

Brazilian state may be sued for negligence in COVID-19 deaths



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Brasilia, June 11 (RHC)-- Brazilian jurists consulted by local media said that the relatives of 447,000 victims of COVID-19 could sue the State, if they wish, for "omission of commission", which would justify actions for damages.

The doctor in State Law of the Pontifical Catholic University of Sao Paulo (PUC -SP), Pedro Serrano, explained that the conduct of the Government, adopted in this case, can generate the right to

compensation in theory, because it is a "commission omission". "That is to say, it is an omission in which there was a duty to act, there was a duty to buy vaccines and that duty was not fulfilled", detailed the specialist.

The Brazilian jurist pointed out that the element of illegality in the conduct of the State is present. It would not even be in the case of strict liability, but in the case of subjective liability, which is an omission that counts as an act, because in the end there was "a decision not to buy".

This thesis is shared by the coordinator of the Brazilian Association of Jurists for Democracy, Tania Oliveira, who stated this Wednesday before local media: "There has to be a characterization of the silent conduct of the State, an investigation of how the public agents reacted to the health crisis, in order to characterize the civil liability".

The expert also pointed out that it is necessary to detail "the elements that may have led to the death of these people." Oliveira added that in this case "it is a matter of compensation by the State itself."

The lawyer and professor of Criminal Law at the Paulista Law School, Fernando Hideo Lacerda, also denounced to the local media "that there was an offer of vaccines and (...) the Brazilian State chose not to acquire them".

For Hideo, the main reason for the investigation "is the trail of illegality left by the administration of President Jair Bolsonaro" in the conduct of the pandemic. "What fits, of course, is an impeachment process. The issue of political crime is more than characterized. Now, in the criminal and criminal administrative sphere, it does not seem that criminal responsibility affects President Bolsonaro," he added.

On Wednesday, Brazil reported 85,748 new positive cases, for a total of 17,122,877 contagions of the coronavirus, and 2,723 deaths, to accumulate 479,515 deaths by Covid-19.

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