

Note: This English translation is unofficial. Only the original German text carries legal authority.

30 years of Grünenthal sleaze in the Contergan Foundation?

Part II

Invitation to the court hearing
at the Cologne Higher Regional Court
Andreas Meyer vs. Attorney Karl Schucht
on 15.2.2018

Date: 15.2.2018

Time: 14:30 p.m.

**Place: Cologne Higher Regional Court,
Reichensberger Platz 1, 50670 Cologne**

Room: Courtroom 301, 3rd Floor

Accessibility information (in German):

<http://www.olg-koeln.nrw.de/behoerde/behinderte/index.php>

German Sign language interpreters will be present!

Entry controls are carried out at the entrance to the court building.

This could result in queues.

Please make suitable arrangements to ensure that you can be at the courtroom on time.

Please bring a valid identity document with you (identity card, passport or equivalent proof of identity).

Dear fellow campaigners,

I hereby invite you to the appeal hearing in the case of Andreas Meyer vs. Attorney Karl Schucht at the Cologne Higher Regional Court.

The proceedings shed light on the possibly unholy links between the manufacturing company Grünenthal, the Contergan Foundation and the Federal Ministry of Family Affairs.

At the same time, the proceedings again raise the question of whether, in the handling of the Contergan scandal (Contergan is the German name for thalidomide), the manufacturer was favoured by the exercise of political influence against the interests of Contergan victims.

Light must also be shed on the highly explosive question of whether, and why, a federal ministry concurred with a possibly false statement in response to a minor interpellation in Parliament.

The answers to these questions could lead to the possible result that the Contergan scandal must be re-opened.

Perhaps the results of the proceedings will cast doubt on the alleged independence and impartiality of the work of the Contergan Foundation in the past and present.

In particular, this could discredit the assessment monopoly of the Contergan Foundation's medical experts that has been established for decades.

This would be of importance to all thalidomide victims around the world who receive or wish to receive payments from the Contergan Foundation.

Not least, the proceedings may provide a sad lesson about the lack of character of opportunists who became hopelessly lost in the thickets of their favours to the powerful.

Introduction

This presentation attempts to summarise the object of the appeal hearing at the Cologne Higher Regional Court on 15.2.2018 in a way that is understandable for the layperson.

To refresh their memory, readers should follow the links shown below in the sequence in which they are listed:

http://www.gruenenthal-opfer.de/press_hearing_thalidom_lawsuit_13_2_2017

http://www.gruenenthal-opfer.de/Press_no_settle_legal_disp_role_Gruenen_9_3_2017

http://www.gruenenthal-opfer.de/press_ContVict_wins_agains_memb_ContFound_8_6_2017

The judgement of the Bonn Regional Court on 10.5.2017

In the lawsuit between the plaintiff, Contergan victim Andreas Meyer, and the defendant and former Management Board member of the Contergan Foundation, Attorney Karl Schucht, the Bonn Regional Court reached a judgement on 10.5.2017. The judgement (file number 13 O 136/13) is not yet final.

Attorney Karl Schucht is forbidden to make the following assertion:

“Mr Meyer has alleged that for 30 years Grünenthal has also been looking into the medical files of the affected persons at the Contergan Foundation. This allegation is untrue. At no time has Grünenthal had access to the medical files of the Contergan Foundation. The medical files were and are always kept in the office of the Contergan Foundation.”

In the event that Attorney Schucht should repeat this assertion, he would face a fine of up to 250,000 € or alternatively up to 6 months detention.

Furthermore, Attorney Schucht must make a rectification in writing to the members of the Family Affairs Committee of the German Federal Parliament in the 17th Legislative Period:

“I hereby make the following rectification. Mr Meyer’s statements were not untrue. Grünenthal GmbH had access to the medical files of the Contergan Foundation in the person of the head of its Legal Department and Marketing Department, Attorney Herbert Wartensleben, who was Chairman of the Medical Commission of the Contergan Foundation from 1972 until 2003.”

The remaining parts of Meyer’s suit against Schucht were rejected.

The Bonn Regional Court rejected these parts of Meyer’s lawsuit:

“1. The defendant (Attorney Karl Schucht) is ordered, on pain of a fine of up to 250,000 euros with the alternative of detention, or detention for breach of a court order for up to 6 months to be determined by the court for every case of infringement, to cease and desist from expressing and/or disseminating and/or allowing to be disseminated in these words or in words to the same effect the assertions:

...

b. Mr Meyer has alleged that Grünenthal has been paying for the experts of the Medical Commission of the Contergan Foundation for 30 years. This allegation is untrue. The experts of the Medical Commission have always been paid out of funds of the Contergan Foundation.

2. The defendant (Attorney Karl Schucht) is ordered to rectify in writing to the members of the Committee for Family Affairs, Senior Citizens, Women and Youth of the German Federal Parliament in the 17th Legislative Period the statements specified under 1.a and 1.b as follows:

“In a letter dated 22 February 2013 I told the members of the Committee for Family Affairs, Senior Citizens, Women and Youth of the 17th German Federal Parliament that Mr Andreas Meyer had made untrue allegations.

I wrote:

...

‘Mr Meyer has alleged that Grünenthal has been paying for the experts of the Medical Commission of the Contergan Foundation for 30 years. This allegation is untrue. The experts of the Medical Commission have always been paid out of funds of the Contergan Foundation.’

I hereby make the following rectification.

Mr Meyer's statements were not untrue.

...

Furthermore, since 1973 Grünenthal GmbH has made lump sum payments to the Contergan Foundation to fund the experts of the Medical Commission of the Contergan Foundation."

The appeals by Andreas Meyer

Meyer has appealed against the judgement in respect to the above parts of the suit that were rejected.

In his appeal dated 1 June 2017, Meyer is appealing to the Cologne Higher Regional Court for the amendment of the judgement of the Bonn Regional Court dated 10 May 2017 – file number 13 O136/16 -, delivered on 18 May 2017:

- "1. The defendant (Attorney Karl Schucht) is ordered, on pain of a fine of up to 250,000 euros with the alternative of detention, or detention for breach of a court order for up to 6 months to be determined by the court for every case of infringement, to cease and desist from expressing and/or disseminating and/or allowing to be disseminated in these words or in words to the same effect the assertions:**
 - a. Mr Meyer has alleged that for 30 years Grünenthal has also been looking into the medical files of the affected persons at the Contergan Foundation. This allegation is untrue. At no time has Grünenthal had access to the medical files of the Contergan Foundation. The medical files were and are always kept in the office of the Contergan Foundation.**
 - b. Mr Meyer has alleged that Grünenthal has been paying for the experts of the Medical Commission of the Contergan Foundation for 30 years. This allegation is untrue. The experts of the Medical Commission have always been paid out of funds of the Contergan Foundation.**

- 2. The defendant (Attorney Karl Schucht) is ordered to rectify in writing to the members of the Committee for Family Affairs, Senior Citizens, Women and Youth of the German Federal Parliament in the 17th Legislative Period the statements specified under 1.a and 1.b as follows:**

"In a letter dated 22 February 2013, I told the members of the Committee for Family Affairs, Senior Citizens, Women and Youth of the 17th German Federal Parliament that Mr Andreas Meyer had made untrue allegations.

I wrote:

'Mr Meyer has alleged that for 30 years Grünenthal has also been looking into the medical files of the affected persons at the Contergan Foundation. This allegation is untrue. At no time has Grünenthal had access to the medical files of the Contergan Foundation. The medical files were and are always kept in the office of the Contergan Foundation.

Mr Meyer has alleged that Grünenthal has been paying for the experts of the Medical Commission of the Contergan Foundation for 30 years. This allegation is untrue. The experts of the Medical Commission have always been paid out of funds of the Contergan Foundation.'

I hereby make the following rectification.

Mr Meyer's statements were not untrue.

Grünenthal GmbH had access to the medical files of the Contergan Foundation in the person of the head of its Legal Department and Marketing Department, Attorney Herbert Wartensleben, who was Chairman of the Medical Commission of the Contergan Foundation from 1972 until 2003.

Furthermore, since 1973 Grünenthal GmbH has made lump sum payments to the Contergan Foundation to fund the experts of the Medical Commission of the Contergan Foundation."

Andreas Meyer's lawyers make it clear that in the appeal, under Point 2 in the rectification, in the last but one paragraph, the sentence that was previously applied for at the Bonn Regional Court:

"The reference files of Mr Herbert Wartensleben were held initially by himself and subsequently in the archives of the company Grünenthal GmbH."

has been deleted.

In Andreas Meyer's appeal, this sentence is no longer pursued.

Further, Andreas Meyer's lawyers applied on 26 June 2017,

that the appeal of the defendant (Attorney Karl Schucht) be rejected.

The appeals by Attorney Karl Schucht

In turn, Attorney Schucht has appealed against the judgement in respect to the parts of the suit which he lost.

Attorney Karl Schucht applied to the Cologne Higher Regional Court through his lawyers on 11 September 2017,

in annulment of the judgement of the Bonn Regional Court on 10.5.2017 – file number 13 O 136/16 -, insofar as the Regional Court had allowed the suit, that the suit (by Andreas Meyer) be rejected in its entirety.

Further, Attorney Karl Schucht applied through his lawyers on 18 December 2017,

that the appeal of the plaintiff (Andreas Meyer) be rejected.

The political explosiveness of these proceedings

What appears at first sight to be merely a legal dispute between two private persons, in reality provides sufficient inflammatory material for political fireworks at national level:

The Minor Interpellation by the Parliamentary Group Die Linke (Left Party) in the German Federal Parliament

The statement by Andreas Meyer dated 1.2.2013 and the letter from Attorney Karl Schucht dated 22.2.2013 to the members of the Family Affairs Committee were the subject of a Minor Interpellation by the Parliamentary Group Die Linke (Left Party) in the German Federal Parliament on 4.4.2013.

This Minor Interpellation by the Parliamentary Group Die Linke on 4.4.2013 and the corresponding reply by the then Federal Government on 22.4.2013 can be downloaded at the following link.

http://www.gruenenthal-opfer.de/Two_Minor_Interpellations_Left_Party_4_4_2013

In its reply on 22.4.2013, the then Federal Government largely confirmed the assertions made by Attorney Karl Schucht.

For example, Question 1 of the Minor Interpellation by the Parliamentary Group Die Linke on 4.4.2013 was thus worded:

“Question No. 1:

How far does the letter from Mr. Schucht dated 22.02.2013 only represent the opinion of the Foundation’s Management Board or also that of the supervising Federal Ministry?”

The then Federal Government answered this question in its reply on 22.4.2013 as follows:

“Insofar as the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) has knowledge of the facts on which the letter is based, the contents of the letter largely correspond to the opinion of the Federal Government.”

If Andreas Meyer wins the case, it means that not only Attorney Karl Schucht has lied.

Because then it means that the Federal Family Affairs Ministry repeated Attorney Karl Schucht’s lie in Parliament.

And then the question arises, why and for whom this was done.

That brings us to the question, which affects us all, of whether the handling of the Contergan scandal until now has been affected by the exercise of political influence in favour of the Grünenthal company.

And that brings us quickly to the question of whether the entire Contergan proceedings need to be re-opened!

I ask you all to attend in great numbers!

Bring your friends and acquaintances!

Due to its historical importance this court hearing affects us all!

Please forward this invitation to everyone you know as well as to all forums and circulation lists!

Everyone is heartily invited!

Including outsiders!

I look forward to seeing you all again at the Cologne Higher Regional Court.

How can I be reached by telephone?

0172 / 2905974

In solidarity

Andreas Meyer

19 January 2018

PS:

As a little foretaste, I send you the two following links (in German):

<http://www.ardmediathek.de/tv/BRISANT/50-Jahre-Contergan-Skandal/Das-Erste/Video?bcastId=2673662&documentId=49277790>

<https://www.tagesschau.de/inland/fuenfzigjahre-contergan-101.html>

Contact:

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and Grünenthal Victims**

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