

Was the deceased Sarco euthanasia assistant Willet in Schaffhausen wrongfully held in pre-trial detention for so long?

Euthanasia assistant Florian Willet helped a woman take her own life with a suicide capsule, became a target of the Schaffhausen criminal justice system—and then chose suicide himself. Now, documents raise new questions about his pretrial detention.

Alain Zucker

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The forest near Merishausen, where a 64-year-old American woman ended her life – and her euthanasia assistant Florian Willet was arrested shortly afterwards. Linelle Deunk / Volkskrant

It's a dreary autumn afternoon, that September 23, 2024, in Merishausen, which will ultimately cost two people their lives. One life will end as planned: that of a 64-year-old, critically ill American woman who, on that day in a wooded area in the now-famous Sarco, deliberately presses a button to flood the suicide capsule with nitrogen and die from a lack of oxygen.

Next to her stands the assisted suicide, Florian Willet, wearing a yellow windbreaker and using his cell phone, cameras, and iPad to record the woman's death. He, too, will die, the victim of an escalation that no one could have foreseen. Willet is arrested on the spot, spends 70 days in pre-trial detention, is released without regaining his composure, and, as German authorities announced last week, takes his own life voluntarily on May 5 in Cologne.



Florian Willet, president of the assisted suicide organization The Last Resort. PD

The 47-year-old was president of the assisted suicide organization The Last Resort, which, with the first use of the futuristic capsule in the Schaffhausen forest, aimed to pave the way for self-determined death without medical supervision. The organization doesn't hesitate to assign blame: Willet is a victim of the justice system, says Philipp Nitschke, the inventor of the Sarco, citing a psychiatric report that diagnosed Willet with an "acute polymorphic psychotic disorder" as a result of the stress of pre-trial detention.

Even though it is too early for such blame and suicide can rarely be explained monocausally, everyone who knew Willet says that after his release in December, a highly intelligent, reserved and matter-of-fact person became a driven man, paranoid, always afraid of being wiretapped and taken back to prison.



Philipp Nitschke, the inventor of the euthanasia capsule Sarco. PD

How did it come to this? After all, Willet and his organization's lawyers had called the police themselves on that gloomy September 23rd. They had documented in detail what had happened and also that the suicide in the Sarco had been the wish of the seriously ill woman. While the lawyers and a photographer from the Dutch newspaper "Volkskrant" who was present were released after 48 hours, Willet remained in custody – for 10 weeks.

Documents now indicate that the prosecution relied on an analysis of the cause of death that later proved to be incorrect. Only now has the final version of the American woman's autopsy report become known.

A memo dated September 24th from the responsible public prosecutor played a decisive role in ordering pre-trial detention. In it, she summarized what the Institute of Forensic Medicine in Zurich had told her over the phone about the results of the investigation into the previous day's death. It detailed everything that indicated "compressive blunt force to the neck (strangulation)." She mentioned "pinpoint hemorrhages in the conjunctiva," signs of blunt force such as contusions at the level of the larynx, and a fractured left hyoid bone. It was "by no means a quiet, peaceful death in which the deceased simply fell asleep."

This memorandum formed the basis for the subsequent arrest request by the Schaffhausen public prosecutor's office, which, to the astonishment of the lawyers, raised the possibility of intentional homicide in addition to assisted suicide. The shocking suspicion: The Sarco had malfunctioned during its first use, and Willet had assisted.

It's important to note that the public prosecutor's office had warned Willet and his colleagues in advance that they would open a criminal investigation if they set up the sarco in Schaffhausen. However, euthanasia is only punishable in Switzerland if it is carried out for selfish reasons. Willet and his lawyers therefore assumed that even in the worst-case scenario, the arrest would be brief. Only the strong suspicion of intentional homicide combined with the risk of flight allowed the public prosecutor's office to remand the German, who had only been living in Switzerland for a few years, in custody for 10 full weeks.

What remained strange, however, was that in the weeks and months that followed, no actual autopsy report was available beyond this memo. At a hearing regarding his release from prison in early November, Willet was only told that his DNA had not been found on the deceased's body, yet he had to remain in custody.

Officially, the report has only been available since March 27 of this year, a full six months after the death in the Sarco, as the public prosecutor's office recently confirmed to the NZZ. However, what is allegedly contained in the nine-page report was only seen by other parties this week, according to legal sources. The suspicion of violent external influences is not confirmed by the autopsy, even though it cannot be completely ruled out. Rather, the marks on the neck, which were originally considered suspicious, could be explained by natural causes.

This new development doesn't shed a positive light on the investigation. How is such a discrepancy between the phone note immediately after the autopsy and the autopsy report possible? Why did it take so long for the report to arrive? Why were the accused and their lawyers denied access to the report for so long? And: Was the long pre-trial detention, which ultimately took such a toll on Willet, ordered based on incorrect assessments?

The Schaffhausen Public Prosecutor's Office has declined to comment on these questions "due to official and investigative secrecy." The Chief Public Prosecutor, Peter Sticher, merely points out that decisions by the Coercive Measures Court, which decides on pre-trial detention, and the Higher Regional Court protect the actions of the Public Prosecutor's Office. The latter had to consider an appeal regarding the denied release from custody, but at a time when Willet was already free, so the main issue was still the procedural costs. The Higher Regional Court sided with the investigators.

The problem: In all of these decisions, the early telephone memo about the autopsy played a key role, rather than a completed report, the results of which apparently contradict the memo and were only officially available later.

Willet and the lawyers involved were also puzzled about the whereabouts of the autopsy report, which is usually completed within a few days. They demanded further access to the files—which the Schaffhausen authorities denied them—and angrily wondered how long the individual procedural steps were taking and whether the prosecutors were ignoring the camera footage and the oxygen measurements in the capsule that had documented what had happened in the forest.

During all this time, Florian Willet sat in the old, gloomy cantonal prison in Schaffhausen, never being questioned on the case once after his pre-trial detention began, and without contact with the outside world except through his two lawyers. And while, according to their statements, he had weathered the initial period well, his mental state deteriorated towards the end. On the Saturday before his release, his Schaffhausen lawyer, Urs Späti, had to come by as an emergency to calm him down. "He lost his footing, believing, for example, that his belongings were being searched," says Spaeti.

"Pretrial detention is always terrible. By definition, you're still innocent, but with the isolation from one day to the next, you experience the harshest of all prison regimes. Being in pretrial detention for so long was traumatizing," says Andrea Taormina, a Zurich lawyer representing the Dutch photographer in this case.

Willet was finally released from custody on December 2nd – apparently because, after two and a half months, the public prosecutor's office had finally found the oxygen levels measured in the Sarco to be correct, showing that the capsule had not been opened during the euthanasia procedure. But by then, disaster had already taken its course. According to statements from companions and psychiatric diagnoses, Florian Willet slipped ever deeper into a psychotic episode – a diagnosis that describes a sudden mental crisis with severe mood swings and delusions. In February, he fell from the third floor of his apartment building, which some consider a first suicide attempt, which he denied. He seriously injured himself, underwent surgery, and had to enter rehabilitation. Then he went into hiding without informing his loved ones. He went to Germany to die.

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