

Son challenges Belgian law after mother's 'mercy killing'

By Bruno Waterfield in Brussels

A BELGIAN man is going to the European Court of Human Rights after his depressed mother was killed by lethal injection under the country's liberal euthanasia laws.

In a case that raises new questions over the extent of so-called "mercy killings", Tom Mortier's mother Godelieva De Troyer, 64, was killed by lethal injection at her own request in a Brussels hospital in April 2012.

Doctors agreed to terminate her life after ruling that she suffered from "untreatable depression", despite the fact that she was physically healthy.

The killing horrified her son, who was not contacted until after his mother had died, when the hospital rang asking him to retrieve her body from the morgue.

Euthanasia has become increasingly common in Belgium, where the medical establishment has swung behind the

Godelieva De Troyer died by lethal injection at her own request in a Brussels hospital in 2012



view that it can be used to relieve psychological as well as physical suffering.

Often, the person exercising the right to die opts for a "party atmosphere" in their final moments, celebrating with a final glass of champagne or a favourite piece of music with loved ones.

But the trend has alarmed Mr Mortier, a teacher, who says the rules no longer respect the feelings of relatives. He also alleges that in his mother's case, at least two of the experts who assessed her did not agree that her depressive illness was beyond treatment.

"If you made a movie about what's happening, people just wouldn't believe it, but in Belgium, it's reality," Mr Mortier, 38, told *The Daily Telegraph*. "You should not give a physician the right, or the legal possibility, to give someone a lethal injection, and not to people with mental illnesses or older people tired of life. These are people who should be helped."

The doctor who carried out euthanasia on Mr Mortier's mother was Prof Wim Distelmans, an oncologist and expert in palliative care. A charismatic advocate for the right to elect for death in cases of "unbearable suffering," he is something

of a celebrity figure in Belgium. He tours the country, dressed casually in jeans and a polo shirt, giving joke-filled talks at rallies on how to request euthanasia. He is estimated to have administered euthanasia to more than 1,000 people.

Last year, he came under fire after organising a tour to the Auschwitz concentration camp in Poland, which he described in a leaflet as an "inspiring venue" for discussions on euthanasia issues. He said the camp was "the pre-eminent symbol of a degrading end of life".

Prof Distelmans declined to comment on the case. But he acts within the terms of a Belgian law first agreed in 2002, by which adults can be killed by lethal injection if they express "unbearable psychological suffering".

Mr Mortier is trying to take his mother's case to the Strasbourg court under the "right to life" legislation in the European Convention of Human Rights. He says he hopes, at the least, to trigger some debate in his country, and secure greater oversight in the way the existing rules are applied.

The decisions to approve the 8,000 or so euthanasia cases over the last 12 years are overseen by a 16-member federal commission for the "control and evaluation of euthanasia". Critics, such as Mr Mortier, have argued that the commission, which is chaired by Prof Distelmans, is packed with advocates of euthanasia.

Gilles Genicot, a lawyer and co-chairman of the commission, defended the euthanasia legislation. "The law enables people to wait until, say, their daughter or granddaughter's birthday and decide who to invite," he said. "They have a glass of champagne, listen to music.

"Nothing is automatic. It takes a lot of time and a lot of requests are not granted by the doctors."

He dismissed Mr Mortier's case as "really not something that we care about". "There is medical secrecy about the condition of his mother and no judge will say that the doctors were wrong."

In 2013, two other cases, approved by Mr Genicot's commission, caused controversy internationally, but failed to stir any real national debate in Belgium.

The first was the medical killing of two disabled twins, aged 45, who spent two years trying to find a doctor prepared to kill them after their local hospital rejected the idea.

Another case was Nancy Verhelst, 44, who was given euthanasia after a botched sex change operation.