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# DENAZIFICATION

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## ANNEX F

### MILITARY GOVERNMENT - GERMANY SUPREME COMMANDER'S AREA OF CONTROL

#### Law No. 1

#### ABROGATION OF NAZI LAW

In order to eliminate from German law and administration within the occupied territory the policies and doctrines of the National Socialist Party, and to restore to the German people the rule of justice and equality before the law, it is hereby ordered:

#### ARTICLE I

1. The following fundamental Nazi laws enacted since 30 January 1933, together with all supplementary or subsidiary carrying out laws, decrees or regulations whatsoever are hereby deprived of effect within the occupied territory:

- (a) Law for Protection of National Symbols of 19 May 1933, RGB1 1/285.
- (b) Law against the creation of Political Parties of 14 July 1933, RGB1 1/479.
- (c) Law for securing the unity of Party and State of 1 December 1933, RGB1 1/1016.
- (d) Law concerning insidious attacks against the State and the Party and for the Protection of Party Uniform of 20 December 1934, RGB1 1/1269.
- (e) Reich Flag Law of 15 September 1935, RGB1 1/1145.
- (f) Hitler Youth Law of 1 December 1936, RGB1 1/993.
- (g) Law for Protection of German Blood and Honour of 15 September 1935, RGB1 1/1146.
- (h) Decree of the Fuehrer concerning the Legal Status of the NSDAP of 12 December 1942, RGB1 1/733.
- (j) Reich Citizenship Law of 15 September 1935, RGB1 1/1146.

2. Additional Nazi laws are and will be deprived of effect by Military Government for the purpose stated in the preamble.

#### ARTICLE II

#### General Suspending Clause

3. No German law, however or whenever enacted or enunciated, shall be applied judicially or administratively within the occupied territory in any instance where such application would cause injustice or inequality, either (a) by favouring any person because of his connection with the National Socialist Party, its formation or affiliated or supervised organizations, or (b) by discriminating against any person by reason of his race, nationality, religious beliefs or opposition to the National Socialist Party or its doctrines.

#### ARTICLE III

#### General Interpretation Clauses

4. The interpretation and application of German law in accordance with National

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Socialist doctrines, however or whenever enunciated, are prohibited.

5. Decisions of German courts and official agencies and officials and legal writings supporting, expounding or applying National Socialist objectives or doctrines shall not be referred to or followed as authority for the interpretation or application of German law.

6. German law which became effective after 30 January 1933 and is permitted to remain in force shall be interpreted and applied in accordance with the plain meaning of the text and without regard to objectives or meanings ascribed in preambles or other pronouncements.

## ARTICLE IV

### Limitations on Punishment

7. No charge shall be preferred, no sentence imposed or punishment inflicted for an act, unless such act is expressly made punishable by law in force at the time of its commission. Punishment for offences determined by analogy or in accordance with the alleged "sound instincts of the people" (gesundes Volksempfinden) is prohibited.

8. No cruel or excessive punishment shall be inflicted and the death penalty is abolished except for acts punishable by death under law in force prior to 30 January 1933, or promulgated by or with the consent of Military Government.

9. The detention of any person not charged with a specific offence and the punishment of any person without lawful trial and conviction are prohibited.

10. All punishments imposed prior to the effective date of this law of a character prohibited by this law and not yet carried out, shall be modified to conform to this law or annulled.

## ARTICLE V

### Penalties

11. Violation of the provisions of this law shall, upon conviction by a Military Government Court, be punishable by any lawful punishment including, in the case of Article IV, the death penalty.

## ARTICLE VI

### Effective Date

12. This Law shall become effective upon the date of its first promulgation.

BY ORDER OF MILITARY GOVERNMENT.

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