

Woman challenges law governing assisted suicide prosecutions

MS sufferer wants partner to accompany her to clinic

Rules fail the vulnerable, says pressure group

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Legal editor

Debbie Purdy lived life to the full before she was diagnosed with multiple sclerosis – bumming around the world, jumping from planes, trekking through jungles, and picking up a Cuban husband along the way.

Today her world has shrunk to a wheelchair and a specially-adapted home in Bradford, but she still relishes her life and is determined to hang on to it as long as she can.

She wants to choose her moment to die, when the pain gets too much for her to bear, but not a moment sooner. When that time comes she hopes her husband, Omar Puente, will take her to the suicide clinic Dignitas in Zurich, Switzerland, where assisted suicide is legal, and be with her at the end.

The obstacle is UK law, which makes assisting a suicide a serious crime, punishable by up to 14 years in prison. Some 92 people have made the journey from Britain to Switzerland to end their lives and no relatives or friends have so far been prosecuted.

But Purdy, 45, won't take the chance that she might land her 46-year-old husband in prison. Next week she will go to the high court in London in an unprecedented attempt to force Sir Ken Macdonald, director of public prosecutions, to disclose his prosecution policy in such cases.

On Wednesday a high court judge will decide whether to allow Purdy to go ahead with a challenge to the DPP's refusal to reveal what factors prosecutors take into account in deciding whether or not to prosecute.

"If there is any uncertainty around this I would be forced to go by myself, while I can still travel alone and make all the arrangements," she said. "This could be years before I'm actually ready to die. If I know my husband won't be prosecuted for coming with me I will be able to go when I'm ready, with my husband by my side."

Diane Pretty died in 2002 after failing in her attempt to get legal immunity through the courts for her husband to help her commit suicide. But her case differs from Purdy's because Pretty wanted help with ending her life in the UK.

Dignity in Dying, the organisation which campaigns for the legalisation of assisted suicide in the UK, is supporting Purdy's case.

Its chief executive, Sarah Wootton,



When she's ready, Debbie Purdy wants to end her life at a suicide clinic in Switzerland Photograph: Anthony McMillan

said: "Debbie and Omar and others like them need to know where they stand with regard to accompanying loved ones abroad to die.

"On the face of the law, people who accompany a loved one to Dignitas are liable to face up to 14 years in jail, but the fact that no one has yet been prosecuted indicates that there seems to be some sort of unspoken policy operating."

More than 40 Britons have supplied written statements confessing to accompanying loved ones to die at Dignitas

in support of the case. Many returning friends and relatives have been questioned by police and have had to wait several months before finding out the cases against them have been dropped.

"The fact that people like Debbie feel they have to travel to Dignitas to have a dignified death is far from ideal," said Wootton.

"Without assisted dying legislation people will continue to resort to desperate measures, such as violent or botched suicides, and travelling abroad to die. The

current law is failing the vulnerable."

A Crown Prosecution Service spokesperson said: "The director of public prosecutions has no plans to issue further guidance to prosecutors in relation to prosecution policy for this offence, beyond the general guidance contained in the Code for Crown Prosecutors.

"Each case must be reviewed individually in the light of all the available evidence, and in accordance with the code, before deciding whether or not a prosecution should be brought."