

UK

Archie Battersbee's "execution" is scheduled for today

LIFE AND BIOETHICS

01_08_2022

**Patricia
Gooding-
Williams**



Dear Parents, we wish to inform you that we intend to proceed with killing your son, **Archie Battersbee**, on Monday 1 August at 2pm (today). We understand being present to watch your son being killed will be very "difficult and painful" for you, so to demonstrate

our empathy “immediate family may be present” at his death and you may “have him in your arms” while Archie dies.

This is the essence of the electronically signed letter that Hollie Dance and Paul Battersbee, received from Barts Health NHS Trust on Saturday 30 July. They are Archie’s parents, the 12-year-old found unconscious with a ligature around his neck in what is believed to be a tragic accident last April. He has been in a coma ever since. His doctors argue, his brain injury is so severe, it is in his “best interests” to have a hospital “planned death”. In fact, the letter they received from the hospital, is a step by step guide to a “planned death”, itemised in 16 points. A methodically detailed set of instructions for a death sentence: highly efficient, cruelly effective, barbarism dressed in compassion.

The *Daily Compass* spoke to Hollie Dance on Sunday morning, 31 July. She commented on the hospital’s letter, as “cruel and wrong”. In one particularly insensitive part it reads, “during treatment withdrawal, only “parents and siblings” can be present and a list of “this group needs to be agreed by the hospital prior to the process beginning”. Another callous part invites them to inform the hospital, after Archie has died, whether they will wash him or want the hospital to help, or if they want “foot/handprints or keep locks of hair prior to or after withdrawal”. And throughout the proceedings, “a doctor will assess Archie regularly to confirm that the heart has stopped beating”. This apparently is “to preserve Archie’s dignity whilst supporting you as a family throughout the process”.

Curiously, the letter was delivered exactly one day after the United Nations UN Committee on the Rights of Persons With Disabilities (UN CRPD) **sent an urgent “interim measures” injunction to the UK government** stating Archie’s treatment should be continued while the committee considers his case.

Hollie Dance and Paul Battersbee had made that “last ditch” application to the UN after their legal challenge in the UK Courts failed. In a letter, the chief of the UN's Human Rights Treaties Branch, Ibrahim Salama, said it had "requested the state party (the government) to refrain from withdrawing life-preserving medical treatment, including mechanical ventilation and artificial nutrition and hydration, from the alleged victim while the case is under consideration by the committee". The UK Government Legal Department responded late Sunday afternoon, 31 July by referring the case back to the Family Division of the High Court for ‘urgent consideration.’ The dramatic last minute twist in Archie’s legal battle will most likely be considered by an out-of-hours duty judge. Archie’s fate could be decided within hours.

This latest news must come as a tough blow to Barts Hospital Trust. They have been trying to end Archie's short life since they took the family to court last 26 April. In a phone call with the *Daily Compass* on Sunday morning, 31 July, Mollie Downing, speaking on behalf of the Trust, explained the hospital is not bound by the UN initiative. According to the Trust, the UN injunction has no jurisdiction over the Royal London Hospital which is "bound by Mr Justice Hayden's ruling of 15 July". She explained that the matter is now between the UN and UK government and to delay withdrawing Archie's life-support requires the UK government to obtain a new court order to that effect. Until that is done, doctors are legally required to apply the existing court order as it stands.

This is what prompted Hollie's legal team to write to Stephen Barclay, the Secretary of State for Health and Social Care to explain the trust intended to "proceed to remove life support from Archie as early as on Monday 1 August". "If this happens, this will be an extraordinary cruelty, and a flagrant breach of Archie's rights as a disabled person," Hollie said. "Archie is entitled to have the decisions about his life and death, taken by the NHS and UK courts, to be scrutinised by an international human rights body." The Department for Health and Social Care responded by saying: "We have received the letter and will respond in due course." Later Hollie said, 'we are relieved that the government has taken the UN's intervention seriously. This was not a "request" but an interim measures injunction from the UN.'

30th July 2022

To:
Hollie Dance and Paul Battersbee
Parents of Archie Battersbee (dob 10.03.10)

Dear Hollie and Paul

We wish to confirm that withdrawal of all Archie's treatment as directed by Mr Justice Hayden on 15 July 2022, will proceed at 2pm on Monday 1 August 2022 within his room in the Paediatric Intensive Care Unit. We discussed this very briefly with Hollie on the evening of 29th July 2022.

We understand that any discussions around the withdrawal of Archie's treatment are very difficult and painful. However, we want to ensure that you and your family are involved as much as you wish to be.

Our plan for Monday is:

1. On Monday morning, we'd like to discuss with both of you (preferably together) how the withdrawal process will be performed. The aim throughout the process is to preserve Archie's dignity whilst supporting you as a family through the process.
2. We hope that any family that you wish to, will visit Archie this weekend prior to our planned withdrawal of treatment. This also allows time for any religious or other ceremony to take place. We have been provided the names of those that have been agreed to visit and we will aim to facilitate this over the weekend (30th & 31st August 2022).
3. The treatment withdrawal would take place in Archie's current room with minimal staffing. During the withdrawal itself we will allow immediate family to be present only i.e., siblings and parents. This group would need to be agreed prior to the process beginning, hence can you please provide us with a list of the immediate family member who will be present during this process.
4. You or any of the family may wish to lie on Archie's bed with him or have him in your arms, if should that be practically possible.
5. You and your family may wish to have the hospital chaplaincy team involved; we can facilitate this if needed
6. We aim to remove all monitoring on the morning of the withdrawal to allow the family to concentrate on Archie.
7. At 1400 hrs on 1st August, all fluid infusions, medications including vasopressin will be stopped. Tube feeds may continue should the family wish.



8. The endotracheal tube will then gently withdraw over several seconds by one of the consultant team, so that breathing support from the ventilator ceases. No supplemental oxygen will be given following the withdrawal of the Endotracheal tube.
9. We will give you and your family to be with Archie as life support ends, often in the presence of one member of staff, who will offer supportive care.
10. The time of Archie's death will only be confirmed by a doctor, after a period has passed, during which the family can be together undisturbed with privacy.
11. The time that it takes for the heart to stop beating is often a matter of minutes, but in some cases, this can take longer. A doctor will assess Archie regularly to confirm that the heart has stopped beating but with consideration of the family's need not to have too much intrusion at such a difficult time.
12. After Archie has died, we will wash him or help you to if you wish. If you have specific clothes, you want him to wear, please let us know. We can take foot/handprints or keep locks of hair prior to or after withdrawal if you wish. We offer a memory box and have leaflets with advice regarding coroner involvement, arranging the death certificate and funeral arrangements.
13. After sufficient time has passed Archie's body will be moved to the mortuary where the family may still visit by arrangement with the bereavement team.
14. Bereavement counselling and support is offered to the family through PCCU or through the local hospice or GP.
15. It is routine practice to seek coroner's advice prior to issuing a Certificate of Death. Coroner may request more information about Archie's investigations and treatment which we are obliged to share all the requested information. The coroner may wish to speak to you hence we will be providing your contact information on the coroner's request. We would also like to inform you that in certain circumstances the coroner may request a post-mortem examination following a discussion with the family.
16. All children's deaths are subject to an independent investigation under the statutory child death review process this will be overseen by the team in Essex as that is where you reside. The team will support you through that process and can help direct you to the necessary information should you need them.

We hope to meet you in person again on Monday (1st August 2022 at 1000 hrs) to discuss this further.

Yours Sincerely,

Electronically signed