

CONTROL COUNCIL

Proclamation No. 3

FUNDAMENTAL PRINCIPLES OF JUDICIAL REFORM

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By the elimination of the Hitler tyranny by the Allied Powers the terrorist system of Nazi Courts has been liquidated. It is necessary to establish a new democratic judicial system based on the achievements of democracy, civilization and justice. The Control Council therefore proclaims the following fundamental principles of judicial reform which shall be applied throughout Germany.

I.

Equality before the Law

All persons are equal before the Law. No person, whatever his race, nationality or religion, shall be deprived of his legal rights.

II.

Guarantees of the Rights of the Accused

1. No person shall be deprived of life, liberty or property without due process of law.

2. Criminal responsibility shall be determined only for offences provided by law.

3. Determination by any court of any crime "by analogy" or be so called "sound popular instinct", as heretofore provided in the German Criminal Code, is prohibited.

4. In any criminal prosecution the accused shall have the rights recognized by democratic law, namely the right to a speedy and public trial and to be informed of the nature and cause of the accusation, the right to be confronted with witnesses against him and to have process for obtaining the witnesses in his favour and the right to have the assistance of counsel for his defense. Excessive or inhuman punishments or any not provided by law will not be inflicted. ⁵

5. Sentences on persons convicted under the Hitler regime on political, racial or religious grounds must be quashed.