

## **Dutch Court Upholds Euthanasia Rules**

BBC News Online, Tuesday, December 24, 2002.

The Dutch Supreme Court has ruled that a doctor who helped an elderly man "tired of living" to die was guilty of assisted suicide.

The ruling upholds strict medical guidelines for mercy killing in the Netherlands, which was the first country in the world to legalise euthanasia.

Had Dr Philip Sutorius won the case, it would have made mental suffering a legal reason for seeking euthanasia.

The director of the Dutch Voluntary Euthanasia Society said he was "disappointed" with the ruling.

The case involving Dr Sutorius began in 1998 when he gave 86-year-old former Dutch senate member Edward Brongersma a lethal cocktail of drugs, which the patient administered to himself.

Mr Brongersma, although physically well, had said he did not want to go on living.

Although euthanasia was illegal in the Netherlands in 1998, it was officially tolerated under the conditions that later became law.

A lower court initially found the doctor not guilty of violating the guidelines, which in effect ruled that mental suffering did qualify as unbearable suffering.

The prosecution took the case to an appeal court which ruled in its favour, finding Dr Sutorius guilty of assisted suicide, which is illegal.

It ruled that being "tired of living" did not constitute unbearable suffering.

The doctor then appealed to the Supreme Court.

### **Work praised**

Director of the Dutch Voluntary Euthanasia Society, Rob Jonquiere, told BBC News Online the Supreme Court should have taken a broader look at the case.

"I have not read the full argument but I believed the Supreme Court only looked at the question of whether he (Mr Brongersma) was tired of life and not at the rest of the defence case," he said.

"There was more to take into consideration than his being tired of life." Neighbouring Belgium - which in September became the second country in the world to legalise euthanasia - accepts psychological suffering as a reason for the practice to take place.

### **The Dutch Law**

- Patients must face a future of unbearable, interminable suffering.
- Request to die must be voluntary and well-considered.
- Doctor and patient must be convinced there is no other solution.
- A second medical opinion must be obtained and life must be ended in a medically appropriate way.
- The patient facing incapacitation may leave a written agreement to their death.