



IN THE EUROPEAN COURT OF HUMAN RIGHTS

Application no. 37988/21

GRINNEMO AND OTHERS

(“Applicants”)

v.

SWEDEN

(“Government”)

THE APPLICANTS’ OBSERVATIONS
ON THE FACTS

INTRODUCTION

1. The President of the Section has invited the Applicants to carefully check the Government's version of the facts and to present any challenges to the Government's version in a separate document by 25 April 2024. Accordingly, they respectfully submit the following observations on the facts.

ON THE FACTS

I. THE APPLICANTS' STATEMENT OF FACTS

A. **Both the Registry's description of the case and the Government's statement of facts are incomplete**

2. The description of the subject matter of the case prepared by the Registry is factually correct, but it does not capture the full scope of the Applicants' complaint. Neither does the Government's statement of facts. Reading the Registry's and the Government's account of the case, one might get the impression that this case revolves around an ordinary matter of research misconduct. It does not.
3. The first three applicants exposed the Macchiarini affair – the biggest medical scandal in Swedish history. The fourth applicant exposed another publicised research scandal involving experimental injections of placenta cells in cancer patients. These scandals unravelled at Karolinska Institutet ("KI"), Sweden's premier research institute, and tainted the institution's reputation. KI then retaliated by holding the Applicants responsible for Paolo Macchiarini's research misconduct and branding them as his accomplices in defrauding the international research community.
4. KI's findings were formulated in a public law decision covered by an absolute statutory prohibition on appeal. This decision not only damaged the Applicants' reputation, but eroded the funding base for their research and impeded their ability to publish articles. Nevertheless, the domestic courts

denied the Applicants the right of access to court and, in the process, shielded KI from responsibility. Now, several documentaries, news stories and public inquiries later, the Applicants have been largely vindicated in the court of public opinion. But they remain to be exonerated in a court of law.

5. The Government ignores this essential background to the case and begins its statement of facts with the *reopening* of the misconduct investigation in 2016 (see Government's observations, para 5). In order to assess the Applicants' case in its proper context, it is necessary to include in the relevant facts the Macchiarini affair and the placenta scandal, the Applicants' whistle-blowing, and KI's handling of their case up until the impugned misconduct decision. That background was set out at paras 2–13 in the Applicants' complaint to the Court. In paras 6–18 below, the Applicants will set out this background again, in an updated form, and respectfully ask the Court to invite the Government to comment on this part of the chronology.

B. The Macchiarini affair in short

6. Paolo Macchiarini became world-renowned in 2008 when he performed the first ever transplant of a trachea from a deceased donor. In the autumn 2010, Macchiarini was recruited to KI as a guest professor and to Karolinska University Hospital as a consultant. In 2011–2013, Macchiarini performed trachea transplants on three patients in Sweden, using an experimental method: a damaged part of the trachea was replaced with a synthetic trachea that had been seeded with stem cells from the patient.
7. Six articles were published in prominent scientific journals between 2011 and 2014, in which Macchiarini described the transplants as successful, using fabricated and misleading data (see enclosures 1–6). These articles had dozens of co-authors, including the Applicants. The first and fourth applicant had minor roles in the first article and the first three applicants had minor roles in the second. The articles have now been retracted.

8. Macchiarini's theory was that the stem cells would enable the patient's body to incorporate the synthetic trachea as a natural organ. But in reality, the synthetic material caused substantial infections and tissue death, eventually resulting in suffocation. All three patients who received a synthetic trachea in Sweden died. A dozen of Macchiarini's patients in other countries met a similar fate (see For Better Science, "Macchiarini's trachea transplant patients: the full list", [enclosure 7](#)).
9. Since the first three applicants exposed the Macchiarini affair, there have been several inquiries into the transplantations, the research misconduct, and the responsibility of different actors involved (see *inter alia* [enclosures 8–9](#)). The Macchiarini affair has also been widely publicised internationally (see [enclosures 10–15](#)), and has been portrayed in several prominent documentaries (see SVT, [Dokument inifrån: Experimenten](#), Document from the inside, 07.01.16 and Netflix, [Bad Surgeon: Love Under the Knife](#), 2023).
10. In 2020, Macchiarini was indicted for aggravated assault by the Swedish Prosecution Authority for the three failed trachea transplants. On 16 June 2022, Macchiarini was convicted by the District Court on one count of "causing bodily harm" (*vållande till kroppsskada*) (see judgment in case no. B 10553-18, [enclosure 16](#)). Both parties appealed. On 21 June 2023, Macchiarini was convicted by the Court of Appeal on all three counts of aggravated assault (*grov misshandel*) and sentenced to two years and six months in prison (see judgment in case no. B 9036-22, [enclosure 17](#)). Macchiarini appealed to the Supreme Court, which denied leave to appeal on 30 October 2023 (see [enclosure 18](#)). Macchiarini has since requested to serve his sentence in Spain, where his family lives. The Swedish authorities have approved his request, and his transfer is now pending approval before the Spanish authorities (see [enclosure 19](#)).

C. The first three applicants' uncovering of Macchiarini's misconduct

11. The third and final trachea transplant performed by Macchiarini at Karolinska University Hospital in August 2012 caused particularly severe complications for the patient. After the operation, the patient was cared for at an intensive care unit for more than three years before being transferred to an American hospital, where she eventually passed. In 2013, the attending physician, Dr Thomas Fux, sought out the expertise of the first three applicants in an effort to save the patient's life. During their investigations into the cause of the patient's complications, they uncovered that Macchiarini had misled colleagues and co-authors, and manipulated the results of his procedures. Macchiarini's articles on the trachea transplants had falsely described the procedures as successful and had lacked necessary ethical approvals.
12. At a meeting on 21 February 2014, the first three applicants alerted management at KI and Karolinska University Hospital in order to get the impugned articles retracted and further operations stopped; but no action was taken. They therefore continued gathering evidence and on 18 August and 24 September 2014 respectively, they submitted two reports to the Vice-Chancellor of KI, where they exposed and proved Macchiarini's research misconduct in detail (see enclosures 20–22).
13. Throughout their investigations, the first three applicants experienced significant pressure from the management of KI. They were repeatedly called into meetings, admonished that they risked harming KI's reputation, and cautioned that they could "get in trouble". They were threatened with dismissal and several measures were taken to undermine their credibility. They were berated by high-ranking figures at KI, accused of stealing data and reported to the police for breach of patient confidentiality. (See enclosures 23–25, see also for an extensive account of KI's attempts to silence the first three applicants, the attached article from Upworthy Science, enclosure 26).

14. It was not until The New York Times published an article on 24 November 2014 featuring the first three applicants' exposure of Macchiarini's misconduct, that KI eventually appointed an independent expert to investigate the allegations (see enclosure 10). After six months, the expert confirmed that by omitting and fabricating information about his patients' postoperative conditions, Macchiarini had made the procedures seem successful while, in reality, the patients were dying. In a decision delivered on 28 August 2015, the Vice-Chancellor of KI, however, disagreed with the expert and held that Macchiarini was not guilty of research misconduct (see enclosures 27–28).
15. On 13 January 2016, a documentary about Macchiarini's transplants titled "Experimenter" (the Experiments) aired on Swedish public service television channel SVT. The documentary propelled the whistle-blowers muzzled misconduct allegations into a head-line scandal, both in Sweden and abroad. Shortly after, the Vice-Chancellor and other high-ranking members of KI's management were forced to resign, and Macchiarini was fired. (See enclosures 11–15 and enclosures 29–30.) The Applicants then urged the new leadership to re-open the investigations into Macchiarini's misconduct (see enclosure 31). In March 2016, the investigation into Macchiarini's research misconduct was re-opened.
16. It is here, at the time of re-opening of the investigation into the first three applicants' misconduct allegations against Macchiarini, that the Government begins its statement of fact. Before turning to the outcome of this investigation, the Applicants will account for the research scandal at KI uncovered by the fourth applicant.

D. The fourth applicant's uncovering of the placenta scandal

17. In 2011, the fourth applicant discovered that a research group at KI was experimenting with injections of placenta cells to suppress immune response in patients that had received bone marrow transplants. The clinical treatments were carried out without prior in vivo testing on animals, without complying

with the conditions of their ethical approval and without the necessary authorisation from the Health and Social Care Inspectorate (*Inspektionen för vård och omsorg, IVO*) and the Swedish Medical Products Agency (*Läkemedelsverket*). The fourth applicant further found that the researchers had failed to take into consideration that placenta cells have a significantly stronger coagulating effect than the cell types that had previously been used in similar treatments. Consequently, the patients risked blood clots, which in severe cases could lead to heart attacks or stroke. In total, the injections were given to around 70 seriously ill patients, several of whom were children.

18. The fourth applicant alerted her head of department and repeatedly insisted that the placenta study be halted and that there be a misconduct inquiry. But her allegations elicited little response from the management of Karolinska University Hospital and KI. Only after she submitted a formal report on the placenta study to the management of KI on 28 December 2016 – demonstrating serious risks for research participants’ safety – and participated in a news article about her findings in one of Sweden’s largest newspapers (see enclosures 32–33), did KI initiate an inquiry. In its misconduct decision of 6 February 2017, KI subsequently affirmed the fourth applicant’s allegations. Although KI found substantial shortcomings in the research, it did not find that they rose to the level of seriousness required for a finding of research misconduct (see enclosure 34). This finding did, however, lead to the study being discontinued.

II. COMMENTS ON THE GOVERNMENT’S STATEMENT OF FACTS

19. In the following subsections, the Applicants now turn to comment on the Government’s current statement of facts and the events that followed the reopening of the misconduct investigation.

A. It should be clarified that the Applicants had call for retraction of the articles prior to KI’s retraction request

20. The Government notes that “KI decides that the journals concerned must be notified with a request for the articles to be retracted immediately” (see Government’s observations, para 11). Here, the Applicants wish to reiterate that they had already called for retraction of the articles four years prior (see enclosures 21 and 31). The reason they were not retracted already at that time, was because KI in its initial misconduct decision, found that Macchiarini was not responsible for research misconduct (see enclosures 27–28).

B. It should be noted that the oversight body for higher education has criticised KI’s procedures for handling misconduct investigations

21. The Government describes KI’s procedure for handling misconduct investigations in its statement of facts (see Government’s observations, para 12). On the face of it, these procedures seem appropriate and are certainly described correctly by the Government. The Applicants, however, wish to add that after a complaint filed by the fourth applicant regarding KI’s handling of the misconduct allegations against her, the Swedish Higher Education Authority (*Universitetskanslerämbetet, UKÄ*), criticised KI’s procedures for being brief, unsatisfactory in terms of due process rights and leaving a large number of issues unregulated (see enclosure 35).

22. The Applicants further develop their grievances with respect to the lack of due process rights surrounding KI’s misconduct decision in their observations on the admissibility and merits at para 58.

C. It should be stressed that the reasoning of the Administrative Court was not “in-depth”, but wholly inadequate

23. The Government notes that the Administrative Court “referred, inter alia, to the case of *Fayed v. the United Kingdom*”; that a decision on research misconduct had not previously been considered “a civil rights or obligation

under Article 6 [...] in Swedish case law” and that the Chancellor of Justice had found that the Administrative Court ”presented in-depth reasons for its decision” (see Government’s observations, paras 16 and 19). None of these statements are wrong. But they are liable to give the Court an incorrect impression of the robustness of the Administrative Court’s reasoning for a number of reasons.

24. First, the analysis of the Administrative Court cannot be characterised as “in-depth”, despite the Chancellor of Justice’s finding to that effect. The reasoning on the applicability of Article 6 § 1 of the Convention is limited to only two pages (see enclosure 36). The Administrative Court refers to only two cases from the Strasbourg Court. It briefly refers to *Helmers v. Sweden* in finding that the right to enjoy a good reputation is a civil right. And it refers to *Fayed v. the United Kingdom*. Yet, it fails to address the full ruling in *Fayed*. The Administrative Court correctly concludes that the investigation into the Fayed brothers’ alleged misconduct had not involved the determination of a civil right. But it omits that the Court did find that the applicants in *Fayed* were entitled to challenge the findings and conclusions in the Inspectors’ report before a tribunal (see *Fayed v. the United Kingdom*, 21 September 1994, §§ 64 and 68, Series A no. 294-B). The Administrative Court therefore fails to examine whether the Applicants here similarly should have been entitled to challenge KI’s findings and conclusions. Finally, the Administrative Court only deals with the right to enjoy a good reputation. It does not engage with the Applicants’ arguments that they were entitled to challenge KI’s findings before a court because of the interference with their right to exercise their profession and their freedom of expression (see and compare the decision of the Administrative Court, enclosure 36, and the Applicants’ respective appeals, enclosures 37–39).
25. Second, it should be clarified that the Swedish case-law referred to by the Administrative Court is not established case-law from the Administrative Supreme Court. Indeed, no such case-law exists. It is instead three brief

decisions from the Administrative Courts of Appeal in Stockholm and Gothenburg without precedential value. One of these does not mention the Convention at all (see enclosure 40); and the other two defers to the same Administrative Court decision from 2006, which in turn does not refer to a single judgment from the Strasbourg Court (see enclosures 41–43).

26. Third, the Administrative Court inexplicably attaches importance to the lack of Convention analysis in the Government’s proposal to set up the National Board for Assessment of Research Misconduct. The Administrative Court seems to suggest that if indeed the prohibition on appeal had violated the Convention, the Government and the inquiry appointed by Government, would have conceded this fact. The Administrative Court fails to draw the evident conclusion that the Government did not want to risk opening the floodgates to hundreds of tort claims. Instead, the Administrative Court merely notes that the Government considered the current lack of judicial review a concern from a due process perspective; that it was “evident” (*klart*) that a misconduct decision can have an actual impact on the researcher concerned; and that it was for this reason that the Government had proposed that the decisions of the new board should be subject to appeal before the courts. This is, on the whole, rather lax judicial reasoning, the Applicants respectfully submit.

III. THE CONSEQUENCES OF THE MISCONDUCT DECISION

27. Finally, the Applicants wish to clarify in further detail how the misconduct decision affected them. The legal ramifications of these consequences for the applicability of Article 6 § 1 of the Convention will then be dealt with in the Applicants’ observations on the admissibility and merits.

A. **The consequences for Karl-Henrik Grinnemo (the first applicant)**

28. The misconduct decision adversely affected the first applicant, Karl-Henrik Grinnemo, in three important respects.

29. First, the misconduct decision impaired Grinnemo's ability to exercise his profession. Because of the decision, his current funding was put in jeopardy, his chances of receiving new funding plummeted; and he lost the ability and opportunity to publish articles at the rate required to be competitive.
30. With regard to the funding base for Grinnemo's research, it goes without saying that funding is a prerequisite for cost-intensive cutting-edge medical research. In Sweden, the Swedish Research Council (*Vetenskapsrådet*) and the Swedish Heart Lung Foundation (*Hjärt-lungfonden*) fund the majority of all research within the cardiovascular field. Grinnemo and other researchers in this field therefore rely on funding from these funding bodies for the exercise of their profession.
31. As any funding body, the Research Council and the Heart Lung Foundation take a hard line on research misconduct. Under the policy of the Heart Lung Foundation, the foundation may decide to reject or adjourn the examination of a grant application from a researcher who is under investigation for research misconduct (see the current policy in enclosure 44 and the policy in force in 2018 in enclosure 45). If the misconduct allegation, or the finding of misconduct, concerns an on-going project funded by the foundation, the foundation may under its current policy also decide to withhold payments indefinitely, cancel payments, revoke grants, and even order the recovery of paid funds (see enclosure 44). In the event that recovered funds have already been used in the research project, the researcher therefore risks incurring substantial personal debt and be liable to repay the foundation out of its own pockets. Likewise, under the policy of the Swedish Research Council, the council may cancel payments and revoke grants. It may also decide to impose a ban on the researcher's right to apply for new grants within a fixed time-period (see enclosure 46).
32. In the ten-year period prior to the misconduct decision, Grinnemo had been granted a total of SEK XXXXXXXXXX from the Research Council and the Heart Lung Foundation (see enclosures 47 and 50). This accounted for almost all of

his funding – not including smaller grant allocations from the faculty or more senior researchers, with whom he collaborated. In the five years following the misconduct decision, Grinnemo was not able to independently secure a single grant from the Research Council, the Heart Lung Foundation or indeed any other funding body. This situation persisted until 2022, when he was awarded a grant from the Swedish Research Council to research a new drug to prevent heart failure (see enclosure 48). The years of insufficient funding prevented him from publishing articles at the pace required to be competitive in his field. As a consequence, the growth of his merits portfolio was stifled and his effective exercise of his profession impaired (see Grinnemo’s witness statement, enclosure 49).

33. The misconduct decision also risked putting his current funding in jeopardy. On 11 September 2018, following KI’s misconduct decision, the Swedish Research Council did in fact initiate an investigation to decide whether a grant of SEK [REDACTED] awarded to Grinnemo should be revoked (see enclosure 50). Fortunately, the council accepted Grinnemo’s plea that the council await the outcome of his appeal to the administrative courts, before taking any action. The council then decided in January 2019 to close the matter. At that time the last payment had been made, and there was no room under its current policy to recover already paid funds (see enclosure 51).
34. Second, the misconduct decision dealt a crippling blow to Grinnemo’s professional reputation. It not only called into question his professional integrity and credibility but implicated him in the fraud of Paolo Macchiarini and the biggest medical scandal in Swedish history.
35. The reputational damage of this decision was, furthermore, not contained within Swedish borders, but extended to the international medical community by the retraction notices published in *Biomaterials* and *The Lancet* – the latter being one of the world’s highest-impact academic journals.
36. The *Lancet* notice was entitled “The final verdict on Paolo Macchiarini: guilty of misconduct”. It stated that “Paolo Macchiarini, Karl-Henrik Grinnemo,

Katarina Le Blanc [and four other co-authors] were found guilty of misconduct” and declared that this “judgment was based on their intention to deceive at the time of publication, or their negligence in obtaining information or permits that were required.” (See enclosure 52.)

37. The notice in Biomaterials stated that there have been “serious flaws in the conduct and reporting of this study”; that claims have been made “using fabricated data”; and that the paper “is largely based on patient material obtained without prior ethical review” (see enclosure 53). The notice did not mention that Grinnemo was only found blameworthy, and not responsible for research misconduct for his involvement in that article.
38. On the whole, the reputational damage of these condemnatory statements and dissemination of the misconduct decision in Biomaterials and the Lancet, cannot be denied. To borrow the words from an article on research misconduct issues: “No editorial practice in academia can affect an academic reputation as much as a retraction. The stigma is rooted in the fear of every researcher that a retracted article, which would remain accessible online with an additional tagline of retraction notice, is like a scar seared into the public profile of an author” (see enclosure 54). The reputational damage is also inextricably linked to difficulties in obtaining funding and publishing research articles (see statements of the Swedish Medical Association, [REDACTED] and [REDACTED], enclosures 55–57). In Grinnemo’s case, the reputational damage even explicitly delayed his promotion to adjunct professor in Cardiothoracic surgery at Uppsala University, as the university management was concerned about the implication of the misconduct decision (see enclosure 58).
39. Third, the misconduct decision interfered with Grinnemo’s freedom of expression because it constituted a reprisal against him for blowing the whistle on malpractices and fraud at KI (see in further detail, paras 46–48 in the Applicants’ observations on the admissibility and merits).

40. In sum, KI's decision impaired Grinnemo's exercise of his profession as a researcher, damaged his professional reputation and interfered with his freedom of expression.

B. The consequences for Oscar Simonson (the second applicant)

41. The second applicant, Oscar Simonson, suffered similar consequences to the first applicant. Even though he was not held responsible for research misconduct, but was rather found "blameworthy", the decision disrupted his funding base, undermined his ability to publish articles, stifled the growth of his merits portfolio and constituted a reprisal, which interfered with his freedom of expression. Two important differences between Simonson's case and the case of the first applicant should, however, be noted.

42. First, the misconduct decision came at a time-critical juncture of Simonson's career, which made the difficulties in securing funding particularly disruptive. At the time of the decision, Simonson was a junior researcher seeking to establish himself as a senior researcher. After obtaining a doctoral degree, the junior researcher enjoys a seven-year qualification period during which they can apply for special grants only available for junior researchers (see enclosure 59) After seven years, the junior researcher instead competes with senior researchers. If, at that time, the researcher has not qualified as a senior researcher, it will be difficult to obtain further grants. Grants are also particularly important for junior researchers, as they are a prerequisite for funding doctoral students; supervision of doctoral students being an essential requirement to qualify as a senior researcher (see enclosures 60 and 61).

43. Following KI's decision, Simonson has not been able to independently secure any grants from the major funding bodies in Sweden. Simonson was also informed by the Swedish Cancer Society that co-authors found "blameworthy" would not be able to apply for any new grants for one year (see Simonson's witness statement, enclosure 62) and the Cancer Society did in fact retract the grants awarded to co-authors who had been found

“blameworthy” (see enclosure 63). More than seven years have now passed since Simonson obtained his doctoral degree. The misconduct decision, therefore, effectively deprived him of the opportunity to receive funding as a junior researcher, significantly reducing his chances of qualifying as a senior researcher (see Simonson’s witness statement, enclosure 62).

44. In sum, KI’s decision impaired Simonson’s exercise of his profession as a researcher, damaged his professional reputation and interfered with his freedom of expression.

C. The consequences for Matthias Corbascio (the third applicant)

45. The third applicant, Matthias Corbascio, suffered similar consequences to the other applicants. The misconduct decision impaired the exercise of his profession, damaged his professional reputation, and interfered with his freedom of expression. Following the misconduct decision, he finally became so disillusioned with KI and the Swedish research community that he decided to abandon his research career. In 2020, Corbascio moved to Denmark to work full-time as a clinician, only undertaking research in a supportive role to other researchers and students. (See Corbascio’s witness statement, enclosure 64)

D. The consequences for Katarina Le Blanc (the fourth applicant)

46. Prior to the misconduct decision, the fourth applicant, Katarina Le Blanc, was one of Sweden’s most distinguished researchers in her field. She headed one of KI’s most prominent research groups – a group of 15 researchers, half of whom were senior researchers. She was also a member of several prestigious international and national committees, including the Nobel Assembly at KI, the Royal Swedish Academy of Science and the Swedish Research Council’s Scientific Council for Medicine and Health. And she was the chair of the working group on cell therapy within the Swedish National Council for Organs, Tissues, Cells and Blood.

47. As a consequence of the misconduct investigation and decision, Le Blanc was forced to either resign or take time-out from all of the above-mentioned committees in which she had previously acted as a member. For example, the Secretary General of the Swedish Research Council informed her that an overwhelming majority felt uncomfortable with her participating in the work as long as she was involved in investigations regarding research misconduct (see enclosures 65 and 66). She was urged to take a time-out from the Nobel Assembly and the Swedish Academy of Science, and forced to resign as chair of the Cell Therapy Group in the National Tissue Council (see enclosure 67 and Le Blanc's witness statement, enclosure 68)
48. The misconduct investigation and decision led to the gradual decimation of her research group, which was dissolved in its entirety in early 2020. At that time, this seemed to mean the end of her 20-year research career (see Le Blanc's witness statement, enclosure 68). After the misconduct decision, Le Blanc eventually fell into a deep depression with clear symptoms of exhaustion, which ultimately led to a several years long sick leave and struggle to come back (see enclosure 68).
49. The worst blow to Le Blanc's exercise of her profession, was that two of the main funding bodies in her field banned Le Blanc from even applying for new grants for several years after the misconduct decision. As a professor of Clinical Stem Cell Research, the most significant funding bodies are the Swedish Research Council, the Swedish Cancer Society and the Swedish Childhood Cancer Fund, which were also the main funders from which Le Blanc had previously received funding.
50. On 13 November 2018 – as a direct consequence of the misconduct decision – the Swedish Cancer Society rejected Le Blanc's pending application for research funding for 2018. At the same time, it was decided that she would not be able to seek any new grants for a period of three years, a new application for funding could be authorised for 2020 at the earliest. (See enclosure 69, see also the policy of the Swedish Cancer Society regarding

research misconduct, which signals the serious consequences of a misconduct decision, enclosure 70.)

51. On 13 December 2018, the Swedish Childhood Cancer Fund similarly rejected Le Blanc's pending application and imposed a ban on applying for new grants until 25 June 2021, which in practice meant that new funding would not be available until 2023 (see enclosure 71, see also the policy of the Swedish Childhood Cancer Fund regarding research misconduct, enclosure 72, which equally signals the seriousness of a misconduct decision and even provides for the possibility to impose lifetime bans on the right to apply for new grants).
52. On top of that, Le Blanc's current funding at the time of the decision was also jeopardised. As it did in Grinnemo's case, the Swedish Research Council initiated an investigation to decide whether grants should be revoked following the misconduct decision (see enclosure 73). But it accepted Le Blanc's plea that the council await the outcome of her appeal to the administrative courts, before taking any action. The council then decided in January 2019 to close the matter. At that time the last payment had been made, and there was no room under its current policy to recover already paid funds (see enclosure 74, and the former policy of the Swedish Research council in force at the time, enclosure 46).
53. Finally, in a press release on 2 July 2018, KI announced its position on whether further disciplinary measures ought to be taken regarding those responsible for research misconduct. KI made clear that research misconduct is unacceptable and should normally lead to labour law sanctions, in the form of disciplinary action or separation from employment through termination or dismissal. Le Blanc, who unlike the other Applicants was still employed at KI at the time of the decision, was issued a caution (*erinran*). KI stated that a caution was sufficient because Le Blanc had already suffered other "substantial consequences" because of the decision (see enclosure 75).

54. In sum, KI's decision impaired Le Blanc's exercise of her profession as a researcher and damaged her professional reputation. Similar to the other applicants, it also interfered with her freedom of expression.



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