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## **Federal Act on the Annulment of the Convictions of Persons who assisted Refugees at the time of the Nazi Regime**

of 20 June 2003 (Status as on 1 January 2007)

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*The Federal Assembly of the Swiss Confederation,*

based on the Article 60 paragraph 1 and 121 paragraph 1 the Federal Constitution<sup>1</sup>,  
having considered the report of the Committee for Legal Affairs of the National  
Council dated 29 October 2002<sup>2</sup>

and the opinion of the Federal Council dated 9 December 2002<sup>3</sup>,

*decrees:*

### **Section 1: General Provisions**

#### **Art. 1** Subject Matter and Objective

<sup>1</sup> This Act regulates the annulment of the convictions of persons who, at the time of the Nazi regime, assisted in the flight of persecuted people (persons who assisted refugees), as well as the rehabilitation of such persons.

<sup>2</sup> It has the objective of annulling convictions that are today viewed as serious miscarriages of justice.

#### **Art. 2** Definitions

<sup>1</sup> Persons who assisted refugees in terms of this Act are persons who were convicted of offences because they helped persecuted people at the time of the Nazi regime, or offered accommodation to refugees without reporting them to the authorities.

<sup>2</sup> Persons who exploited the need of persecuted people at the time of their flight, who abandoned such persons, or who reported them to the authorities after offering assistance are not regarded as persons who assisted refugees.

AS 2003 4261

<sup>1</sup> SR 101

<sup>2</sup> BBI 2002 7781

<sup>3</sup> BBI 2003 490

## Section 2: Annulment of Convictions and Rehabilitation

### Art. 3 Annulment of Convictions

All judgements issued by military tribunals and the civilian criminal courts of the Confederation and the cantons against persons who assisted refugees in terms of Articles 1 and 2 shall be annulled.

### Art. 4 Rehabilitation

All persons who assisted refugees in terms of Articles 1 and 2 shall be fully rehabilitated.

### Art. 5 Application to other Offences

In cases where persons who assisted refugees were at the same time convicted of other offences, the annulment of convictions also applies to these offences, provided such offences appear, in a general appraisal of the case, to be secondary in their nature.

## Section 3: Rehabilitation Committee

### Art. 6 Committee on Pardons<sup>4</sup> as the Rehabilitation Committee

<sup>1</sup> The Committee on Pardons of the Federal Assembly<sup>5</sup> shall act as the Rehabilitation Committee (“the Committee”) and shall, in response to an application or ex officio, examine cases and decide whether a specific conviction falls within the terms of Articles 1 and 2.

<sup>2</sup> If necessary, the Committee may regulate further aspects of the procedure.

### Art. 7 Applications

<sup>1</sup> Applications for a declaration of the annulment of a specific conviction must be submitted to the Committee.

<sup>2</sup> Applications may be made:

- a. by the convicted person, or, if the convicted person is deceased, by any one of his or her next of kin (Art. 110 No. 1<sup>6</sup> StGB<sup>7</sup>);
- b. by an organisation that is domiciled in Switzerland, that is under Swiss control, and that has as its objective the safeguarding of human rights or the re-appraisal of the history of Switzerland at the time of the Nazi Regime.

<sup>4</sup> Today: Committee for Pardons and Conflicts of Jurisdiction.

<sup>5</sup> Today: Committee for Pardons and Conflicts of Jurisdiction.

<sup>6</sup> Amended in accordance with Art. 334 of the Criminal Code (SR 311.0) in the version of the Federal Act of 13 Dec. 2002, in force since 1 Jan. 2007 (AS 2006 3459).

<sup>7</sup> SR 311.0