



## The European Court of Human Rights asks the French Government to stay the execution of the *Conseil d'État* judgment authorising discontinuance of Vincent Lambert's nutrition and hydration

The applicants are Vincent Lambert's parents, together with one of his sisters and a half-brother.

Vincent Lambert sustained a head injury in a road-traffic accident in 2008 as a result of which he is tetraplegic. He is being kept alive artificially through nutrition and hydration and is in a state of total dependence.

Following the consultation procedure provided for by the "Leonetti" Act on the rights of patients and the ending of life, the doctor treating Mr Vincent Lambert decided, on 11 January 2014, to discontinue the patient's nutrition and hydration from 13 January. On that date the applicants filed an urgent application with the Châlons-en-Champagne Administrative Court seeking an injunction to stop the hospital and doctor concerned from discontinuing Vincent Lambert's nutrition and hydration and an order that he be immediately transferred to a specialised life-support unit in Oberhausbergen (France). In a judgment of 16 January 2014 the Administrative Court suspended the enforcement of the doctor's decision and rejected the request for transfer.

On 31 January 2014 Vincent Lambert's wife and one of his nephews appealed against that judgment to the *Conseil d'État* (Supreme Administrative Court).

On 14 February 2014 the *Conseil d'État* delivered an interlocutory judgment and requested a medical report to be drawn up by a panel of three doctors.

On 24 June 2014, relying on, among other things, the medical report, the *Conseil d'État* declared lawful the decision taken on 11 January 2014, by the doctor treating Mr Vincent Lambert, to discontinue his artificial nutrition and hydration.

On 23 June 2014 the applicants filed a request with the Court under Rule 39 of the [Rules of Court](#) seeking, first, a stay of execution of the *Conseil d'État*'s decision due the next day, in the event that it authorised the discontinuance of Vincent Lambert's nutrition and hydration, and second, his transfer to a medical unit in Oberhausbergen or, at least, an indication that he should not be taken out of France.

On 24 June 2014, having taken note of the judgment delivered by the *Conseil d'État*, the Chamber to which the case had been assigned decided to indicate to the French Government that, pursuant to Rule 39 of the Rules of Court, in the interests of the parties and the proper conduct of the proceedings before it, they should stay the execution of the *Conseil d'État*'s decision for the duration of the proceedings before the Court. The Chamber stipulated that as a result of this interim measure Mr Vincent Lambert should not be moved for the purpose of discontinuing his nutrition and hydration.

The Chamber also decided that the application would be given priority treatment, according to the fastest procedure available. The Court will now examine the admissibility and merits of the application.

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**The European Court of Human Rights** was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.