

Euthanasia doctor charged with murder will face no punishment

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By Senay Boztas in Amsterdam

A DUTCH doctor who carried out euthanasia on a 74-year-old woman with Alzheimer's has been accused of murder, in the first court case since the Netherlands legalised the procedure.

The 68-year-old retired nursing home doctor, named as Catharina A, was yesterday charged with murder for carrying out euthanasia in April 2016.

However, the public prosecution is not asking for a punishment.

The doctor had given a sedative to the patient in her coffee and asked family members to hold her down when she appeared to struggle against a drip to administer the fatal medicine.

The controversial case comes amid a period of concern about euthanasia involving people with psychiatric problems and dementia in the Netherlands – although these represented just 3.4 per cent of 6,126 procedures last year.

A court in The Hague heard that the patient had an advance directive saying

she wanted euthanasia if her dementia became so severe that she needed nursing home care.

But once she was in a home, she was not capable of expressing clear thought, sometimes saying 20 times a day that she wanted to die, but also expressing a wish to live.

The public prosecutor said the doctor – although with good intentions – had not done enough to establish if the patient really wanted to die.

Prosecutors said they brought the case to court to “contribute to more clarity about euthanasia” for people who are incapacitated, stressing that “their lives still deserve protection”.

But, in a statement, the woman's daughter said that she supported the doctor's actions. “Nobody can be denied the right to escape this tormenting disease,” she said. “She released my mother's spirit from a prison where she absolutely did not want to be.”

The doctor asked the court to exempt her from further proceedings,

saying that doctors are becoming fearful of euthanasia and are instead resorting to palliative sedation.

Jaap Schuurmans, a GP and researcher, was one of 450 doctors to sign a petition saying they would not perform euthanasia for an incapacitated patient. He told *The Daily Telegraph*: “There is an urgent need for this case. Doctors are being put under moral and time pressure from families, and this is a real worry.”

Agnes Wolbert, chairman of the NVVE pro-euthanasia organisation, argued that the case should never have come to court. “The woman was clearly suffering, and the doctor had already been lightly censured by the medical ethics board. That is where it should have stopped.”

The Netherlands has since 2002 allowed citizens to request euthanasia if they are experiencing unbearable suffering with no prospect of improvement, and their doctor fulfils statutory due care criteria.