

WHY HOLOCAUST DENIAL IS A CRIME NOT ONLY IN GERMANY BUT MANY OTHER COUNTRIES AS WELL

IN TODAY'S GERMANY THE OUTRIGHT DENIAL AND EVEN THE TRIVIALIZATION OF THE HOLOCAUST IN PUBLIC IS A FEDERAL CRIME, PUNISHABLE BY UP TO 5 YEARS IN PRISON

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WHY IS THAT? AND SINCE WHEN DO THESE LEGAL PROVISIONS EXIST?



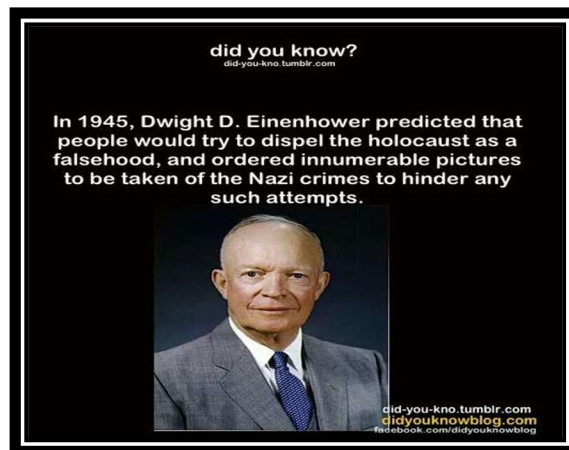
WHY DO PEOPLE STILL DENY THE HOLOCAUST?

THE DECADES AFTER WORLD WAR 2

Before we get into the history of the laws against Holocaust denial, we must take a brief look at how post-war German society coped with its criminal past. In the years and decades after World War II, the German society - while overwhelmingly rejecting Nazi ideology after the traumatic experience of the war - chose not to deal with the specific Nazi crimes too intensively. As the conflict between the Soviet Union and the United States and their respective allies, the so-called Cold War, began to heat up in the late 1940ies, the pressure of the Allied powers on Germany to reform and transform their society and punish all Nazi perpetrators decreased: (West) Germany was now desperately needed as an ally in the struggle against the communist takeover of Europe.

As a consequence, it was mostly up to (Jewish) individuals like Fritz Bauer, Attorney General in the German state of Hesse, to remind Germans of their all too recent past and to at least try to, for example, bring some of the guards at the Auschwitz concentration camp to justice. Generally speaking, the Holocaust, or what the Nazis had euphemistically called 'the final solution', was a taboo topic in West Germany in the 1950ies and 60ies.

It was rarely talked about publicly and not taught in school extensively like today. In that atmosphere, trivialization and belittling of Nazi crimes could fester.



THE HISTORY OF LAWS AGAINST HOLOCAUST DENIAL

Therefore, it comes as no surprise **that in 1960 the first law against Holocaust denial was passed as a reaction to the re-emerging anti-Semitism in German society:**

On Christmas Eve 1959, just a couple of months after its widely celebrated re-opening, the synagogue in Cologne was besmeared with swastikas and anti-Semitic slurs by two members of a right-extremist party. In the following months, an entire wave of anti-Semitic acts swept over Germany.

The administration of Chancellor Konrad Adenauer (CDU: Christian Democratic Union) saw itself under considerable pressure to act and therefore decided to pass a law against 'incitement' (Volksverhetzung). ***The purpose of this law was to, among other things; make the denial of Nazi crimes against Jews a crime.*** The mindset of the deniers was seen as the foundational myth of new forms of anti-Semitism that focused on the state of Israel and its alleged moral blackmailing of the German state based on the - in the eyes of these anti-Semites - 'historical lie' of the Holocaust. Once passed, however, the law was never really used to sentence Holocaust deniers as the judicial qualifications necessary for a conviction were set very high. Furthermore, the German judicial system was still full of officials who started their careers in the Third Reich and most cases were not willing to confront them or their country's past. That does not necessarily mean that they still held on to their old beliefs - even though that could be found too - but they were very reluctant to address the topic of Vergangenheitsbewältigung (the process of coming to terms with one's past) and therefore bring charges against Holocaust deniers.

In the 1970's and 80's various liberal and conservative administrations made half-hearted attempts to pass a more efficient law against Holocaust denial. In 1985 the Bundestag, the German Parliament, passed a law to make it easier to prosecute deniers via libel law. At the same time, this very law also made it a crime to deny the historical fact that German-speaking people were expelled and deported from Eastern Europe in the aftermath of World War II, often having to leave all of their belongings behind. This problematic parallelization of crimes was heavily criticized, and many on the Left saw it as an act of revisionism itself.

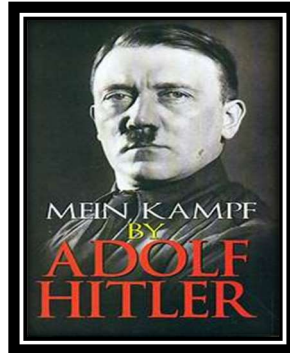
In 1994 the incitement law of 1960 was amended to guarantee a more efficient prosecution of Holocaust deniers (once again) by reducing the necessary legal qualifications. The law came as a result of the election success of small far-right parties all over Germany. It was part of a legislative package that included severe restrictions on asylum seekers and their rights - not much different than today - in the hope of thereby reducing the appeal and the election chances of the far-right parties

Overall, there were never that many individuals who openly and publicly denied the Holocaust in Germany over the years they were mostly (old) white men with not much else to do - but the immense symbolic effect of these few and the image of Germany they evoked especially abroad made the German state react to them with ever stricter laws. These actions came as a result of the lesson learned from the National Socialists' rise to power: 'Wehret den Anfängen' ('Nip it in the bud'; literally: 'Beware of the beginnings').

TODAY'S METHODS OF DEALING WITH DENIERS IN GERMANY AND THE REST OF THE WORLD

Today the German state has a variety of legal ways to deal with Holocaust deniers. Because of the severity of the potential sentence for Holocaust denial, it comes as no surprise that the right-wing discourse in Germany has moved on, from the revisionism of Nazi crimes to the focus on migration, asylum seekers, and Muslims/Islam in general. The legacy of these laws, however, lives on: In the last two decades many, in fact, most, EU countries have passed similar laws in the name of the fight against xenophobia and racism. Only the United Kingdom and the Scandinavian Countries oppose such laws based on their understanding of free speech and a free society. ***In countries with a radically different understanding of freedom of speech, like the US, such laws would be unthinkable.***

As a matter of fact, in 1977 the US Supreme Court found it within the limits of the First Amendment, which, among other things, guarantees freedom of speech and freedom of assembly, for the members of the National Socialist Party of America to march through a Jewish neighborhood with a large population of Holocaust survivors with swastika signs. But then again, National Socialism managed to rise to power only in Germany.



Until a year ago, the publication of Hitler's racist autobiographical tract *Mein Kampf* was also banned. But when the copyright on the work, which had been owned by the state of Bavaria, ran out, the ban was lifted, and a heavily annotated version of the book designed for academic study was released in 2016.

WORLD HOLOCAUST DENIAL

Holocaust denial, the denial of the systematic genocidal killing of 6 million Jews and people of various ethnic groups in Europe by Nazi Germany in the 1930s and 1940s is illegal in 16 European countries and Israel. Many countries also have broader laws that criminalize genocide denial.

Of the countries that ban Holocaust denial, some, such as Austria, Germany, Hungary, and Romania, were among the perpetrators of the Holocaust, and many of these also ban other elements associated with Nazism, such as the expression of Nazi symbols.



In several nations such as the United Kingdom and the United States, laws against Holocaust denial have come up in legal discussion and have been proposed, but the measures have been rejected. Organizations representing groups that have been victimized during the Holocaust have generally been split about such laws. In the United States, the First Amendment to the country's constitution establishes freedom of expression and protects virtually all speech (including "hate speech").

COUNTRIES THAT CONSIDER DENIAL OF THE HOLOCAUST A CRIME

Australia, Austria, Belgium, Bosnia & Herzegovina, Czech Republic, France, Germany, Greece, Hungary, **Israel****, Italy, Liechtenstein, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Romania, Russia, Slovakia, Spain, Switzerland,

**** Israel** may have assumed the lead in enacting Holocaust denial legislation when the nation enacted a "Global Holocaust Deniers" bill in the Knesset on July 20, 2004. This unprecedented law outlawed "Holocaust denial" even if committed overseas or outside of Israeli territory and was passed by unanimous vote. In theory, the law would enable the state of Israel to demand the extradition of any individual overseas for "Holocaust denial."

EUROPEAN UNION (EU)

The European Union's Executive Commission proposed a European Union-wide anti-racism xenophobia law in 2001, which included the criminalization of Holocaust denial. On July 15, 1996, the Council of the European Union adopted the Joint Action/96/443/JHA concerning action to combat racism and xenophobia.

During the German presidency, there was an attempt to extend this ban. Full implementation was blocked by the United Kingdom and the Nordic countries because of the need to balance the restrictions on voicing racist opinions against the freedom of expression. As a result, a compromise has been reached within the EU and while the EU has not prohibited Holocaust denial outright, a maximum term of three years in jail is optionally available to all member nations for "denying or grossly trivializing crimes of genocide, crimes against humanity and war crimes.

The EU extradition policy regarding Holocaust denial was tested in the UK during the 2008 failed extradition case brought against the suspected Holocaust denier Frederick Toben by the German government. As there is no specific crime of Holocaust denial in the UK, the German government had applied for Toben's extradition for racial and xenophobic crimes. Toben's extradition was refused by the Westminster Magistrates' Court, and the German government withdrew its appeal to the High Court.

European Union Framework Decision for Combating Racism and Xenophobia (2007)

The text establishes that the following intentional conduct will be punishable in all EU Member States:

A. Publicly inciting to violence or hatred, even by dissemination or distribution of tracts, pictures, or other material, directed against a group of persons or a member of such a group defined by reference to race, color, religion, descent, or national or ethnic origin.

B. Crimes of genocide, crimes against humanity, and war crimes as defined in the Statute of the International Criminal Court (Articles 6, 7, and 8) directed against a group of persons or a member of such a group defined by reference to race, color, religion, descent or national or ethnic origin, and

C. Crimes defined by the Tribunal of Nuremberg (Article 6 of the Charter of the International Military Tribunal, London Agreement of 1945) directed against a group of persons or a member of such a group defined by reference to race, color, religion, descent or national or ethnic origin.

Member States may choose to punish only conduct that is either carried out in a manner likely to disturb public order or which is threatening, abusive, or insulting.

The reference to religion is intended to cover, at least, conduct that is a pretext for directing acts against a group of persons or a member of such a group defined by reference to race, color, descent, or national or ethnic origin.

Member States will ensure that these conducts are punishable by criminal penalties of a maximum of at least between 1 and 3 years of imprisonment

HOW COULD IT EVER BE DENIED?

GERMAN OPERATION AKTION 1005

"THE ATTEMPTED NAZI COVERUP"



SEE THE ENTIRE STORY ABOUT THIS AT:

<https://www.ushmm.org/wlc/en/article.php?ModuleId=10007273>

CAUTION – GRAPHIC PICTURES BELOW

Operation (1005), the code name for the large-scale campaign to destroy all evidence of the mass extermination of European Jewry at the hands of the Nazis. The operation began in June 1942 and lasted until late 1944.

By the summer of 1942, countries in the West had begun receiving reports of the mass murders going on in Europe. This caused the Nazis to try to find a way to conceal the evidence of their horrific activities.

In June 1942 SS-Standartenfuehrer Paul Blobel was appointed head of Aktion 1005, and the first corpses were burnt in the Chelmno extermination camp. The dirty work of Aktion 1005 was carried out mainly by Jewish prisoners. They were forced to dig up the mass graves and remove the corpses. They built pyres made out of long wooden beams, soaked them with flammable liquid, arranged the corpses in layers between the beams, and burnt them. When this was finished, the area was flattened out, plowed, and replanted.

After the work was done, the prisoners who had participated were themselves murdered to keep the operation secret. In some cases, the Aktion prisoners escaped.

Between the summers of 1942 and 1943, corpses were burnt in Belzec, Treblinka, Sobibor, and Auschwitz. In June 1943 the Germans began burning corpses in the occupied Soviet Union and Poland. Two Sonderkommando prisoner units were organized. One worked in areas such as Berdichev and Zamosc, the other in areas including Riga and Dvinsk. Aktion 1005 was also carried out in Belorussia and the Baltic countries, where the corpses of Soviet prisoners of war were burnt.

By mid-1944, Aktion 1005 activities were focused on the Generalgouvernement—a Sonderkommando unit was established in each of its districts. Soon, similar actions were also performed in those parts of Poland annexed to Germany. 1005 was also carried out in Yugoslavia.

The destruction of the mass graves in Eastern Europe made it difficult to determine the number of victims exterminated by the Nazis and fueled the flames of Holocaust denial

THE PROOF FOR ALL TO REMEMBER



General Eisenhower wanted to be in some of the pictures his soldiers were taking in liberated concentration camps. Here, he is at Ohrdruf with other high-ranking U.S. Army officers. They are witnessing a view of the bodies of prisoners on the 12th of April, 1945.

[**Online via the U.S. National Archives.**](#)



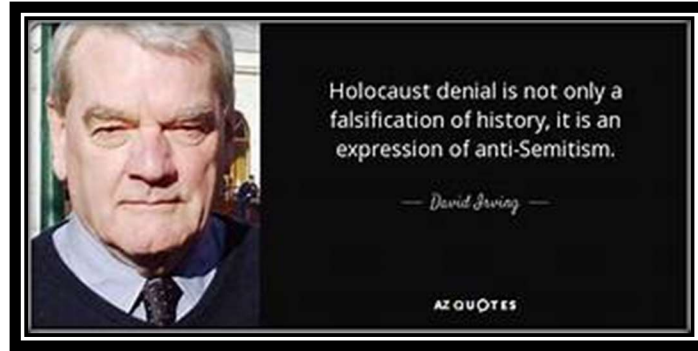
*It didn't take long for Eisenhower's concerns to materialize. Despite **his presence** in many photographs, Holocaust deniers persist to this day.*



*General Dwight D. Eisenhower listens as survivors tell him of atrocities committed by the SS in the Ohrdruf concentration camp, one of the Buchenwald sub-camps. **Photo credit: National Archives***



General Dwight D. Eisenhower with other Army members view the bodies of executed prisoners while on a tour of Ohrdruf concentration camp on April 12, 1945.



THE LEGALITY OF HOLOCAUST DENIAL

A DETAILED NARRATIVE

http://www.wikiwand.com/en/Laws_against_Holocaust_denial

It should be noted that in today's world with the younger and middle-aged generations, the goal is not to have them remember when it happened because of the time frame but to teach them that it **did happen** and that such things can indeed take place in our world...to humble them a little.

In most classrooms today there is very little if anything even mentioned about the Holocaust. Ask your grandchildren about it and see if they even recognize the word.

Many organizations are making every effort to make sure this doesn't get to our "Deleted History" file like so much has. Surveys support that many know nothing about, or even know what the word "Holocaust" represents.



YES....IT DID HAPPEN....

"I swore never to be silent whenever and wherever human beings endure suffering and humiliation. "We must always take sides. Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented." Elie Wiesel. Holocaust Survivor....

DISCLAIMER

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