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By Martin Zucker

Berlin, Nov. 29 (AP)- The case of Dutchman Marinus van der Lubbe, executed by the Nazis as the arsonist in the 1933 Reichstag fire, will be reviewed soon -- possibly next week -- by a West Berlin court.

Hans Guenther, the city's supreme court attorney general, told a newsman today he is sure the sentence would be annulled.

Guenther has studied the application since it was filed early this year by a lawyer for Johan M. van der Lubbe, Marinus' brother.

VAN DER LUBBE HAS MADE TWO PREVIOUS REQUESTS TO HAVE HIS BROTHER'S NAME CLEARED. THESE WERE TURNED DOWN BECAUSE OF MISSING DOCUMENTS FROM THE 1933 TRIAL AND ALSO BECAUSE THE STATUTE OF LIMITATION FOR DAMAGES IN THE CASE HAD EXPIRED.

THE WEST GERMAN PARLIAMENT LAST YEAR REVISED THE LAW WHICH REMOVED TIME LIMITS IN SUCH CASES.

THE REICHSTAG BUILDING, SEAT OF THE GERMAN PARLIAMENT, WENT UP IN FLAMES ON FEB. 27, 1933, LESS THAN A MONTH AFTER ADOLF HITLER AND THE NAZI PARTY CAME TO POWER.

MARINUS VAN DER LUBBE, A 24-YEAR-OLD DUTCH WORKER AND A COMMUNIST, WAS ARRESTED IN THE BURNING BUILDING. OTHER COMMUNISTS WERE ARRESTED. THE FIRE WAS LABELED A RED PLOT. THE NAZIS THEN CRACKED DOWN AGAINST SOCIALIST AND COMMUNIST ORGANIZATIONS.

VAN DER LUBBE WAS CONVICTED OF ARSON IN LEIPZIG IN DECEMBER 1933, AND SENTENCED TO DEATH ON THE GUILLOTINE.

MANY AUTHORITIES CONTENDED VAN DER LUBBE WAS A TOOL OF THE NAZIS AND OTHERS SAY THE NAZIS STARTED THE FIRE THEMSELVES.

GUENTHER SAID THAT THE DEATH SENTENCE WOULD NOW CERTAINLY BE ANNULLED BECAUSE THE REICH'S COURT WHICH CONVICTED VAN DER LUBBE APPLIED A LAW DRAWN UP A DAY AFTER THE FIRE.

THE HITLER LAW DECREED THAT ACTS AGAINST THE NAZI GOVERNMENT WOULD BE PUNISHED BY DEATH.

ALTHOUGH ANNULING THE DEATH SENTENCE, GUENTHER SAID, THE COURT MAY NOW RECOGNIZE THAT A PRISON CONVICTION WOULD HAVE BEEN JUSTIFIED ON THE CHARGE OF ARSON.

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