



Withdrawal of Vincent Lambert's treatment: Court denies request for suspension

The European Court of Human Rights has today decided to refuse the requests for interim measures that it received in the case of **Lambert and Others v. France (application no. 21675/19)**.

On 24 April 2019 members of Vincent Lambert's family asked the European Court of Human Rights under Rule 39 of the Rules of Court to indicate to France that it should stay the execution of the authorities' decision to authorise the withdrawal of Vincent Lambert's treatment and also that it should prohibit his removal from France.

The applicants, Pierre Lambert, Viviane Lambert, David Philippon and Anne Tuarze, are respectively the father, mother, half brother and sister of Vincent Lambert.

Vincent Lambert sustained serious head injuries in a road-traffic accident on 29 September 2008, which left him tetraplegic and in a state of complete dependency. In 2014 his condition was described as vegetative.

The request, by the parents, a half brother and a sister of Vincent Lambert, had been submitted following the fourth collegial procedure for the withdrawal of treatment, initiated in 2017.

In a decision of 9 April 2018 the doctor in charge of Vincent Lambert had decided to withdraw the patient's artificial nutrition and hydration and to combine this stoppage with deep and continuous sedation. Several members of Vincent Lambert's family made an urgent application to the Administrative Court seeking a stay of execution of that decision. After ordering an expert's assessment, the Châlons-en-Champagne Administrative Court dismissed their application on 31 January 2019. The applicants then took their case to the *Conseil d'État*, which dismissed their appeal on 24 April 2019.

On the previous day, 23 April 2019, the applicants had asked the European Court of Human Rights, by way of an interim measure under Rule 39, to indicate to France that it should stay the execution of the authorities' decision to authorise the withdrawal of Vincent Lambert's treatment. They also asked the Court to prohibit his removal from France.

Decision of the Court

On 30 April 2019 the Court decided, in the light of the circumstances, to refuse the interim measure requests submitted to it by the applicants, seeking a stay of execution of the decision of the *Conseil d'État* of 24 April 2019 and the prohibition of Vincent Lambert's removal from France.

The Court was mindful that, even though no complaint under Article 2 of the Convention (right to life) was before it, the request for interim measures sought once again to oppose the withdrawal of the treatment which was keeping Vincent Lambert alive. It pointed out that in a [Grand Chamber judgment](#) of 5 June 2015, ruling on this essential question, it had found that there would be no violation of Article 2 of the Convention in the event of implementation of the *Conseil d'État* judgment of 24 June 2014 authorising the withdrawal of Vincent Lambert's artificial nutrition and hydration.

Measures under Rule 39 of the [Rules of Court](#) are decided in connection with proceedings before the Court, without prejudging any subsequent decisions on the admissibility or merits of the case. The

Court grants such requests only on an exceptional basis, when the applicants would otherwise face a real risk of irreversible harm. For further information, see [the factsheet on interim measures](#).

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Press contacts

echrpress@echr.coe.int | tel: +33 3 90 21 42 08

Denis Lambert (tel: + 33 3 90 21 41 09)

Tracey Turner-Tretz (tel: + 33 3 88 41 35 30)

Inci Ertekin (tel: + 33 3 90 21 58 77)

Patrick Lannin (tel: + 33 3 90 21 44 18)

Somi Nikol (tel: +33 3 90 21 64 25)

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.