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**EU aims to criminalise Holocaust denial**

By Tobias Buck in Brussels  
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Laws that make denying or trivialising the Holocaust a criminal offence punishable by jail sentences will be introduced across the European Union, according to a proposal expecting to win backing from ministers Thursday.

Offenders will face up to three years in jail under the proposed legislation, which will also apply to inciting violence against ethnic, religious or national groups.

Diplomats in Brussels voiced confidence on Tuesday that the controversial plan, which has been the subject of heated debate for six years, will be endorsed by member states. However, the Baltic countries and Poland are still holding out for an inclusion of "Stalinist crimes" alongside the Holocaust in the text – a move that is being resisted by the majority of other EU countries.

The latest draft, seen by the Financial Times, will make it mandatory for all Union member states to punish public incitement "to violence or hatred directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin".

They will also have to criminalise "publicly condoning, denying or grossly trivialising crimes of genocide, crimes against humanity and war crimes" when such statements incite hatred or violence against minorities.

Diplomats stressed the provision had been carefully worded to include only denial of the Holocaust – the Nazi mass murder of Jews during the second world war – and the genocide in Rwanda in 1994.

They also stressed that the wording was designed to avoid criminalising comical plays or films about the Holocaust such as the Italian comedian Roberto Benigni's prize-winning *Life is Beautiful*. The text expressly upholds countries' constitutional traditions relating to the freedom of expression.

Holocaust denial is already a criminal offence in several European countries, including Germany and Austria. It is not a specific crime in Britain, though UK officials said it could already be tackled under existing legislation.

In an attempt to assuage Turkish fears, several EU diplomats said the provisions would not penalise the denial of mass killing of Armenians by Ottoman troops in the aftermath of the 1915 collapse of the Ottoman empire. Turkey strongly rejects claims that this episode amounted to genocide.

The proposal draws what is likely to be a controversial distinction between inciting violence against racial or ethnic groups and against religious groups. Attacks against Muslims, Jews or other faiths will only be penalised if they go on to incite violence against ethnic or racial groups, the draft text states.

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