
Newsletter December 2023

Dear members

It's really interesting how quickly things can change, in my case fortunately in a positive sense. The meeting at the cantonal court is over and it has emerged that my outstanding court case could effectively be concluded in my favour at the beginning of next year. This is very good and hopeful news at the end of the year!

I also indicated in the last newsletter that I would like to describe the case of a Frenchman, which has kept me extremely busy this year and almost caused a new court case against me. I can now do so, as the new proceedings against me by the public prosecutor's of Basel-Countryside have been closed: At the beginning of December 2022, the day before the Arthur Köstler Prize was to be awarded to me in Berlin, a Frenchman travelled to us to proceed for AVD the following day. He was 100 years old and suffered from a variety of age-related diseases, all of which were incurable at that age. He was in excruciating pain from a narrowing in his spinal cord and was screaming as he was carried up from the ambulance to the escort room. He was in such a terrible state that I first had to inject him with morphine and postpone the assessment of his capacity for judgement, until the next morning.

The following morning he was responsive, but he was unable to open the IV or answer the questions we asked. He couldn't concentrate and just kept asking to be allowed to die. An AVD was not possible in this case of impaired capacity. Together with the patient and his four family members present, we decided not to transport him home in the ambulance again, in great pain, but to initiate palliative sedation, as is possible and permitted in Switzerland. After we informed the authorities about this exceptional situation, something happened that I still cannot understand. The public prosecutor demanded that the patient must be admitted to the intensive care unit immediately to prevent his death!!! This was despite the fact that he had submitted an application for AVD and thus made it clear that he did not want to have his life extended, but rather die.

In the meantime I had arrived in Berlin and only found out about the public prosecutor's decision the following day late in the morning. On the morning of that memorable day, I wanted to work on my speech again in view of the upcoming awards ceremony, and so I didn't read my emails until 11 a.m. What a horror which I never expected! Since, of course, the public prosecutor's office must always be followed, I immediately called an emergency doctor who was supposed to assess the situation in the AVD-apartment in Switzerland. He and the head doctor at the hospital decided that this man must not be transported to the hospital but should be allowed to die in our apartment. But this was against the decision of the public prosecutor. Of course, I was incredibly stressed and nervous when I gave my speech on the evening of this memorable day and received the Arthur Köstler Prize: <https://www.dghs.de/presse/presse-erklaerungen/artikel/dghs-vergehen-arthur-koestler-preis.html>. Meanwhile, the Frenchman slept quietly and without suffering in palliative sedation in our AVD-assistance apartment and died a natural death two days later.

The public prosecutors ordered an autopsy by the coroners, although palliative sedation is considered a natural death in Switzerland and would therefore not have to be investigated as an AVD. In her autopsy report, the forensic pathologist Dr Gerlach expressed the suspicion of intentional homicide, whereupon the public prosecutors opened a new case against me, and probably had to do so. However, as forensic doctors do not usually have any training in palliative medicine, the public prosecutors had an expert opinion drawn up by a renowned palliative physician and called me in for questioning. Again, a huge burden for me, which raised the question of whether I shouldn't have had the seriously ill patient transported home by ambulance, for my own protection. However, this would have been absolutely unacceptable from an ethical and medical point of view. The emergency doctor who was called thought the same. I am still convinced today that it was right to allow the man palliative sedation in Switzerland instead of transporting him once again to a country where, despite the "Loi Leonetti", proper palliative sedation would not have been guaranteed. In November, to my immense relief, the public prosecutors decided to discontinue these new proceedings. The expert specialist in palliative medicine did not find substantial violations within my procedure, thus invalidated the forensic expert's report.

Why does dying have to be so difficult? If the public prosecutors or a doctor from forensic medicine had come to the apartment and assessed the suffering of the centenarian in reality, I wonder whether they would not have come to a different conclusion than initiating another trial, which is a huge burden for the defendant.

I hope for people like the centenarian Frenchman that in France and England, too, AVD will soon be legalised and accepted, so that such dramas for the person concerned, their family as well as for me no longer occur. Effectively we are getting closer to worldwide legalisation step by step, but it still takes a lot of time and patience, obviously also in Switzerland, my home country.

Our panel discussion on “old age rational suicide” took place on third of November. Over 200 people took part and after the discussion on the podium there was a very interesting Q&A session with the audience. It is essential that this important topic of self-determination at the end of life is discussed again and again.

And now I would like to tell you about some news that I received a few days ago, which I find extremely pleasing. The ERAS association, together with doctors and theologians, has filed a lawsuit against the FMH and the SAMS. In 2018, the SAMS issued guidelines on assisted suicide that are in line with the guidelines of the lifecircle and Life-End associations. I was delighted with this innovation at the time. However, these new guidelines were not accepted by the FMH. Under new management, the SAMS had to revise these guidelines, which were geared towards the patient's wishes. In May 2022, the new guidelines were adopted by the FMH. These are now valid and binding for doctors. All organisations in Switzerland have not been respecting these guidelines for 40 years and continue to do so. This was also made clear publicly by the president of the largest Swiss euthanasia organisation, Exit. I was disappointed that Exit, a highly influential organisation with over 150,000 members, did nothing about these guidelines, which I consider to be a clear violation of liberal Swiss law. Every person is free to commit unassisted suicide by hanging, shooting, etc. at any time and without asking anyone. But a good death by medication, one hundred per cent safe and painless, is still only available to a limited extent, even in Switzerland. This is because many doctors fear legal consequences if they prescribe the medication. As a result, the FMH's restrictive guidelines have a clearly restrictive effect on the human right of every person to determine their own death, regardless of the severity of their illness. I would have liked to take part in this ERAS lawsuit against the FMH, because I fully support the idea that the FMH is arrogating to itself something that clearly restricts all of us in our right to self-determination. I therefore sincerely hope that this lawsuit will have an effect. At some point we must and will have the same liberal situation in Switzerland as in Canada, where medically assisted suicide (MAID = Medical Aid In Dying) is recognised as a medical activity and a nationwide network of doctors and medical nurses has been set up so that everyone has access to counselling and well-considered assisted suicide. You can find the ERAS press release on our website or here:

https://www.verein-eras.ch/docs/4da054b0415ed4b4d53ff5315cd6b1fb_2023-12-07_-_MM_ERAS_.pdf

I wish everyone lots of joy and a festive season full of peace,

Erika Preisig, family doctor and president of the lifecircle association

