

DO NOT DARE DENY THE HOLOCAUST, BUT YOU MAY LAUGH AT ISLAM AND MUSLIMS

In most European countries, it is a crime to deny the Holocaust punishable by fine and/or imprisonment. Here are some of the details.

The argument that laws punishing Holocaust denial are incompatible with the European Convention on Human Rights and the Universal Declaration of Human Rights have been rejected by institutions of the Council of Europe (the European Commission of Human Rights, the European Court of Human Rights) and also by the United Nations Human Rights Committee.

AUSTRIA

National Socialism Prohibition Law (1947, amendments of 1992)

§ 3g. He who operates in a manner characterized other than that in § § 3a – 3f will be punished (revitalising of the NSDAP or identification with), with imprisonment from one to up to ten years, and in cases of particularly dangerous suspects or activity, be punished with up to twenty years imprisonment.

BELGIUM

Negationism Law (1995, amendments of 1999)

Article 1 Whoever, in the circumstances given in article 444 of the Penal Code denies, grossly minimises, attempts to justify, or approves the genocide committed by the German National Socialist Regime during the Second World War shall be punished by a prison sentence of eight days to one year, and by a fine of twenty six francs to five thousand francs. For the application of the previous paragraph, the term genocide is meant in the sense of article 2 of the International Treaty of 9 December 1948 on preventing and combating genocide. In the event of repetitions, the guilty party may in addition have his civic rights suspended in accordance with article 33 of the Penal Code.

BOSNIA HERZOGOVINA

In May 2007 Ekrem Ajanovic, a [Bosniak](#) MP in the Bosnian Parliament proposed a legislation on criminalizing the denial of Holocaust, genocide and crimes against humanity. This was the first time that somebody in Bosnia and Herzegovina's Parliament proposed such a legislation. Bosnian Serb MP's voted against this legislation and proposed that such an issue should be resolved within the Criminal Code of Bosnia and Herzegovina.^[19] Following this, on 6 May 2009 Bosniak MP's Adem Huskic, Ekrem Ajanovic and Remzija Kadric proposed to the BH parliament a change to the Criminal Code of Bosnia and Herzegovina where Holocaust, genocide and crimes against humanity denial would be criminalized. Bosnian Serb MP's have repeatedly been against such a legislation claiming that the law "would cause disagreement and even animosity" according to [SNSD](#) member Lazar Prodanovic.

THE CZECH REPUBLIC

In addition to Holocaust denial, denial of communist perpetrated atrocities is illegal in the Czech Republic

FRANCE

In France, the Gayssot Act, voted for on July 13, 1990, makes it illegal to question the existence of crimes that fall in the category of crimes against humanity as defined in the London Charter of 1945, on the basis of which Nazi leaders were convicted by the International Military Tribunal at Nuremberg in 1945-46. When the act was challenged by Robert Faurisson, the Human Rights Committee upheld it as a necessary means to counter possible [antisemitism](#).

GERMANY

§ 130 Public incitement

In Germany, *Volksverhetzung* ("incitement of the people") is a concept in German criminal law that bans the incitement of hatred against a segment of the population. It often applies in (although is not limited to) trials relating to Holocaust denial in Germany. In addition, Strafgesetzbuch § 86a outlaws various symbols of "unconstitutional organisations", such as the Swastika and the SS runes.

HUNGARY

The Parliament of Hungary declared the denial or trivialization of the Holocaust a crime punishable by up to three years imprisonment on February 23, 2010.¹ The law was signed by the President of the Republic in March 2010. On June 8, 2010, the newly elected Fidesz-dominated parliament changed the formulation of the law to "punish those, who deny the genocides committed by national socialist or communist systems, or deny other facts of deeds against humanity" The word "Holocaust" is no longer in the law.

ISRAEL

In [Israel](#), a law to criminalize Holocaust denial was passed by the Knesset on July 8, 1986.

LICHTENSTEIN

Although not specifically outlining national socialist crimes, item five of section 283 of Liechtenstein's criminal code prohibits the denial of genocide.

LITHUANIA

Lithuania prohibits approval and denial of Nazi or Soviet crimes.

LUXEMBURG

In Luxembourg, Article 457-3 of the Criminal Code, Act of 19 July 1997 outlaws Holocaust denial and denial of other genocides.^[35] The punishment is imprisonment for between 8 days and 6 months and/or a fine.

THE NETHERLANDS

While Holocaust denial is not explicitly illegal in The Netherlands, the courts consider it a form of spreading hatred and therefore an offence. According to the Dutch public prosecution office, offensive remarks are only punishable by Dutch law if they equate to discrimination against a particular group.

POLAND

In addition to Holocaust denial, the denial of communist crimes is punishable by law in Poland.

PORTUGAL

Although denial of the Holocaust is not expressly illegal in Portugal, Portuguese law prohibits genocide denial.

ROMANIA

In [Romania](#), Emergency Ordinance No. 31 of March 13, 2002 prohibits Holocaust denial. It was ratified on May 6, 2006. The law also prohibits racist, fascist, xenophobic symbols, uniforms and gestures: proliferation of which is punishable with imprisonment from between six months to five years.

SPAIN

Genocide denial was illegal in Spain until the Constitutional Court of Spain ruled that the words "deny or" were unconstitutional in its judgement of November 7, 2007. As a result, Holocaust denial is legal in Spain, although justifying the Holocaust or any other genocide is an offence punishable by imprisonment in accordance with the constitution.

SWITZERLAND

Holocaust denial is not expressly illegal in Switzerland, but the denial of genocide and other crimes against humanity is an imprisonable offence.

THE EUROPEAN UNION

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 trivialising 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.

{Invite (mankind, O Muhammad) to the Way of your Lord (i.e. Islam) with wisdom (i.e. with the Divine Inspiration and the Qur'an) and fair preaching, and argue with them in a way that is better. Truly, your Lord knows best who has gone astray from His Path, and He is the Best Aware of those who are guided.} (Holy Quran-16:125)

{And who is better in speech than he who [says: "My Lord is Allah (believes in His Oneness)," and then stands straight (acts upon His Order), and] invites (men) to Allah's (Islamic Monotheism), and does righteous deeds, and says: "I am one of the Muslims."} (Holy Quran-41:33)

The prophet (peace and blessings of Allah be upon him) said: "By Allah, if Allah guides one person by you, it is better for you than the best types of camels." [al-Bukhaaree, Muslim]

The prophet (peace and blessings of Allah be upon him) also said, "Whoever calls to guidance will have a reward similar to the reward of the one who follows him, without the reward of either of them being lessened at all." [Muslim, Ahmad, Aboo Daawood, an-Nasaa'ee, at-Tirmidhee, Ibn Maajah]
