



Europe's top human rights court to examine reprisals against Macchiarini whistle-blowers

The whistle-blowers who exposed the Macchiarini affair, the biggest medical scandal in Swedish history, were themselves held responsible for research misconduct by Karolinska Institute (KI). They were not allowed to defend themselves or appeal to the domestic courts. With the help of Centrum för rättvisa (Centre for Justice), the whistle-blowers lodged a complaint against Sweden before the European Court of Human Rights in 2021. Europe's top human rights court has now decided to examine the case.

– The allegations against us are unfounded, but we have not been allowed to defend ourselves. We hope that the Strasbourg Court can afford us redress, but we also wish to secure protection for future whistle-blowers facing similar reprisals, says Professor Karl-Henrik Grinnemo, one of the whistle-blowers.

In 2021, whistle-blowers who exposed serious malpractices and research misconduct at KI and the Karolinska University Hospital lodged a complaint against Sweden to the European Court of Human Rights in Strasbourg, France. The Strasbourg Court has now decided to examine the case and has posed a number of questions to the Swedish Government. The central issue is whether the whistle-blowers have been granted an effective access to court with a view to defend themselves against KI's allegations.

– The right to appeal public law decisions that interfere with your rights is a fundamental human rights guarantee. It is important that the Strasbourg Court examine this case and establish that the whistle-blowers had the right to defend themselves against KI's allegations before an independent tribunal, says Alexander Ottosson, lawyer at Centrum för rättvisa and counsel for the whistle-blowers.

Karl-Henrik Grinnemo, Oscar Simonson and Matthias Corbascio uncovered the so called Macchiarini affair, which was described by *The Washington Post* as the biggest medical scandal in Swedish history. Paolo Macchiarini performed experimental transplants with synthetic tracheas at Karolinska University Hospital in Stockholm between 2011 and 2012. All three patients who received synthetic tracheas in Sweden died. In June 2023, the Svea Court of Appeal sentenced Paolo Macchiarini to two and a half years in prison for aggravated assault.

The European Court of Human Rights has now begun its examination of the whistle-blowers' case and communicated their complaints with the Swedish

Government. In recent years, only about four percent of the complaints filed against Sweden were communicated with the Government, the rest were declared inadmissible. The Government's response on whether Sweden afforded the whistle-blowers the protection required under the European Convention on Human Rights is due sometime in the spring of next year.

Contact

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