

Berlin seeks to bar Holocaust denial in EU

By Dan Bilefsky

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BERLIN

Germany wants to use its European Union presidency to push through legislation that would make denying the Holocaust punishable by stiff jail sentences in all 27 EU member states.

The country's justice minister, Brigitte Zypries, said Thursday night that Germany's commitment to combating racism and xenophobia — and keeping the memory of the Holocaust alive — was both an enduring historical obligation and a present-day political necessity.

"We have always said that it can't be the case that it should still be acceptable in Europe to say the Holocaust never existed and that six million Jews were never killed," she said. Under the German proposal, she said, those who deny the Nazi slaughter of Jews during World War II could face up to three years in prison.

Zypries said the proposal, which will be debated by the bloc's justice ministers in the next six months, would also seek to criminalize racist declarations that are an incitement to violence against a specific person or group. The aim, she said, was to harmonize national legal systems in their approach to combating racism and xenophobia.

Unifying hate crime rules in countries with vastly different legal cultures could prove difficult, analysts said. European leaders have been unanimous in condemning those who deny the Holocaust, and have sharply criticized the Iranian government for sponsoring a recent conference that cast doubt on it.

But the question of whether to criminalize such acts has divided Europe between countries like Germany that view a common EU law as a moral imperative and other countries, like Britain, Italy and Denmark, that have resisted common rules as infringing on free speech and civil liberties.

Two years ago, Luxembourg tried to use its EU presidency to push through legislation to unify legal standards for Holocaust denial, but was blocked by Italy on the grounds that the legislation breached freedom of speech. At the time, several countries rejected attempts to ban Nazi symbols, which gained force after the release of photos of Prince Harry of Britain wearing a swastika armband at a costume party.

Zypries said she was confident Germany could now succeed in overcoming such resistance since Italy, under a left-of-center prime minister, Romano Prodi, had dropped its opposition. But she cautioned that the legislation would need to be sufficiently narrow in scope if it were to gain support.

The Luxembourg proposal, which Germany is studying with a view toward emulating it, states that racist declarations or Holocaust denial will not be prosecuted if they are expressed in a way that does not incite hatred against an individual or group of people.

Laws against denying the Holocaust already exist in Austria, Belgium, France, Germany and Spain. In a recent high-profile case, the British historian David Irving spent 13 months in jail in Austria for challenging the Holocaust before being released last month.

The debate about how to reconcile freedom of speech with the fight against racism gained added momentum recently when the French National Assembly passed a law making it a criminal offense to deny that the massacre of Armenians by Turks during World War I was a case of genocide. While the Armenian community applauded the law, Turkey accused France of restricting the freedom of expression and rewriting history for political ends.

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The publication last year of Danish cartoons satirizing the Prophet Muhammad, which provoked fury in the Muslim world, has prompted some Muslims to accuse the EU of double standards in its fight against racism.

Abdullah Gul, the Turkish foreign minister, last March called on European nations to review laws to ensure they outlaw defamation of all religions. He told a meeting of EU foreign ministers that many Muslims believed European laws protected established Christian religions, and banned anti-Semitism, while doing nothing to defend Muslims who felt offended.

Emine Bozkurt, a Dutch socialist of Turkish descent, who is president of a European Parliament working group aimed at combating racism, said the scope of the German proposal should be expanded. But she acknowledged that this could prove difficult. "We have seen increasing xenophobia and racism in Europe, so the German proposal is a good idea," she said. "But member states have different legal cultures and different laws, and this is a difficult issue."

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