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Switzerland's new suicide assistants question the status quo

A suicide capsule has been used in Switzerland for the first time, despite the authorities considering them illegal. This has caused considerable consternation – given that the country has long maintained a liberal approach to assisted suicide. What does this mean for the future?



SUSANNE WENGER

The media normally prefer not to report on suicide, as it can trigger copycat behaviour. However, they made an exception at the end of September as the Swiss and international media printed extensive, illustrated coverage of the suicide of a 64-year-old citizen of the United States at a private forest retreat in the canton of Schaffhausen. This unusual media interest was prompted by the way in which the suicide took place, as it went against what has hitherto counted as standard procedure in Switzerland. Arrests have been made and criminal proceedings launched against the people who helped the deceased to commit suicide. There is also consternation in political circles.

The woman travelled to Switzerland to die in the new suicide capsule,

known as Sarco. It is activated by the person lying in the capsule pressing a button, which releases nitrogen. Death then results from oxygen deprivation. “Quick and peaceful”, claims The Last Resort, the organisation that provided the capsule. It is Switzerland’s latest assisted-suicide organisation and has ties to Philip Nitschke, who invented the capsule. The Australian doctor, who lives in the Netherlands, has long campaigned internationally for the right to die by assisted suicide, which is banned in many countries. The combative 77-year-old claims this is a human right.

Bypassing the authorities

Nitschke followed the first ever use of his suicide device remotely, via an

The inventor and activist Philip Nitschke trying out the death capsule: The Australian’s method and approach are controversial. Photo: Keystone

oxygen- and heartbeat-measuring device and a camera in the capsule. That is what he told Dutch newspaper “De Volkskrant”, which had a photographer on site in Schaffhausen. The deceased’s personal decisions were respected, but the Sarco capsule providers ignored months of warnings by the cantonal authorities and even the word of a Federal Councillor. Two hours before the deed, the Swiss home affairs minister declared Sarco to be an illegal device.

It does not meet the requirements of product safety legislation, nor is it compatible with the objective of the law on chemical products, Federal Councillor Elisabeth Baume-Schneider told parliament. The Nitschke camp countered that the capsule does meet the legal criteria and that this has been confirmed by legal ex-

perts. The matter will now go to the courts. Public reaction in Switzerland has been mostly negative. The newspaper “Schaffhauser Zeitung” spoke of a “perverse PR stunt” in the region and the national media were similarly disapproving. The country’s more established assisted-suicide organisations distanced themselves emphatically from the episode.

Misgivings about the method

Switzerland is known for its liberal approach to assisted suicide, which is why it was chosen for the first Sarco death. So, why the uproar? It stems to an extent from questions about the organisation behind the operation. The newspaper “Neue Zürcher Zeitung” reported that a planned Sarco suicide did not go ahead in the summer after the woman in question cancelled amid allegations against The Last Resort. She criticised them for allegedly exploiting her financially and subjecting her to a media circus. The organisation rejected her claims. The woman, who was also a US citizen, enlisted the services of another assisted-suicide organisation to end her life.

There are also questions about the new technique: dying alone in a capsule, cut off from human contact. And the use of nitrogen is not really an established suicide method. What if death is not “quick and peaceful”? In Switzerland, sodium pentobarbital, a prescribed medicine, is normally used for assisted suicide. Sarco has effectively forced Switzerland to de-

cide whether the time for its hands-off approach to assisted suicide has finally passed after more than 40 years. This is an issue that politicians have hitherto preferred to avoid.

Ethical guidelines in medicine

Assisted suicide, i.e. the procuring of deadly medicine for consumption by a person who wants to die and who self-administers the medicine, is largely unregulated. Criminal law merely states that assistance for “selfish motives” is an offence. So, by that logic: assisted suicide for non-selfish motives is allowed. The country’s liberal approach has been based on that principle since its first and currently biggest assisted-suicide organisation Exit was founded in the 1980s. Swit-



zerland’s highest judicial authority, the Federal Supreme Court, has ruled in favour of Exit on a number of occasions.

The Swiss Academy of Medical Sciences has issued ethical guidelines: assisted suicide is justifiable for unbearable, medically diagnosed suffering and if a person capable of judgement expresses a carefully considered and consistent wish to die. In 2022, 1,600 people resident in Switzerland committed assisted suicide, according to the latest statistics issued by the Confederation. That does not include people coming from abroad, whose total number is unknown. In 2023, Dignitas, which, unlike Exit, also accepts people who do not hold a

Federal Councillor Elisabeth Baume-Schneider described the suicide capsule in parliament as illegal. But the promoters of Sarco ignored the ruling.

Photo: Keystone

Swiss passport or are not resident in the country, assisted 235 people from outside the country on their final journey.

Is it time to pass a law?

Despite criticism of suicide tourism, Switzerland’s liberal policy is supported by the people. Cantonal votes, often on whether assisted suicide should be allowed in public-sector care homes, show this. The most recent vote in favour was in June in the canton of Geneva. Swiss suicide assistants have also broadened the scope of what is allowed, for example when deciding whether an old person who is not seriously ill is eligible for their final prescription. However, the Sarco providers took one step further than that by omitting medical supervision entirely from the process.

Political attempts to tighten regulation have so far come to nothing; the most recent attempt was 15 years ago. However, new motions have now been submitted to parliament. Zurich SVP National Councillor Nina Fehr Düsel is calling for the Confederation to issue a ban on Sarco capsules. Zurich National Councillor Patrick Hässig of the Green Liberals opposes banning orders; he has asked the government for a national assisted suicide law instead. He says a legal framework is needed for the protection of everyone involved: the people thinking of assisted suicide, their relatives and the people who assist with the suicide.

Is it time for a standalone law on assisted suicide instead of relying on criminal law, product safety or the law on chemicals or narcotics? The debate on this sensitive issue has been revived in Switzerland having long lain dormant. One thing is certain: assisted suicides have consistently increased. In 2003, 187 people chose to end their life in this way. At 1,600 today, that figure has increased almost ninefold over the past 20 years.

Suicide prevention

The www.143.ch website offers help to anyone contemplating suicide – including chat and email support. However, please note that the 143 emergency phone number only takes calls from within Switzerland.

Help for anyone affected, including relatives: www.reden-kann-retten.ch