



HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

X
EJ 30/4/15
27401/15

30 April 2015

BEFORE THE HONOURABLE MR JUSTICE H. J. FABRICIUS

COURT ORDER



1. IT IS DECLARED THAT:

- 1.1 The Applicant is a mentally competent adult;
- 1.2 The Applicant has freely and voluntarily, and without undue influence requested the Court to authorize that he be assisted in an act of suicide;
- 1.3 The Applicant is terminally ill and suffering intractably and has a severely curtailed life expectancy of some weeks only;
- 1.4 The Applicant is entitled to be assisted by a qualified medical doctor, who is willing to do so, to end his life, either by administration of a lethal agent or by providing the Applicant with the necessary lethal agent to administer himself;
- 1.5 No medical doctor is obliged to accede to the request of the Applicant;
- 1.6 The medical doctor who accedes to the request of the Applicant shall not be acting unlawfully, and hence, shall not be subject to prosecution by the Fourth Respondent or subject to disciplinary proceedings by the Third Respondent for assisting the Applicant.

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2. This order shall not be read as endorsing the proposals of the draft Bill on End of Life as contained in the Law Commission Report of November 1998 (Project 86) as laying down the necessary or only conditions for the entitlement to the assistance of a qualified medical doctor to commit suicide.
3. The common law crimes of murder or culpable homicide in the context of assisted suicide by medical practitioners, insofar as they provide for an absolute prohibition, unjustifiably limit the Applicant's constitutional rights to human dignity, (S. 10) and freedom to bodily and psychological integrity (S. 12 (2) (b), read with S. 1 and 7), and to that extent are declared to be overbroad and in conflict with the said provisions of the Bill of Rights.
4. Except as stipulated above, the common law crimes of murder and culpable homicide in the context of assisted suicide by medical practitioners are not affected.

REGISTRAR OF THE HIGH COURT OF
SOUTH AFRICA GAUTENG DIVISION, PRETORIA
PRIVATE BAG 11 - MATIELAUX 2017
PRETORIA 001
2015 -04- 30
H. HANDELING
GRUPPIER VAN DIE RECHTER VAN
SUID AFRIKA GAUTENG AFDELING, PRETORIA



**THE REGISTRAR
HIGH COURT SOUTH AFRICA**

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EJ