



MINISTRY OF HEALTH,  
CONSUMPTION AND SOCIAL  
WELFARE

PRESS OFFICE

ABIDAL CASE STATEMENT

## **The Spanish National Transplant Organisation (ONT in Spanish) considers that the liver transplant was performed according to the law, but should the case be reopened, it will appear as private prosecutor**

**17 July 2018.**- With regard to the investigation carried out by the Spanish National Transplant Organisation (ONT) on Mr. Eric Abidal's live donor liver transplantation, this institution wishes to state the following:

- The ONT, in collaboration with the Hospital Clinic and the Catalan Transplant Organisation (OCATT), has reviewed each and every one of the steps in the procedure **within its area of responsibility**, in other words, from a health and clinical point of view. In parallel, the Health Department of the Government of Catalonia has carried out an inspection in the Hospital Clinic, a report of which has not yet been issued.
- The data from the ONT confirms that Mr. Eric Abidal's liver transplantation was performed in accordance with current legislation and good clinical practice.
- Contrary to some reports, Mr. Eric Abidal was on the waiting list for a transplant from a deceased donor. Given the evolution of his illness, the medical team considered the option of a live donor liver transplantation, which under no circumstances excluded the possibility of deceased donor transplantation if the opportunity arose.
- The documents proving the identities of the donor and recipient and the relationship between the two were checked

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STATEMENT

at the centre, in the first filter\* the law provides for live donation. Although the law does not require the donation between living persons to take place within a family, as the existence of a relationship of kinship was specified, the documentation was checked. At the Hospital Clinic, the birth certificate and family register of both the donor and the recipient were checked, which confirmed that they were cousins.

- The donor underwent a rigorous medical/surgical and psychosocial assessment, in which his reasons for the donation and his relationship with the recipient were appropriately analysed. As is required, the case was assessed by the Healthcare Ethics Committee at the centre with a positive resolution (second filter\*). This report shows, among other things, that the family, labour, financial and social circumstances of the donor were favourable for the donation.
- Subsequently, the donor appeared before the judge in charge of the Civil Registry of Barcelona, before the organ was removed. The judge once again checked the documents regarding the relationship between the donor and the recipient and noted that the donation was performed freely and altruistically, in the third filter\* established by law. The Hospital Clinic has confirmed that in the Court of the Civil Registry of Barcelona, where the donor appeared, there is a copy of his identity document.
- The communication with the donor, who only spoke French, was maintained directly by a member of the Transplant Coordination Team of the Hospital Clinic of Barcelona, who speaks French fluently. No other translator was needed.
- Despite all of the above, given the seriousness of the facts alleged and taking into account that its responsibility is limited to clinical and health matters, **the ONT will appear as private prosecutor in the event that the judge decides to reopen the case.**
- May we highlight that **if a comprehensive investigation of these facts does not take place, it may generate mistrust**

**among the general public** regarding the organ donation process, which allows us to save thousands of lives in our country every year.

- The ONT have placed themselves at the disposition of the Public Prosecutor and the Guardia Civil should they require any information in relation to this case.
- Finally, the organisation wishes to state its zero tolerance with the trafficking of organs and thanks the public and media for the confidence shown in the Spanish transplant system.

***\*Filters provided by law for cases of live organ donations.** In live donor cases, the Spanish transplant system has controls at three different levels for the precise purpose of ensuring that live kidney or liver donations are carried out under the ethical principles of altruism and total free will, without financial or any other kind of pressure. 1) the first control is undertaken by a medical team that is independent from the one that is to remove the organ and subsequently perform the transplant; 2) the second is undertaken by the hospital's Ethics Committee, which has to issue a positive or negative decision on the live donation on a case-by-case basis; 3) in the third control, the donor, accompanied by a doctor from the team which will perform the organ removal and the doctor who has assessed the donor, shall grant his/her express consent for the donation before a judge, and state for the record that the donation will be performed without any type of remuneration or psychological pressure.*