In addition to the twenty-four high-ranking Nazi officials who were tried by the International Military Tribunal (IMT), there were many others who held lesser rank in the Nazi regime and were tried for their conduct during World War II. Shortly after the International Trial began, the four powers occupying Germany – Great Britain, the United States, France, and the Soviet Union – adopted Allied Council Law Number 10, which formed the basis for additional war crimes trials. The four occupying powers were allowed to establish tribunals within their respective sectors. Many of the suspects who had participated in medical experiments on concentration camp inmates were being held by the Americans and the British. By mutual agreement, the British transferred a number of “Scharzhelfer,” or SS, and military doctors who were suspected of medical atrocities to Nuremberg so that all medical suspects could be tried in a single proceeding within the American zone.

The Medical Case, U.S.A. v. Karl Brandt, et al. (also known as the Doctors’ Trial), was prosecuted in 1946-47 against twenty-three doctors and administrators accused of organizing and participating in war crimes and crimes against humanity in the form of medical experiments and medical procedures inflicted on prisoners and civilians. They were indicted on four counts: 1. conspiracy to commit war crimes and crimes against humanity; 2. war crimes (i.e., crimes against persons protected by the laws of war, such as prisoners of war); 3. crimes against humanity (including persons not protected by the laws of war); and 4. membership in a criminal organization (the SS). The specific crimes charged included more than twelve series of medical experiments concerning the effects of and treatments for high altitude conditions, freezing, malaria, poison gas, sulfanilamide, bone, muscle, and nerve regeneration, bone transplantation, saltwater consumption, epidemic jaundice, sterilization, typhus, poisons, and inexcusable and inordinate seconds. Of the twenty-three people tried during the Doctors’ Trial, Karl Brandt, Adolf Hitler’s personal physician, and six others were convicted, sentenced to death by hanging, and executed on June 2nd, 1948, in Landsberg prison in Bavaria. Nine other defendants were convicted and sentenced to terms ranging from 10 years to life in prison, all of which were reduced in the appeal process. The remaining seven were acquitted.

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On August 19, 1947, the judges of the American military tribunal in the case of the USA v. Karl Brandt et. al. delivered their verdict. Before announcing the guilt or innocence of each defendant, they confronted the difficult questions of medical experimentation on human beings. Several German doctors had argued in their own defense that their experiments differed little from previous American or German ones. Furthermore they showed that no international law or informal statement differentiated between legal and illegal human experimentation. This argument was dismissed by Drs. Andrew Ivy and Leo Alexander, American doctors who had worked with the prosecution during the trial. On April 17, 1947, Dr. Alexander submitted a memorandum to the United States Counsel for War Crimes which outlined six points defining legitimate research. The verdict of August 19 reiterated almost all of these points in a section entitled “Permissible Medical Experiments” and revised the original six points into ten. Subsequently, the ten points became known as the “Nuremberg Code.” Although the code addressed the defense arguments in general, remarkably none of the specific findings against Brandt and his co-defendants mentioned the code. Thus the legal force of the document was not well established. The uncertain use of the code continued in the half-century following the trial when it informed numerous international ethics statements but failed to find a place in either the American or German national law codes. Nevertheless, it remains a landmark document on medical ethics and one of the most lasting products of the Nuremberg Code.

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