



Nova Scotia Woman Wants to Prevent her Husband's Wrongful Euthanasia Death

The Legal Case Continues

The court case in Nova Scotia concerning a woman who is trying to prevent her husband of 48 years from dying by euthanasia continued on September 24.

Katherine's husband was approved for euthanasia (MAiD) after receiving conflicting assessments. Katherine says her husband is not dying and is delusional about his medical condition. On September 4, Justice Elizabeth Van den Eynden lifted a temporary injunction to allow him to die by euthanasia, even

though she set the court date for September 24 on the merits of the case.

The Euthanasia Prevention Coalition (EPC) found Justice Van den Eynden's decision to be untenable. If it is decided that Katherine's husband lacked effective capacity to decide or did not qualify under the law, what difference will it make if he had already died by euthanasia?

Katherine's lawyers were denied a formal review of the decision. The case questions whether her husband qualifies for MAiD and how to respond to conflicting or false MAiD assessments.

Lawyer Hugh Scher noted:

There must be a significant overhaul to MAiD in Canada. The limited safeguards put in place by parliament have proven ineffective to prevent against doctor shopping and arbitrary application of the law. If MAiD is health care as many argue then it must be subject to the same oversight requirements as other end of life treatments in terms of resolving disputes about capacity, consent and reasonable foreseeability of death.

Absent that we have unleashed a dangerous program of euthanasia on demand that puts the lives of vulnerable people at risk.

The question that the EPC seeks to clarify is this: **When there is a conflicting or false MAiD assessment, is there an avenue to challenge it, especially since it is a life or death decision?**

We need your help! We agreed to pay for the legal bills for this case but in turn we need your financial support. [Please be generous with your donation to the Euthanasia Prevention Coalition legal fund.](#)



Katherine

Does Canada's MAiD Program Meet the Supreme Court's Requirements?

By Amy Hasbrouck, founder of Toujours Vivant – Not Dead Yet
and president of the Euthanasia Prevention Coalition

In July of 2020, Health Canada issued the *First Annual Report on Medical Assistance in Dying* (MAiD) using data drawn from the monitoring system that went into effect in November of 2018. The report covers MAiD provided [in] Canada during the 2019 calendar year.

[I]n the 2015 *Carter decision*, the Supreme Court of Canada said that protecting vulnerable people required, “a carefully-designed system imposing stringent limits that are scrupulously monitored and enforced.” Yet the law has no method to appeal a determination of eligibility believed to be wrong.

Health Canada has denied responsibility to ensure compliance with the MAiD law's safeguards. In the final regulation, Health Canada says: “[Monitoring] is fundamentally distinct from a process that seeks to assess individual medical or nurse practitioners' compliance with the Criminal Code exemptions. Investigating instances of non-compliance with the eligibility criteria and procedural safeguards set out in the Criminal Code falls outside of the scope of the federal monitoring regime, and is under the purview of local law enforcement.”

The report does not include deaths by Continuous Palliative Sedation (CPS), euthanasia that doctors did not declare, or other life-ending acts without explicit request. There are no eligibility criteria, approval process or safeguards to be met for CPS. Health Canada does not discuss how many reports contained incomplete or inaccurate information, or how these were corrected.

Health Canada points out that, because an oral request can start the eligibility determination process, “many assessments for MAiD are taking place with the written request only being completed once a finding of eligibility has been determined or a date for MAiD has been established.” Thus the number of written requests reported in 2019 (7,336) is probably substantially lower than the real number ... because those who are determined ineligible upon making an oral request are not counted by the monitoring system.

The report uses two different figures for the number of MAiD deaths being reported. Footnote 1 (p. 5)

states, “When all data sources are considered, there were a total of 5,631 MAiD deaths in Canada in 2019. This includes 242 MAiD deaths that were reported voluntarily by the provinces and territories. The detailed analysis on requests for MAiD (7,336 written requests), and cases of MAiD (5,389 provisions), are available only for the reports collected through the federal monitoring system (for requests received on or after November 1, 2018).” A clarification is provided on page 16: “[A]ggregate data for MAiD deaths in 2019 is based on two data elements: MAiD provisions in 2019 resulting from a written request prior to November 1, 2018, and data collected under the Regulations for the period January 1, 2019 to December 31, 2019.” So if a person asked to die before November 1, 2018, and was euthanized after January 1, 2019, their death was counted in 2019, but was not subject to the new monitoring system's reporting requirements (242).

The monitoring system did not collect crucial demographic information that would show the impact of discrimination, economic and social pressures on requests to die.

The monitoring system does not collect data on whether suicide prevention services were provided in response to requests for MAiD. The data in Section 4.3 regarding palliative care and disability support services gives no indication what services were provided, or whether [they] met the person's needs. Without suicide prevention intervention or effective palliative care and disability support services, a person's consent to euthanasia cannot be voluntary, capable, and free of external pressure.

The questions and concerns raised by this first annual report lead us to believe that Canada has not met the Supreme Court's mandate to create, “a carefully-designed system imposing stringent limits that are scrupulously monitored and enforced.”

This article has been edited for length. To read the full version, visit <https://tvndy.ca/en/2020/09/analysis-of-2019-maid-annual-report/>

The 2019 report on MAiD can be accessed here: <https://www.canada.ca/en/health-canada/services/medical-assistance-dying-annual-report-2019.html>

Utah Man Claims His Wife's Death Was Not Murder But Assisted Suicide

Dennis Chamberlain was convicted for attempted murder in the death of his wife Jean in 2014. He is asking for parole by claiming it was an assisted suicide and not murder.

Marcos Ortiz reported the following for *ABC4 Utah*:

In 2014, he was arrested for the murder of his wife, Jean. He eventually accepted a plea bargain and the charge was reduced to attempted murder. He was sentenced to a minimum of three years and up to life in prison.

Chamberlain claimed during the parole hearing that it was an assisted suicide, not murder.

Before the hearing officer, Chamberlain continued to maintain it was an assisted suicide, not murder. But an assisted suicide is still against the law in Utah.

"We decided the two of us together to help her pass on to the next life,"

"And so what I did is I put a plastic bag on her head ... and she didn't survive very long after that."

The act of asphyxiating a person with a plastic bag is murder not assisted suicide. Chamberlain claims that he received advice from the Hemlock Society:

During the 2015 defense of his actions, Chamberlain claimed the two of them were followers of the Hemlock Society. The organization believes it is one's right to choose when they died. He said he met with members of the group who told him that

helping his wife die was an option.

"It wasn't just my decision," he said. "It was mine and my wife Jean's decision and we went along with the people that were part of that organization."

Chamberlain's daughter Sonya Balling and Jean's sister Janis Farran do not believe him and do not want him released. Ortiz reported Farran as stating:

"He was not a grieving widower but a calculated killer who planned the execution of our beloved sister and then covered it up,"

"In the face of the evidence of his actions Dennis still denies that he killed her. He has shown no remorse whatsoever."

"He'd tape her to a chair and leave her,"

"And (he'd) be upset and punish her if she soiled herself."

Balling also commented on her father's crime:

"In my father's mind he hasn't done anything wrong so until he makes an effort to acknowledge his actions for what they truly were or try to change his mindset or make amends, I do not believe he should be released."

If assisted suicide were legal in Utah, Chamberlain could have argued that all he did was complete an act that is legal for doctors to do.

The fact is that putting a plastic bag over someone's head and asphyxiating them to death is murder. He did the act, therefore he should serve his time.

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Retrial Ordered in the Belgian Euthanasia Death of Tine Nys, Who Was Diagnosed as Autistic



Belgium news is reporting that a retrial has been ordered in the euthanasia death of Tine Nys (38) who died in 2010. [HLN reported the following on September 15:](#)

The Court of Cassation has decided that a new trial will be brought against the doctor who performed the euthanasia on Tine Nys. The Court has ruled that the acquittal of doctor Joris van Hove was not sufficiently motivated. There will be no retrial for the two other doctors who were also acquitted.

On January 31, 2020, [a Belgian court cleared three doctors in the euthanasia death of Nys](#). The family continues to argue that she did not qualify for euthanasia and was falsely diagnosed as autistic in order to qualify.

[A BBC News article reported the following \(Jan 14\):](#)

Nys's family argue that her reason for seeking to end her life was because of a failed relationship, far short of the "serious and incurable disorder" as required under Belgian law.

Michael Cook reported for *MercatorNet* during the first trial:

[Dr Joris van Hove's seamy background](#) was highlighted in the media coverage. He has been in court before over offenses like drunk driving and forgery. In 2017 he was convicted of molesting young male patients. Was his troubled background the reason why he had turned his hand to euthanasia? (On that fateful evening he had to rush off to do another euthanasia after Tine Nys.) Perhaps more testimony will shed light on this. The Dutch medical council has begun disciplinary proceedings against him.

[Dr van Hove admitted](#) that he had never done a euthanasia for psychological suffering before and that he had been clumsy. He had not completed his "end of life" training and he failed to administer the lethal injection properly. He did not have a stand for the infusion and the bag plopped onto Tine's face as she was saying goodbye to her family. He neglected to bring a blank death certificate.

With respect to van Hove, *HLN* reported:

Van Hove continues to work as a general practitioner. He was finally convicted in 2017 for indecency assault of patients, but the Order of Doctors only started a disciplinary investigation after a report by the prosecution in connection with the euthanasia process. "I have not heard from the Order of doctors anymore. I am currently at work and have no additional stress for a retrial. I have nothing more to say about the other case (the moral case, ed.)."

Van Hove's new trial will probably be brought before a civil court early next year, but if it is concluded extensively, the case could drag on for a long time.

The family of Tine Nys has battled the Belgian legal system for ten years. Hopefully justice will be served.

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