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Court hearing in Cologne: possibly 30 years of Grünenthal sleaze in Contergan Foundation

Did Attorney Karl Schucht from Bonn lie to members of Parliament in 2013?

Press release dated 06.02.2018

On 15.2.2018 at 14:30 hrs, a hearing will take place at the Cologne Higher Regional Court, the significance of which is greater than appears at first sight. The proceedings will shed light on collusion between the manufacturing company Grünenthal, the Contergan Foundation and the Federal Family Affairs Ministry which may have been going on for decades, hidden from public view. At the same time, the case again raises the question of whether, in the handling of the Contergan (thalidomide) scandal, the manufacturer was favoured by the exercise of political influence against the interests of Contergan victims. Depending on the answers that emerge, it could be that the whole Contergan case must be re-opened.

The plaintiff is Andreas Meyer, who was born without arms or legs due to Contergan damage. Meyer has been a victims' representative on the Council of the Contergan Foundation since 2009 and Chairman of the BCG since 2006. The defendant is Attorney Karl Schucht. Schucht is a partner in the well-known law firm Toews Hertel Marchand in Bonn. In addition, from 2004 until the end of 2009, Schucht was Chairman of the Medical Commission of the Contergan Foundation. Subsequently, Schucht was a member of the Management Board of the Foundation until 2014.

In 2013, in a letter to the members of the then Parliamentary Committee for Family Affairs, Schucht accused Meyer, as an expert witness to the Committee, of having publicly stated untruths about events within the Contergan Foundation. Meyer had stated to the Committee in 2013 that Grünenthal had had access to the medical files of the Contergan victims in the Contergan Foundation for 30 years. And in addition, that Grünenthal had also paid the Foundation's medical experts. Contrary to this, Schucht asserted in his letter in 2013 that Grünenthal had at no time had access to the medical files of the Contergan victims. He claimed that the medical files had always been kept in the Contergan Foundation. He further claimed that the experts of the Medical Commission had always been paid out of the funds of the Contergan Foundation.

On 7.6.2016, Meyer sued Schucht for injunction and retraction.

According to Meyer, the case revolves around the dual role of Attorney Herbert Wartensleben. Wartensleben was not only the head of Grünenthal's Legal Department and Marketing Department. From 1972 until the end of 2003, he was also Chairman of the Medical Commission of the Contergan Foundation. In this capacity, Wartensleben was able to influence decisions on whether a victim was damaged by Contergan or not. The Medical Commission also assessed the severity of the victim's disability. The severity of disability is used e.g. to assess the amount of the Contergan pension. Later, Wartensleben repeatedly represented Grünenthal in legal cases relating to Contergan, most recently in 2007 in the court cases around the two-part ARD television series "Eine einzige Tablette" (One Single Tablet). According to a written statement by Grünenthal in 2014, Wartensleben's appointment to the post of Chairman of the Medical Commission in 1972 was made by the then SPD Federal Minister for Youth, Family and Health.

The proceedings are highly explosive, because if Andreas Meyer won the case it would mean that not only Schucht had told untruths to the members of Parliament. No. The German Federal Government would also have told untruths to the parliamentarians. Because the Federal Family Affairs Ministry, which is still today and has been since 1972 responsible for the supervision of the Contergan Foundation on behalf of the Federal

Government, also declared – among other things in its reply to a Minor Interpellation by the Parliamentary Group Die Linke (Left Party) in 2013 – that Schucht’s letter also reflected the opinion of the Federal Government.

In its judgement dated 10.5.2017, which is not yet in force, the Bonn Regional Court forbade Schucht, on penalty of a fine of up to 250,000 € or alternatively up to 6 months detention, to continue to assert:

“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.”

Further, Attorney Schucht was ordered to rectify in writing to the members of the Parliamentary Committee for Family Affairs 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.

Meyer and Schucht have each appealed against the parts of the judgement in which their respective claims were rejected. Both appeals will now be heard at the Cologne Higher Regional Court.

Time and place of the court hearing:

Date: 15.2.2018

Time: 14:30 hrs

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).

You can find further information at the following links:

http://www.gruenenthal-opfer.de/Statement_Andreas_Meyer_Feb_1s_2013

http://www.gruenenthal-opfer.de/Letter_Attorney_Karl_Schucht_Feb_22nd_2013

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

http://www.gruenenthal-opfer.de/Materials_Judgement_Meyer_vs_Schucht_10_05_2017

http://www.gruenenthal-opfer.de/Court_Meyer_vs_Schucht_15_02_2018

Contact:

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