

The Zundel Trial

Germany confronts the virus of hate

**Holocaust denier
remains defiant,
looks for recruits**

**Defence will paint
him as a 'prisoner
of conscience'**

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TORONTO BUREAU

ANNHEIM, GERMANY—Today, Germany puts on trial a high profile product of its Nazi past. It does so with little sense of drama.

Ernst Zundel, a German citizen who was a distasteful fixture in Montreal and Toronto for 40 years, is charged with inciting hatred, denying the Holocaust and dishonouring the dignity of Jews, living and dead.

Zundel is largely unknown in Germany and the media have so far ignored him.

He doesn't have real influence in Germany's neo-Nazi scene," says Manfred Murck, Hamburg deputy chief of the German intelligence service that monitors extremist groups.

Behind the stone walls and barbed wire of this city's maximum security prison, Zundel doesn't miss an opportunity to read his neo-Nazi ideology.

He avoids mingling with what he calls the "down-bred," multi-cultural group of murderers and thieves he's been jailed with since being deported from Canada eight months ago.

He prefers the company of the guards, describing their "human" behaviour as stirring warm feelings of belonging to the German "Volk," the sense of national identity that under Hitler became synonymous with racial superiority — and mass murder.

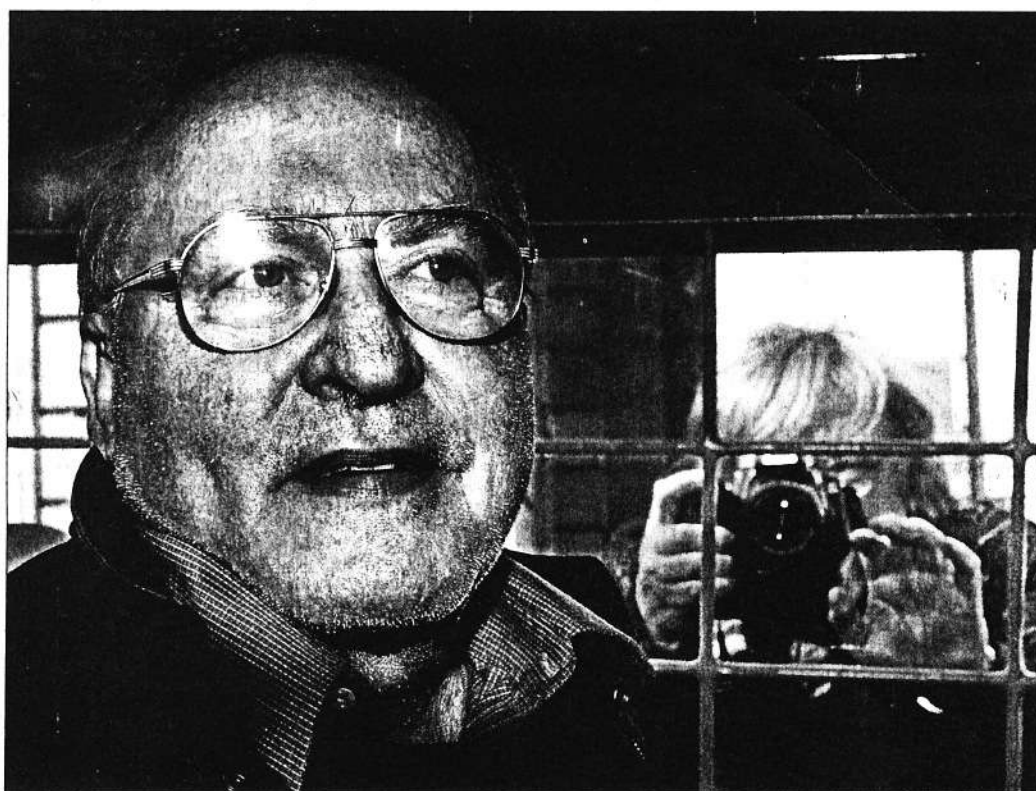
Even his lawyer believes Zundel has little chance of avoiding Germany's strict laws. While in custody awaiting trial, the 66-year-old revisionist remains defiant and on the lookout for recruits.

He seizes the chance when guards ask, as Zundel claimed in recent letter, "What is it that I know that is so feared by the system?"

Then I let loose with pure mendacity and watch my artillery barrage land right on target the depths of their souls — I KNOW, Ingrid, by their reaction that I have not lost the magic touch," he wrote to his American wife.

It's an uplifting feeling for I know that the time will come when that 'KNOWING' will be treated like a national resource," he hells with the rest of the world," he added. "This is the new world coming!"

Even among diehard neo-Nazis such comments are dismissed. Christian Worch, a leading neo-Nazi organizer, says right-wing extremists are far more



THOMAS KIENZLE/AP FILE PHOTO

Ernst Zundel sits in a police car earlier this year after leaving a courthouse in Mannheim, Germany. Zundel, an avowed Holocaust denier who was arrested in March after being deported from Canada, has been charged with 14 counts of inciting racial hatred. The German citizen, who spent two years in a Canadian jail before his deportation, is scheduled to go on trial today at a court in Mannheim.

preoccupied by immigration and unemployment than revising history, especially when simply claiming the Holocaust is exaggerated can land you in jail.

Worch, 49, who served five years for denying the Holocaust and waving the swastika in public, says he asked neo-Nazi leaders whether pro-Zundel demonstrations should be organized and got little more than a shrug.

From 1998 to 2003, 114 people in Germany were convicted of having made statements that "approve, deny or minimize" crimes committed by Hitler's regime, and are "liable to disturb the public peace."

Many had denied the Holocaust ever happened, or stated, for example, that fewer than six million Jews were killed. The crime carries a maximum penalty of five years. More than 1,400 others were convicted of inciting "hatred against parts of the population."

In Canada, Zundel spent two years in jail on a federal security certificate before federal court Judge Pierre Blais called him a "racist hypocrite," a threat to Canadians, and threw him out of the country.

In Mannheim, it's Andreas Grossmann's job to keep him in jail as long as possible.

U.K.'s only convicted Nazi dies in jail

LONDON—A Nazi war criminal serving two life sentences in Britain for involvement in the massacre of Jews in 1942 has died in prison.

He was 84.

Anthony Sawoniuk was the only person to be found guilty in Britain of Nazi war crimes. He was sentenced to life imprisonment in 1999.

He died in Norwich prison in eastern England on Sunday, a police spokeswoman said. The Home Office said death

was due to natural causes. Sawoniuk came to Britain in 1946 and lived in London. He was convicted of involvement in the massacre of Jews in German-occupied Belarus in 1942, although he always denied the charge. During the course of his one-year trial, the prosecution said Sawoniuk, a policeman at the time of the massacre, enthusiastically carried out Nazi policies of genocide against Jews.

As lead prosecutor in the case, Grossmann also wants to stop Zundel from turning the trial into a platform for neo-Nazi propaganda. Zundel did exactly that during Toronto court proceedings in the 1980s, which resulted in the Supreme Court overturning a conviction for spreading "false news."

"It's perhaps better if no one talks about it," says Grossmann, referring to media coverage the trial might receive.

Previous Holocaust deniers convicted in Mannheim include Fred Leuchter, who presented a report at Zundel's second Toronto trial claiming the Ausch-

witz death camp had no gas chambers. The report, flatly dismissed by leading historians, has become gospel in the revisionist world.

Zundel is charged with statements contained on the "Zundelsite" website and in biweekly "newsletters" he sends to followers. The indictment includes his claims that most Jews in concentration camps died of disease, that Hitler never ordered their extermination, and that a "Holocaust lobby" has since "blackmailed" millions of dollars from the German state.

Grossmann expects Zundel be jailed for three to five years.

"Not only are they liars and preachers of hate, they're also cowards," Grossmann says. "What they really believe is that the Holocaust happened, that it was good, and that the only mistake is that they didn't get them all. But they don't dare say that."

Zundel will appear before three judges and two jurors. Five days have been set aside for the trial, but Grossmann expects Zundel's defence team to drag it out as much as possible.

Zundel's lead lawyer, Jurgen Rieger, says his first motion will be to replace all three "biased" judges. He'll describe Zundel as "a prisoner of conscience," argue that the website is fully run by his Zundel's wife and note that it's based in the U.S., where its content is protected by freedom of speech laws.

Grossmann instead points to a court ruling that convicted German soccer fans for giving Nazi salutes at a match in Poland, simply because the images were broadcast on German TV.

Rieger acknowledges he has little chance of having top Holocaust deniers accepted as expert witnesses. German law prevents a defence that tries to prove the denier is right.

Rieger was fined 3,600 euros for trying to use the tactic while defending another client. Yet his

team has sent Grossmann documents making similar claims.

"If the lawyer stands up in court and says publicly that the Holocaust did not happen, then I will have another case to prosecute," Grossmann says flatly.

Germany's blanket ban on Holocaust denial is similar to laws in several European countries.

"There's a deep-seated fear here that if these hate messages are voiced, some or many Germans might be attracted to them. I don't see that danger at all, but this is an expression of the German trauma," says Wolfgang Bruggner, professor of constitutional law at the University of Heidelberg.

"Every politician says we have a healthy, robust democracy in Germany," he adds. "But when it comes to right-wing radicalism, most people think, 'Germany is frail and we are not 100 per cent sure that we won't again fall into the Nazi trap.'"

Bruggner says simple Holocaust denial should be protected free speech. Publicly confronting such lies "revitalizes" a truth that may otherwise become a hollow mantra, he argues.

An April survey sponsored by the American Jewish Committee found a high level of Holocaust awareness among Germans, including 77 per cent who identified Auschwitz, Dachau and Treblinka as extermination camps.

"Germany has the lowest level of anti-Semitism in Europe," says Albert Mayer, head of the Jewish Community of Berlin. "It's not paradise, but it's a pretty good place to live."

Since 1989, Germany's Jewish community has grown from 27,000 to 200,000 — almost half of its pre-World War II level, largely through Russian immigration.

Other studies have found a German tendency to turn blind eye to crimes their parents or grandparents may have committed during the war. The blame is invariably placed on abstract Nazis rather than on ones close to home, causing analysts to warn that the lessons of history haven't been fully learned.

Increasing concerns are the most five million unemployed, the highest since hard times propelled Hitler's National Socialists to power in 1933. Direct parallels would be absurd, but neo-Nazis like Worch count on the economic troubles to boost their support.

In September's national election, the neo-Nazi linked Nationalist Party received 1.6 per cent of the vote. In eastern Germany last year, it captured 9 per cent of Saxony's ballots in regional elections.

"People denying the Holocaust are like a virus, a virus of pure anti-Semitism. If we don't punish this crime, the virus will spread," Mayer says.