

Press Release

Date: 26th July, 2006

From: Irish Haemophilia Society

Subject: Irish Haemophilia Society condemn
Government refusal to set up inquiry into
international pharmaceutical companies.

The Irish Haemophilia Society today expressed their grave disappointment at the cabinet decision not to pursue legal action against or pursue any form of inquiry into the US Pharmaceutical Companies, whose products were responsible for the infection of the majority of people with haemophilia with HIV and Hepatitis C.

Background

106 people with haemophilia were infected with HIV and 221 with Hepatitis C, 91 have died.

- Commitments were given to the Irish Haemophilia Society and to people with Haemophilia :
 - Minister for Health, Brian Cowen on 7th May 1998.
 - Minister for Health, Micháel Martin in October 2001 requested Judge Alison Lindsay to extend the Terms of Reference of her enquiry to include an investigation of US Pharmaceutical Companies. Judge Lindsay refused
- On 10th May 2002, the Society received a commitment in writing from Minister Micháel Martin to pursue an enquiry into the US Pharmaceutical Companies.
- In the intervening period of time no great progress has been made in this regard.
- The Minister for Health Mary Harney last year appointed legal firms in the UK, and in the USA to look at the feasibility of taking legal action against the companies in the USA.
- **Why investigate?**
96 people with haemophilia with Factor VIII deficiency were infected with HIV through the use of contaminated blood products imported from the USA and one third of these infections occurred in the time period of May/June 1983

when the risk should have been clearly recognised and action should have been taken.

- The Canadian government have taken a prosecution against one of the Pharmaceutical Company involved. The Irish government have done nothing.
- It is clear that the Pharmaceutical Companies not only accepted blood and plasma donations from high risk donors but actively encouraged such donations from groups including prisoners.
- Legal action taken against these companies by the Irish government would help to finally answer the questions as to who was responsible for this appalling loss of life.
- The cost to the Irish State for providing treatment, medical care and compensation for persons with haemophilia affected by HIV and Hepatitis C has reached some hundreds of millions of pounds. If legal action was taken in the States against these companies, and was successfully, the Irish tax payer could recoup all of the costs spent to date. This would go a long way towards building, for example a new Children's Hospital.

In the view of the Irish Haemophilia Society, the taking of legal action in the States is feasible for the following reasons:

- The government earlier had an opportunity to take legal action on a “no foal, no fee” basis where the financial risk of an unsuccessful action would have been taken by a US legal firm with no potential cost to the government, they declined to do so.
- Other US legal firms have made it clear that they would be willing to take the case on behalf of the government in the situation where the government would not be liable for any costs.
- The government always had the option of obtaining documents from the United States under the freedom of information act, inviting all interested parties to give evidence and issuing a report here. This is similar to a process used by the Krever enquiry in Canada.

“There will be a palpable sense of anger and upset amongst the members of Irish Haemophilia Society when they are informed that the Government will breach the commitments given”. The Government have refused to hold the promised inquiry, they have refused to take legal action. We call on the government, even at this late stage, to do the right thing, to pursue the truth, and to recoup these significant sums of money for the Irish tax payer.” stated Brian O’Mahony, Chief Executive of the Irish Haemophilia Society.

“We also call on the Tánaiste to provide us with a copy of their legal advice from both US and Irish lawyers to allow us to take a considered view of the options now available to the Society”, stated Brian O’Mahony.

A person with haemophilia who was infected with HIV by imported US products as a very young child in the early 1980’s has a potential case which is not statute barred “I know he will be angry and upset at the governments inaction in this area, and we believe that he will take a case which we are hoping will be heard next year. If this case is heard in an Irish court, the culpability of the companies will we believe become clear, and the shameful inaction of the government over the last 8 years will be exposed.” stated Brian O’Mahony.

Brian O’Mahony
Chief Executive Officer
Irish Haemophilia Society

Contact: brianihs@eircom.net
01 8724466
087 2515325