



הארגון הבינלאומי של עורכי-דין ומשפטנים יהודים
THE INTERNATIONAL ASSOCIATION OF JEWISH LAWYERS AND JURISTS

Statement of the International Association of Jewish Lawyers and Jurists
Concerning the Prosecution of David Irving in Austria

In light of criticism voiced in various countries regarding Austria's prosecution of notorious Holocaust denier David Irving, the International Association of Jewish Lawyers and Jurists (hereinafter: "the Association") makes the following statement:

The Association has, for many years, appealed to various countries to adopt legislation against antisemitism and Holocaust denial. After a few countries did adopt such legislation, the Association urged the relevant authorities to take appropriate steps to ensure that the laws adopted not remain a dead letter. It is, perhaps, an irony of history that the very country that produced Hitler and many other criminals who participated actively in the "final solution" is among those countries that not only enacted laws against denial of the Holocaust but also is trying to take appropriate measures against the deniers. The trial and incarceration, for three years, of one of the most dangerous contemporary Holocaust deniers – who, under the pretense of speaking as an historian, continues even from jail to voice his lies and actually deny the Holocaust – is a proper way to enforce the relevant law. Indeed, the Austrian prosecution also, appropriately, appealed the sentence to Austria's High Court, seeking imposition of the statutory maximum sentence of 10 years. Irving appealed as well, attempting to challenge the three-year sentence.

Instead of unanimously welcoming the judgment of the Austrian court, however, a number of prominent newspapers in the United States and England saw fit to criticize the judgment on the basis of "freedom of speech." In addition, various Jewish individuals likewise expressed the view that we must confront Holocaust denial by discussing and convincing, not by



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making laws against such denial and not by putting one who denies in prison – even if we believe him to be a malicious liar. “Freedom of speech above anything,” they argue.

Those friends, the Association submits, forget that the history of mankind and the history of Jewish people prove that words can kill and have killed. Words do so by inciting hatred and spreading lies. *Mein Kampf*, *The Protocols of the Elders of Zion*, and blood libels in Russia all helped bring the past Holocaust, while present-day television programming and films shown in Syria, Egypt and other Arab countries resemble *Stürmer*, other Nazi publications, and even worse. Speeches that incite, delivered in mosques, have brought a new dangerous wave of anti-Semitism, as well. These phenomena should be fought in relevant countries with all possible means, including legislation. It is not enough that leaders of many countries met in Auschwitz on the 60th anniversary of the camp’s liberation and expressed their sorrow for what happened to the Jewish people. All means available – including education, public relations (*hasbara*), and, yes, legislation – must be used in order to avoid another catastrophe, another Holocaust.

The Association faithfully supports freedom of speech, but speech must be limited when it involves incitement to hatred and murder. Unlimited freedom of speech brought *Kristallnacht* and the Holocaust. All of our friends and people of goodwill must remember that. Jewish people first and foremost have an obligation to remember history and act accordingly.

We appeal to Jewish and non-Jewish lawyers and jurists in countries across the world to use their influence to bring about the adoption of legislation against antisemitism and the denial of the Holocaust to ensure, wherever such legislation has been adopted, that it be properly enforced.

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