

COVID-19 pandemic: Doctors sue French government for criminal negligence

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With thousands of dead and 29,155 confirmed COVID-19 cases in France, thousands of health-care professionals infected, and six doctors already dead of the disease, anger against the government among workers and medical staff is mounting. Like governments across Europe, the French government downplayed the disease and deliberately withheld critical information from the public.

In response, hundreds of health-care professionals are filing a suit charging top officials with criminal negligence.

A scandal erupted after ex-Health Minister Agnès Buzyn spoke to *Le Monde*, blaming Prime Minister Édouard Philippe for not calling off the March 15 first round of municipal elections, the second round of which has since been canceled, and for downplaying her warnings on the pandemic. It appears the interview was an attempt by Buzyn to shift criminal responsibility off her shoulders and onto those of Philippe and French President Emmanuel Macron.

Buzyn was following events in China, she said, and “on December 20, an English-language blog reported a strange pneumonia. I alerted the general health directorate. On January 11, I sent a message to the president. On January 30, I warned Édouard Philippe that elections could probably not be held. I was chomping at the bit.”

Buzyn made clear that top French officials knew and hid the fact that by not calling for a lock-down to stop COVID’s spread, they were exposing themselves and others to mortal danger. When she left the health ministry to briefly run for Paris mayor, Buzyn said, “I was crying, as I knew a tsunami was coming. I left the ministry knowing elections would not be held. From the start I was thinking of just one thing: the coronavirus. We should have stopped everything. We

were playing a masquerade. The last weeks were a nightmare. Every time I went to a public meeting, I was terrified.”

After all of this, Buzyn confessed, “There will be thousands of deaths.”

Buzyn’s confession terrified the Macron government and its allies, including Jean-Luc Mélenchon of the petty-bourgeois Unsubmissive France (LFI) party. Shocked, he wrote a Facebook post asking: “Why is she saying this now, when it is too late? Does she not realize that she is raising the criminal liability of both herself and the other people she is claiming she warned?” Mélenchon proposed to drown the scandal in an “information session” of the National Assembly.

In fact, the entire ruling elite, including all factions of the capitalist political establishment in France and across Europe, are responsible for decades of austerity that devastated health systems, and for not challenging Macron’s politically criminal inaction in the initial weeks of the pandemic. As late as March, government spokespeople were comparing COVID-19 to the flu and insisting that workers should not confine themselves at home but go to work to make profits for the banks.

A growing international mobilization of the working class has transformed this situation, however. Wildcat strikes erupted across Italy and tens of thousands of industrial workers walked off the job in France and across Europe, forcing state officials to grudgingly approve confinement measures.

As the death toll has mounted among the population and health staff, growing anger and disillusionment with the Macron government has pushed health-care professionals to file suit against Philippe, Buzyn and other officials.

Several hundred doctors and health staff represented by the lawyer Fabrice di Vizio have filed a suit to the

Court of Justice of the Republic (CJR), which has jurisdiction to investigate high crimes by top officials.

Di Vizio said that his clients were suing based on Article 233, part 7 of the Criminal Code, which stipulates: “Anyone who voluntarily abstains from taking or launching measures that would allow, without risk for himself or third persons, for fighting a catastrophe that could threaten physical persons is punished with two years in jail and a 30,000 euro fine.”

Di Vizio pointed to the growing anger of health staff as they discovered that the government’s various assurances about protective equipment like face masks were lies. He said, “The government told them at the end of February that the masks would arrive. At the beginning of March, when they understood that the masks were not coming, they started hearing from the government that masks were not really needed... In fact, this was simply an admission of impotence and a lie. The plain truth is that the government had stocked no supplies.”

French firms are producing face masks, di Vizio added, but the British government placed its orders first. For virtually the entire month of March, as a result, French medical staff did not receive any of them. Nicolas Brillat, an executive at one of these firms, made clear the blame lay with Macron. “We had been telling the French authorities for six weeks that there would be a problem,” he said.

Di Vizio pointed to the significance of Buzyn’s interview in *Le Monde*: “Now a criminal inquiry is indispensable, to bring to light the extent of what was hidden from the French people and to determine the role and responsibility of each official in this health catastrophe.” The lawyer called for “the health ministry’s internet servers to be impounded and searched.”

A fight to hold government ministers accountable for their actions in the COVID-19 pandemic has wide support in the working class. Polls show that 70 percent of the French population does not believe that the Macron government is telling the truth about the pandemic. However, the task of holding them to account cannot be left to the courts, but requires the political mobilization of the working class, independently of pseudo-left supporters of Macron like Mélenchon.

Bitter historical experience shows that the CJR,

which would likely take years to rule on such a case, will not by itself redress the wrongs produced by high-level state criminality.

The last time this court was invoked was over the 1980s tainted blood scandal. Under Socialist Party (PS) President François Mitterrand, the National Center for Blood Transfusion (CNTS) knowingly used blood transfusions infected with the AIDS virus, wiping out France’s hemophiliac population. Then-Prime Minister Laurent Fabius’s PS government wanted to avoid using US companies’ equipment to test for the AIDS virus. It delayed all screening of the blood until French firms could make such equipment, by which point the blood supply was hopelessly contaminated.

The General Inspectorate of the Health Administration concluded in its report that health protection was subordinated to economic considerations. Fabius, former PS Social Affairs Minister Georgina Dufoix, and former PS Health Minister Edmond Hervé all faced trial, nearly 20 years after the fact, before the CJR on charges of “involuntary manslaughter.” Thanks to the extensive rewriting of French laws that had taken place in the intervening period, however, Fabius and Dufoix were both found innocent. Hervé was found guilty on two counts but received no sentence.

Today, the crimes of the ruling class are unfolding on a far larger scale. Workers in Europe and internationally are faced with the challenge of struggling to ensure an effective fight against the disease, and to take power from a financial aristocracy that has irrefutably demonstrated its political criminality.



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