

# France's HIV-infected blood trial set to conclude this week

## Former prime minister unlikely to be found guilty

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A former French prime minister charged with manslaughter for his part in a scandal involving supplying HIV-tainted blood to hospitals looks set to be exonerated.

The "contaminated blood" trial, which began on February 10 in Paris, looks set to absolve all the high-level politicians charged with responsibility for one of the worst man-made health disasters in France. The prosecution admitted the collapse of their case on February 24.

Due to be concluded on Friday, the trial has revealed the incapacity and unwillingness of all the major parties to deal with this crisis. Former Socialist Party Prime Minister Laurent Fabius, former Minister of Solidarity Georgina Dufoix and ex-Secretary of State for Health Edmond Herve have faced charges of manslaughter and criminal negligence. Seventeen other less prominent officials are also charged with "poisoning" and "complicity to poison". A final verdict by the judges is expected March 9.

The scandal erupted for the first time in the mid-1980s. By 1985, all the supplies of blood and blood-derived products held by the National Blood Transfusion Centre (CNTS)--the organisation responsible for collecting and processing blood--were revealed as contaminated with HIV. Around 4,000 to 5,000 French people, many of them haemophiliacs, were infected as a result. To date, estimates are that 625 out of 1,348 haemophiliacs infected have died, and this figure is destined to grow.

The trial is the first time since World War Two that French ministers have faced prosecution for their official acts. The defendants faced up to three years in jail and fines of 500,000 francs, (\$88,000) if they were

found guilty. It has not been heard before the High Court of Justice, but a court more or less specially created for the occasion--the "Court of Justice of the Republic". Three "professional" judges, including the court's president and two members of the judiciary for the prosecution, lead it. It has also been equipped with 23 "deputies"--members of the National Assembly (parliament) and the Senate with a legal background from all parties.

Given the implications of such a ruling on ministerial responsibility and the high political profile of the defendants, there was never much chance of a guilty verdict being brought. This was confirmed on the twelfth day of the trial, when Jean-Francois Burgelin, the chief prosecutor, said there was insufficient evidence to incriminate Fabius and his two ministers, and that he could find no personal fault in Fabius's behaviour. Francois Gros, a scientific advisor to Fabius in 1985, has assumed full responsibility for the two major accusations levelled at those on trial: the failure to put in place an AIDS screening test and the absence of any selection of blood donors.

In 1983 the American pharmaceutical company Abbott applied to have their AIDS screening test patented for the French market. But this met a barrage of opposition from their French counterparts, Diagnostics Pasteur, whose own screening test was still under development. Letters quoted by *Le Monde* newspaper show the role played by the health secretary and the prime minister in deliberately delaying the patenting of Abbott's test. In 1983 Diagnostics Pasteur applied for a patent in the United States, which was only granted in 1986. The systematic testing of all blood donors for AIDS was recommended by the

World Health Organisation in 1985.

By 1984 the method of submitting blood-derived products to a "heating" process had been introduced. Heating is a means of neutralising possible infectious agents in blood. But when it came to replacing "unheated" supplies of fragmented blood products with ones that had been through the "heating" process, the CNTS insisted on first using up the old supplies, thus increasing the risk of contamination. This happened despite the opposition of many concerned doctors and scientists, prompting *Le Monde* to write in its February 6 issue "haemophiliacs (the category most dependant on blood derived products) were deceived and sacrificed on the altar of financial profitability".

Another associated problem was the technique of "pooling", whereby blood is processed on the basis of a pool of donors instead of individual donors. This meant that one HIV positive blood donation was enough to contaminate an entire pool. The CNTS also continued to collect blood from categories of donors or from areas considered to be more likely to have HIV positive donors, such as prisons (an official statistic notes that 10 percent of the prison population is composed of drug addicts) and the streets surrounding red light districts. Even though there were repeated warnings that collecting blood from prisoners should be stopped, it actually increased. The CNTS also refused to import blood to offset a situation of temporary scarcity.

It was not until seven years after the scandal broke out that Parliament first passed a law creating a compensation fund for the victims. It took another eight years to compensate 3,846 victims or their families. The true number of people contaminated is not yet known, as those contracting AIDS through a blood transfusion in turn became a source of infection to others. The Justice Court of the Republic, fearing that a rash of private compensation claims and prosecutions might ensue, allowed a limited number of victims to act jointly with the public prosecution.

After many attempts to cover up the implications of this scandal, several trials took place after 1992 that saw some high-ranking civil servants sentenced to jail. However the cases against senior political figures (as recently as 1997 and 1998) were all dismissed. The formula generally used by the courts was to declare some lesser political figure "responsible but not guilty". Fabius and the other former members of the Mitterrand

administration followed the same line at the present trial, arguing against the charges on the basis of a "lack of information", or the poor state of knowledge of AIDS at the time.



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