



Final Statement of Dr. Herta Oberheuser, Judgment and Sentence

V. Final Statement of Defendant Oberheuser¹

I have nothing to add to the statements I have made from the witness box under oath. In administering therapeutical care, following established medical principles, as a woman in a difficult position, I did the best I could. Moreover, I fully agree with the statements made by my defense counsel and will refrain, at this late stage of the trial, from making any further statements.

VII. JUDGMENT

A. Opinion and Judgment of the United States Military Tribunal II*

The indictment in this case contains three counts, which may be summarized as follows:

Count One: War crimes, involving murder, slave labor, deportation of civilian population for slave labor, cruel and inhuman treatment of foreign laborers, and the use of prisoners of war in war operations by force and compulsion.

Count Two: War crimes, involving murder, subjecting involuntary victims to low-pressure and freezing experiments resulting in torture and death.

Count Three: Crimes against humanity, involving murder and the same unlawful acts specified in counts one and two against German nationals and nationals of other countries.

For reasons of its own, the Tribunal will first consider counts two and one, in that order, followed by consideration of count three.

OBERHEUSER

The defendant Oberheuser is charged under counts two and three of the indictment with Sulfanilamide, Bone, Muscle and Nerve Regeneration and Bone Transplantation, and Sterilization Experiments.

The charge of participation in the sterilization experiments has been abandoned by the prosecution and will not be considered further.

The defendant Oberheuser joined the league of German Girls (BDM) in 1935 and held the rank of "block leader." In August 1937 she became a member of the Nazi Party. She was also a member of the Association of National Socialist Physicians. She volunteered for the position of a camp doctor in the women's department of the Ravensbrueck concentration camp in 1940 and remained there until June 1943. She was then given a position as assistant physician in the Hohenlychen Hospital under the defendant Gebhardt.

Regarding her connection with both the sulfanilamide and the bone, muscle, and nerve regeneration and bone transplantation experiments, the same facts are applicable as were presented in the cases of the defendants Fischer and Gebhardt. Fischer and Oberheuser were Gebhardt's active agents in carrying out these experiments. They did a great deal of the actual work. They personally committed atrocities involved in the experiments.

A few facts produced in evidence regarding the special work of defendant Oberheuser in these experiments are entitled to comment.

Oberheuser was thoroughly aware of the nature and purpose of the experiments. She aided in the selection of the subjects, gave them physical examinations, and otherwise prepared them for the operation table. She was present in the operating room at the time of the operations and assisted in the operational procedures. She faithfully cooperated with Gebhardt and Fischer at the conclusion of each operation by deliberately neglecting the patients so that the wounds which had been given the subjects would reach the maximum degree of infection.

Testimony of the witness Sofia Maczka, an X-ray technician in the camp at Ravensbrueck, is that deaths occurred among the experimental subjects. Most of these deaths could have been averted by proper post-operative care, proper treatment, or by the amputation of badly infected members.

In one instance—the case of a Krystina Dabska—small pieces of bone were cut from both legs of the subject. Witness Maczka testified that she read on the cast of the patient that on one leg periosteum had been left and on the other leg periosteum had been removed together with bone. Because she was of the opinion that the purpose of the experiment had been to check regeneration, the witness asked the defendant Oberheuser, "How do you expect to get regeneration of bone if the bones are removed with periosteum?" To this the defendant replied, "That is just what we want to check."

Nonconsenting non-German nationals were used in at least some of the experiments. Many of them died as a result of the experiments. To the extent that the crimes committed were not war crimes, they were crimes against humanity.

CONCLUSION

Military Tribunal I finds and adjudges that the defendant Herta Oberheuser is guilty under counts two and three of the indictment.

“HERTA OBERHEUSER, Military Tribunal I has found and adjudged you guilty of war crimes and crimes against humanity, as charged under the indictment heretofore filed against you. For your said crimes on which you have been and now stand convicted Military Tribunal I sentences you, Herta Oberheuser, to imprisonment for a term of twenty years, to be served at such prison or prisons, or other appropriate place of confinement, as shall be determined by competent authority.

“FRITZ FISCHER, Military Tribunal I has found and adjudged you guilty of war crimes, crimes against humanity, and membership in an organization declared criminal by the judgment of the International Military Tribunal, as charged under the indictment heretofore filed against you. For your said crimes on which you have been and now stand convicted Military Tribunal I sentences you, Fritz Fischer, to imprisonment for the full term and period of your natural life, to be served at such prison or prisons, or other appropriate place of confinement, as shall be determined by competent authority.”

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Source: Trials of War Criminals before Nuernberg Military Tribunals under Control Council Law No. 10, Vol 1, Nuernberg, October 1946 – April 1947, pp. 174, p. 773, 294-95, 300.