972376&ts=1622493912361&disposition=inline>.

³⁷⁵ “27/05/21 Live - PEF Maturacá/AM”. Available at: <https://www.youtube.com/watch?v=XWYTur5g-u0>.