

May  
2021

## Rhys Habermann

### The Backstory to a Teenager

**The story of Rhys Habermann concerns a young man diagnosed with Ewing's Sarcoma cancer who imported Nembutal and died peacefully at home with his family.**

young man as his communications with Exit reveal. Rhys explained to Exit how his diagnosis had come to be and the fact that it had already metastasized throughout his body when the cancer was discovered.

Rhys was also the youngest person that Exit has ever permitted to subscribe to the *Peaceful Pill eHandbook*. Rhys Habermann contacted Exit in 2015, a few months after he was diagnosed with cancer. From the get-go he revealed himself as mature beyond his years.

He was very matter of fact about what he wanted to happen next. He wrote that he had come to terms with the prospect that he would never grow old. He also said that he had decided to discontinue treatment because it was making him 'feel far more awful than I could handle'.

For those of us who have worked with teenagers confronting terminal illnesses, this is not unusual. There is nothing like the prospect of imminent death to make you grow up fast. By anyone's reckoning, Rhys was an exceptional

Rhys wrote to Exit:

*'I am currently bored with my life, I spend my days excessively watching tv shows and movies. I cannot play sports, the most I can do is sit around on electronics. I do look forward to dy-*

### IN THIS ISSUE

- 1-2 Rhys Habermann Backstory
- 3-4 Going Global: The Human Rights EOL Framework
- 5 Exitorial
- 6 Book Banning in Australia
- 7 Exit 2021 Snippet Series
- 8 Dexit Podcasts
- 9 Laura's Kitchen Table
- 10 French Controversies: Ultime Liberté

### SAVE THE DATE

- 5 May 2021  
Exit Online Snippet  
Morphine & the Opioids
- 2 June 2021  
Exit Online Snippet  
Pegasos Swiss Association
- 7 July 2021  
Exit Online Snippet  
Miscellaneous Drugs



# Backstory of Rhys Habermann

*ing. However, I fear a time when I may have to spend the remaining few weeks of my life in a bed getting palliative care, watching my body deteriorate in front of my own eyes. I do plan on getting nembutal to skip this horrible step, and to end the suffering when the time is right. I have a great family, and they accept my decisions.'*

*I am so thankful to have found the Peaceful Pill Handbook, as I considered painful suicide methods prior to finding it. I really appreciate you reading this, and considering me for a membership, which I really hope I get. If you need proof that I am seriously ill, I will be more than happy to prove it. I would appreciate getting a membership ASAP as I am in Thailand on a holiday with my brother, I do not leave until Saturday, and while I am over here I hope to acquire some liquid nembutal to bring back to Australia and store for when the time is right.*

*Thank you very much.  
Rhys Habermann*

Rhys took his Nembutal and died in January 2017 at home with his family. As part of the backstory of Rhys Habermann, his mother, Liz, would later tell Exit of her determination that no other family would go through what hers was put through: not from Rhys' death *per se* (which was heart-breaking enough) but from the actions of the police thereafter.

After his death, Rhys' bedroom was treated as a crime scene. This was stress upon stress for a grieving family. It would also take almost 2 years for the South Australia authorities to return Rhys' laptop and phone. The Police were only doing their job in investigating who, if anyone, helped Rhys get his Nembutal. After all – Rhys' decision to die at home and in his own time – his 'rational suicide' – was not a crime. But this is why the law needs changing! Suicide is the only example in law where it is illegal to help someone to do something that is legal. Especially if being 'present' constitutes 'help' which the law is unclear on.



Rhys' decision to die at home was legal. His importation of Nembutal was illegal. This is the other reason why the Habermann family were in legal danger.

While one may think that Rhys Habermann was a clear-cut case, had South Australia had a right to die law, this is not necessarily so.

Yes, Rhys had a terminal illness. Would he die within 6 months? Maybe/ maybe not. In the end he did not. Was he over 18? Not at the time of diagnosis. So Rhys could well have failed to pass these basic criteria for a VAD. And this is the problem with a law that has 60+ safeguards, instead of Switzerland's simple 2 safeguards. There will always be someone in need who will miss the cut.

To Exit, legislative reform is not hard. Follow the Swiss model. Decriminalise assisted suicide for altruistic reasons and add the 2 Swiss safeguards:

1. *The person must have mental capacity &*
2. *The action that brings about death must be initiated by the person themselves*

A recent report by Australia's national broadcaster, the ABC, described Rhys Habermann as a teenager who was driven to suicide because no VAD law existed in his home state of South Australia.

The backstory of the death of Rhys Habermann tells a very different story.

# Going Global

## How Human Rights are changing the Debate

**As this newsletter goes to print, the state of South Australia is boasting of the 60+ safeguards** that will be written into its proposed dying with dignity law.

This draft law comes hot on the heels of similar legislation in the Australian states of Victoria, West Australia, Tasmania and in New Zealand. In jurisdictions such as these, 68 has become a magic number. Not for any truly worthwhile reason but because that is the number of safeguards that legislators believe a responsible end of life choices law requires.

These 'safeguards' are remarkable for their breadth and depth. Of course, there are the usual qualifications: over 18 years, resident of the jurisdiction, terminally ill with no hope of recovery and likely to die within 6 months (or 12 months if the diagnosis is neurological).

Life situations which are expressly excluded include: a wish to end life because of advanced old age, chronic mental illness, multiple small pathologies which come with old age, dementia, disability (eg. quadriplegia), slow neurological conditions such as MSA (multiple system atrophy) etc.

### **Canada Relaxes Safeguards on Imminent Death & Mental**

The legacy of laws that are so pumped-full of safeguards is that they exclude more people than they help. That the new Tasmanian law is expected to be used by only 10 people a year at a cost of \$240,000 per person is a case in point. This tight adherence to safeguards is self-defeating: something that Canada - which is ahead of Australia in legislation - is now coming to terms with.



Canadian experience has shown - quite sensibly - that the safeguards must be relaxed (eg. the imminent death requirement & re-examination of exclusion of mental illness) if its law is to be useful (& equitable).

### **The '2' Safeguards of Swiss Assisted Suicide Law**

While the Netherlands and Belgium have a long history of incremental relaxations in their laws (eg. allowing the under 18s - like Rhys Habermann to request euthanasia), these countries, to their detriment, continue to operate a medicalised model of euthanasia.

By contrast in Switzerland, there are a mere 2 safeguards. These are:

1. mental capacity
2. do the action which brings about death yourself

The rest, as they say, is immaterial. Under Swiss law, the basis for the assisted suicide (death) need not be a terminal diagnosis (with death expected within 6 months). And assistance that is driven by altruistic motivations is lawful. Assisted dying has been demedicalised. It is not only chocolate that makes Switzerland an admirable country!

# Going Global

## How Human Rights are changing the Debate

### The Constitutional Right of a Self-Determined Death

The Swiss decriminalisation of assisted suicide is based upon the legal tenet that the good death is a universal right. This is not a right that can be restricted to one or another specific group within society. The human right of a good death should be open to us all. It is this notion of 'personality' that the German and Austrian constitutional courts have recently confirmed and for which Dutch (and possibly French) activists are now prosecuting the State.

At the heart of the recent European constitutional court decisions is the view that its citizens are people capable of self-determination and autonomous decision-making.

The right to a self-determined death falls under the general right of personality. A prohibition on assisted suicide violates this general right (as well as one's right to privacy).

Dutch activists are now taking these rulings as their lead in arguing that even though there is euthanasia law in the Netherlands, if one is not allowed the means and legal sanction of a self-determined death, then this right is curtailed. It is a false right. This is why the Dutch group 'CLW' are suing the Dutch State claiming the current prohibition on assisted suicide is unlawful.

The French group, *Ultime Liberte*, is looking to follow suit using the French constitutional concept of 'fraternity' to argue that assisted suicide must be allowed. Taken together, these legal actions show a shift towards the human rights end of life framework that Exit has long advocated.

That countries such as Australia and New Zealand are ignoring this change of direction in end of life legislation disadvantages the vast majority of their nationals who may want a good death (at the end of a good life), but who are destined to fail to satisfy the exacting and multiple qualifying criteria.



*The German Constitutional Court ruling on Assisted Suicide, 26 February 2020*

# EDITORIAL

This edition of *Deliverance* comes to you as Fiona and I have needed to call on palliative care for our lovely little dog, Henny. Almost four years ago, 12-year old Henny was diagnosed with heart valve failure: a condition that is terminal and untreatable in dogs. And this brings me to the point: with Henny there is the option of a good death at a time of her/our choosing. She can die like the dog that she is. Not so the rest of us.

The first part of 2021 has been an important period of consolidation at Exit. I have been busy with monthly Snippet and Doxit Podcast recordings, as well as trying to finalise the Sarco project in the midst of seemingly, never-ending European lockdown restrictions.

But there is light at the end of the tunnel as so many people now say. I was incredibly pleased and relieved to have been the beneficiary of the best of American science by way of the Moderna vaccine in late April. I can now venture out into the world once more, where there is so much work to be done. Naturally, it is the much-delayed Sarco that is weighing heavily on my mind: especially as the capsule will shortly be headed to Germany to take part in a new exhibition titled 'Lets talk about suicide'. A second Sarco is destined for Switzerland where, after extensive consultations with Swiss lawyers, the device has been cleared for use.

On a less forward-looking note this month, I have been dismayed by the efforts of Australian Border Force, not only in seizing incoming copies of the *Peaceful Pill Handbook*. Hell no, Border Force did not stop there. Rather, instead of receiving his book in the mail, 84-year old David Sandford got a 'wellness check' by his local police. The logic of Border Force (and the powers that control it) is that if you are interested in reading about your end of life choices, then you must be suicidal and



in need of protection (from yourself). The irony does not end there. Also in recent months, Border Force have been actively preventing Australians from travelling to Switzerland for a lawful VAD.

Border Force recently rejected one couple's exemption application (to leave Australia) three times. Luckily, a mate of a mate knew the Home Affairs Minister. Miracles followed. The couple were allowed to leave Australia for a Swiss VAD.

The third way that the Australian Government is messing with Australians' end of life choices concerns their refusal to rescind the *Suicide Related Materials Offences Act* which makes it a crime in that country to use the telephone to speak about one's end of life choices.

You can't read about it.

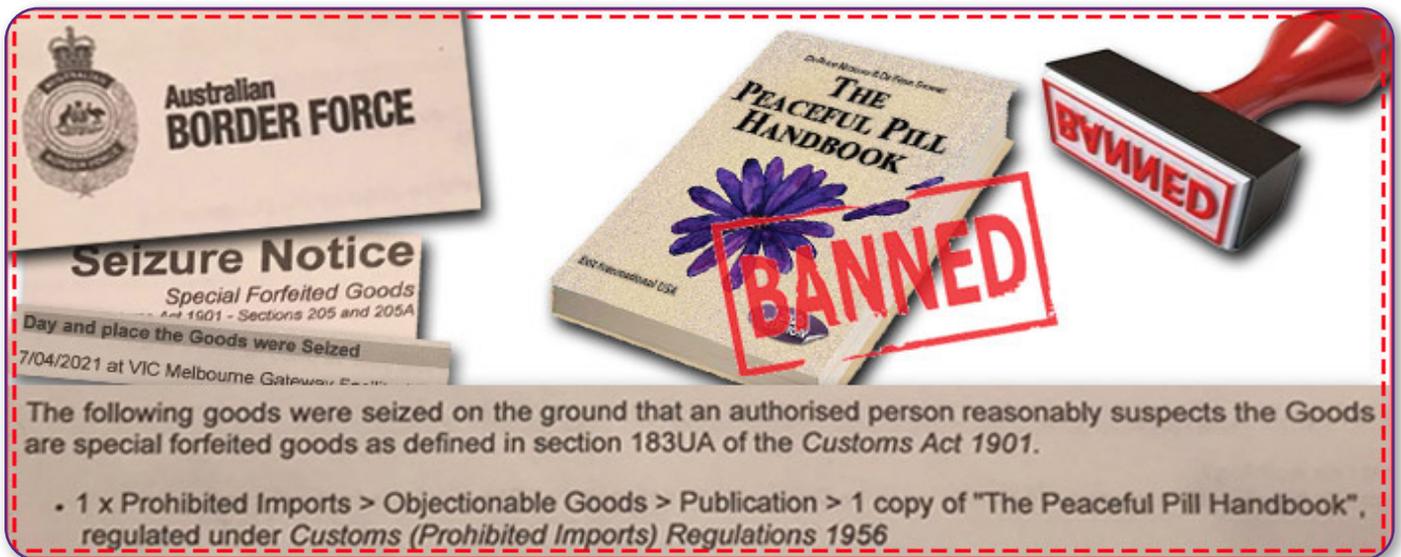
You can't talk about it.

You can't leave the country to get it!

Australia - the Lucky Country? Not likely Mate!

# Border Force

## Seize Copies of 'Objectional' Peaceful Pill Handbook



**Australian Government**  
**Classification Review Board**

Review meeting: 7 February 2007  
Decision meeting: 24 February 2007  
23-33 MARY STREET, SURRY HILLS, NSW

**MEMBERS:**

**Convenor:** Ms Maureen Shelley  
**Deputy Convenor:** The Hon Trevor Griffin  
**Members:** Mrs Gillian Groom,  
Mr Anthony Hettrih,  
Mr Rob Shilkin,  
Ms Kathryn Smith,  
Ms Ann Stark

**BUSINESS:** To review the Classification Board's decision to classify the publication *The Peaceful Pill Handbook*, by Dr Phillip Nitschke and Dr Fiona Stewart, Category 1 – Restricted.

**APPLICANT**

**First applicant** Right to Life Association (NSW) Inc (RTL)  
**Represented by** Mr Terry Tobin QC, Mr Damien Tudehope,  
Mr Chaing Lim

**Second applicant** The Attorney-General, the Hon Philip Ruddock MP  
**Not represented, not present**

**ORIGINAL APPLICANT:** Exit International US Ltd (Exit)  
**Represented by** Mr Simeon Beckett, Dr Phillip Nitschke,  
Dr Fiona Stewart, Ms Carol Berry

**INTERESTED PARTY:** NSW Council for Civil Liberties (NSW CCL)  
**Represented by** Mr Stephen Blanks, The Hon Keppel Enderby QC,  
Ms Simone Orzepowski

**Also present:** (assisting the Classification Review Board), Australian Government Solicitor, Classification Operations Branch

## Australians should not need Government Permission to Read

It is with disarming regularity that Australian Border Force are confiscating the *Peaceful Pill Handbook*.

Deigned an 'objectionable' import, the book is being intercepted by Australian Customs who claim it breaches the 1901 *Customs Act*.

The 2006 edition of the *Peaceful Pill Handbook* was banned by the Australian Censor (Classification Review Board) in February 2007 on appeal by then Attorney General Philip Ruddock & Christian pressure group, Right to Life Australia. For the past 14 years the book has been published outside of Australia in an effort to avoid State censorship. Exit calls upon the Morrison Government to cease deciding on behalf of Australian adults what books they can read. This is 2021 not 1956. The issue of books is none of the Government's business.

# Exit Snippets 2021 Series

Commencing in February 2021, the new, monthly Exit Snippet Online Workshop series has proven a great success for Exit Members and PPeH Subscribers alike.

Held on the first Wednesday (Thursday morning in Australia/ NZ) of the month, the one-hour Snippets have allowed Exit Director, Philip Nitschke, to continue to help members with their practical end of life options and associated questions.

## Each Snippet has its own unique topic with plenty of discussion

Because the Snippets run for an average of only 70 minutes, and because each Snippet has its own unique topic, some say the online Snippets are a more organised way of imparting information to the Exit community than previous 4-hour long, face-2-face workshops.

### Snippet Program Highlights

- The Lethal Salts (February)
- The Gases (March)
- Drug Premedication & Potentiation (April)
- Morphine & the Opioids (May)
- Pegasos (June)
- Miscellaneous Drugs (July)
- The Barbiturates (August)
- USA Lethal Mixtures (September)
- Devices (October)
- Poisons (November)
- Summary Session & Q/A (December)

While Exit Snippets are closed to the public (open only to Exit Members & current PPeH Subscribers), Exit acknowledges that the time zone issue is difficult for some people. To address this difficulty the sessions are also being recorded. A subscription for later listening is available on the Exit website (again only for Exit



## Snippets are a useful way to stay in touch with Exit mem-

Members/ PPeH Subscribers). Speaking about the Snippets Philip Nitschke has said: 'I am pleased that interest in the new Snippet format of workshop has been so strong'.

'After this year in lockdown and being unable to travel to Australia (and other countries), it has been heartening to meet up with Exit members online to help explain various topics and answer questions'.

'I fully realise that the answers to one's end of life questions can often be very hard to find. The Snippets allow for a tailoring of interest with members able to pick and choose which Snippets interest them the most' he said.

While Snippets will never fully replace live Exit workshops, Exit expects that these online sessions are here to stay. To register for the next Snippet, please visit the Exit International website at: [www.exitinternational.net](http://www.exitinternational.net)

# Doxit Podcasts - Easy Listening

## Doxit Podcasts with Drs Philip Nitschke & Fiona Stewart

The Doxit Podcasts have recently started their second year (and a second series) of monthly news and discussion of all matters associated with end of life choices, and the politics that lie therein.

The Doxit Podcasts are hosted by Philip Nitschke and Fiona Stewart and are recorded monthly. They can be found on podcast platforms such as Spotify, Anchor, Google and Apple, as well as on the [www.Peacefulpill.com](http://www.Peacefulpill.com) website. Doxit Podcasts average 40 minutes duration and are provided entirely free by Exit. You do not need to be a member of Exit to listen to a Doxit Podcast. And no special software is required.

### Doxit Podcasts feature a wide range of Topics

January 2021

Drug Premedication & Potentiation

February 2021

The USA Lethal Mixtures Explained

March 2021

The Inevitable: Dispatches from the Right to Die, by Katie Engelhart (new book)

April 2021

Pushback: Towards a European-style Human Rights Agenda at the end of life



# Laura's Kitchen Table



## A Community Conversation at a friendly Kitchen Table

With the national Australian screening of Laura's Choice, film makers Cathy Henkel and Sam Lara have created a new website called 'Laura's Kitchen Table' where the women are hoping to keep the conversation for change going: especially as the film is heading towards broad international release in 2021-22. See: [www.lauraschoice.org](http://www.lauraschoice.org)

Membership of Laura's Kitchen Table is free and open to all. The Table provides links to a range of resources including how to watch Laura's Choice on iView, future film screenings, the survey that is currently being conducted by Edith Cowan University, a Q&A space for questions directly for Pegasos Swiss Association & more.



## Laura's Choice - Feature Documentary Film

90-year-old Laura Henkel was eccentric, outspoken, feisty and fiercely determined. She was well-read, worked as a theatre actress in her day, and was not afraid to ruffle feathers.

Laura also decided she wanted to die on her own terms, and she wanted to help her daughter and granddaughter come to understand the many reasons why.

Because she was not sick, Laura did not qualify to use any Australian VAD law so Switzerland became her only option.

# French Controversies

## Ultime Liberté challenges French Law

On 7 March 2021, French journal *Liberation* devoted a front page story and extensive coverage to the charging of 13 members of the French right to die group 'Ultime Liberté'. The edition also profiled the work of Exit International in disseminating information on Nembutal. The Ultime Liberté members had previously been the subject of police raids in France in October 2019 where over 300 gendarmes seized 130 bottles of Nembutal from 103 different homes over 18 different regions of France.

Fast-forward to January 2021, and the same people have now been formally charged under the French Criminal Code with the acquisition, possession and importation of Nembutal.

According to Claude Hury (right with Armand Stroh), it will take the best part of another 12 months until the outcome of the charges will be decided as the French criminal legal system is inquisitorial rather than the common law that exists in the UK, the US, Canada, Australia and New Zealand etc. Mme Hury adds that, even if the 13 are found guilty by the prosecutor, it is highly unlikely that any will face jail time. She hopes political change will be the reward for their activism.



Madame President of Ultime Liberté, Claude Hury & VP Armand Stroh



This legal action comes at a time when the French National Assembly is debating a new right to die law (albeit in the face of considerable opposition).

A long time activist in the women's movement, Claude Hury is undeterred, announcing that she will continue taking Ultime Liberté - the organisation she founded after a split from the conservative ADMD group - down the self-determination/ autonomous route. As former philosophy professor, Francois Galichet, quoting fellow philosopher and poet Emil Cioran, said in a recent French press interview: 'Without the idea of suicide, I would have killed myself a long time ago.'