

## **1971: Isabella W. charged with abortion**

The defendant Konrad V. was suspected to have performed an abortion on Isabella W. at the end of March 1971. As it was feared that he would flee, to get rid of the evidence of his crime or to repeat such offences, he was taken into custody.

Isabella W. was charged with abortion of the fruit of the womb under paragraph 144; her mother Elisabeth W., middle-man Hans S. and the abortionist Konrad V. were charged under paragraph 146 of the Criminal Code with aiding and abetting her crime.

Isabella W. had been going out with 16 year-old Erich M. for a year and a half. She was still at school, and lived with her parents and two younger siblings, with whom she had a good relationship. When she realised that she had not got her period she went to see her gynaecologist, who confirmed that she was pregnant. She shared this information with the probable father, and told him that due to her financial circumstances she intended to have an abortion. He agreed, but did not offer to help pay for the procedure.

The girl, a minor, asked around at school and in a café to find somebody who could help. She also confided in her mother about her condition, who promised to pay for the abortion. In the café, Hans S. offered to find her a doctor who could help her, for a fee of 2500 Austrian Schillings (around 625 Euros at 2005 rates). Hans S. approached Konrad V. in a taverna and asked whether he could help a girl for “a grand”. The following day, Hans S. and Konrad V. went to a communal housing estate, where the girl and her mother were waiting. The fake doctor inserted a catheter into Isabella W. – he referred to it as “an English tube”. There was evidence that he had bought three such catheters in a pharmacy in Vienna’s Meidling district; he had boiled them up in the kitchen before using them. Isabella W. was supposed to leave the catheter in place for 48 hours and to move around a lot. The schoolgirl had already handed over the 2500 Schillings to the middleman, who had passed on the 1000 Schillings to Konrad V. But the catheter didn’t do the trick, so on 1st April 1971, Konrad V. inserted another. He claimed to have learned the technique 30 years earlier, from his then girlfriend, a midwife.

During the night Isabella W. developed a high temperature, and her mother called in the family doctor.

On 4th April, Dr. M. arranged for her to go to hospital, but the girl was too scared to remove the catheter before she went. Once there, it is made clear to her by the doctors

that she will only be given treatment once she has given the police a complete and accurate account of what had happened. The unsanitary catheter was removed in the operating theatre and for five days she was in critical condition in hospital. She still suffers from after-effects.

Her father had been in the dark about the whole thing, as her mother had got the money together by secretly borrowing and making savings from the household budget. All the accused confessed and pleaded guilty. The previously spotless moral conduct of Isabella and Elisabeth W., the respectability of Konrad V. and the minimal nature of Hans S.'s criminal record were viewed as mitigating circumstances when determining sentences, and the mere threat of a prison sentence was deemed to be sufficient: in a judgement dated 11th November 1971, Isabella W. was given a suspended sentence of one month's close arrest, Elisabeth W. to two, Hans S. to four, and Konrad V. to six months' hard time, aggravated by one fasting day per month, all suspended.

Source: Land Criminal Court, Vienna, Youth Criminal Court, 1a Vr/143/71 Hv 185/71