

ANTI-HOLOCAUST HISTORIAN RETURNS FROM GERMANY CLAIMING VICTORY



**FIRM BELIEFS:** Fredrick Toben arrives at Adelaide Airport yesterday. He plans to return to Germany next year.  
Picture: TONY LEWIS

# Fight was worth stay in prison

By SHERRILL NIXON

**HOLOCAUST** revisionist Fredrick Toben returned to Australia yesterday, claiming victory in his fight for freedom of speech despite being jailed for seven months in Germany.

The German-born director of the Adelaide Institute, who kissed the floor of the Adelaide International Airport on his arrival, said his small organisation was flourishing.

And, he would consider going on a national speaking tour to argue against federal racial hatred and Internet censorship laws that he claimed, would introduce German-style clamps on freedom of speech here.

Dr Toben, whose critics say he is trying to rehabilitate Nazism, said it had been worthwhile to spend seven months in Mannheim prison awaiting a trial on

charges of incitement and insulting the memory of the dead.

The charges were laid after he challenged the severity of the Holocaust through letters and the Adelaide Institute website.

Last month, he was found guilty by a judge and sentenced to 10 months' jail - including time already served - but was released when a German supporter posted \$5000 bail.

"It's been worth it. They've lost the plot, we have won the argument," Dr Toben said.

"They had to arrest me and silence me. They talk about us and not with us. If it's a battle - and I think it is - it's a massive battle we have won."

Dr Toben said "they" referred to Zionists and people who support the "story" of the Holocaust and the mass gassing of Jews in concentration camps.

In what he describes as a

professional opinion, the Adelaide Institute website says: "We proudly proclaim that to date there is no evidence that millions of people were killed in homicidal gas chambers."

Dr Toben plans to return to Germany next year for the prosecutor's appeal brought on two aspects of the case - the leniency of the sentence and the judge's decision to punish Dr Toben only for the material in his letters, not on the Internet.

But he said the freedom of speech issue must also be raised here because Internet censorship and racial vilification laws would mean history would be judged in courts of law.

The institute faced an inquiry last year in the Human Rights and Equal Opportunity Commission after a complaint from the Executive Council of Australian Jewry about its website.

# Jailed historian revises Nazi denia

MATTHEW SPENCER

AFTER seven months in a German jail, revisionist historian Fredrick Toben flew home to Adelaide yesterday and indicated he may stop pushing his claim that the Holocaust was a myth.

The director of the Adelaide Institute kissed the floor of the Adelaide International Airport and said he was weary from his stint in jail.

Dr Toben, 55, said he would not continue to push his views on the Holocaust if it became a criminal offence in Australia, as he did not want to be dragged through the courts again.

Federal legislation, which comes into effect in January, will establish a process to stop material that breaches anti-discrimination laws appearing on Australian Web sites.

"What we have to do now is emphasise the freedom of speech issue for Australia because the bill is going to terminate us, most likely," Dr Toben said.

The Human Rights and Equal Opportunity Commission is hearing a complaint by the Executive Council of Australian Jewry that material on the Adelaide Institute's Web site was in breach of the 1995 Racial Hatred Act.

Dr Toben was sentenced by a German court last month to 10 months' jail for inciting racial hatred and defaming the memory of people murdered in Nazi death camps.

The charges were laid after he challenged the severity of the Holocaust through letters and the Adelaide Institute Web site.

He was freed after German sympathisers raised \$5000 bail, but he had already served seven months on remand.

But Dr Toben said the experience verified his belief that the Holocaust was a hoax.

"It's been worth it because the Zionists have lost the plot. We have won the argument," Dr Toben said. "If it's a battle, and I think it is, it's a massive battle. We have won the battle."

The historian, who is considering a national speaking tour, will return to Germany to face an appeal in the new year.



Home free: Revisionist historian Dr Toben arrives at Adelaide airport yesterday

Picture: TONY LI

# Blame it on the valkyries

IF nothing else the 10-month prison term imposed on academic Dr Fred Toben demonstrates just how righteous the Allied cause was in the Second World War.

Regardless of what you make of Dr Toben's thoughts on the fate of Jews half a century ago, the current German judiciary's handling of the matter can only be described as being completely at odds with any concept of democracy.

Freedom of speech is a cornerstone of our society, but it appears to have made little headway in Germany, where a 'thought police' mentality seems to be just as evident now as it was during the infamous burning of 'undesirable' books in the 30s. Critics have claimed that Dr Toben was asking for trouble by even visiting Germany given its unusual laws concerning defaming the dead and inciting racial hatred.

He might well have walked into the lion's den, but the fact remains that such all-encompassing and oppressive laws not only suppress legitimate lines of academic inquiry, they also play right into the hands of right-wing activists who believe in a pervasive international conspiracy.

Making martyrs to causes only

THE WIMMERA

## Mail-Times

editorial

strengthens resolve. Free, open discussion on any issue conducted in a civilised manner is the hallmark of a mature culture and nation. Prohibiting defaming the dead sounds very noble, as if it were the extension of the folk wisdom that we should not speak ill of the dead, but that sentiment refers to how we should conduct our personal lives — it surely has nothing to do with the public sphere — or history would simply cease to exist, except as a sanitised overview totally subservient to the prevailing political regime.

Defaming the dead is simply unavoidable in history. As time goes by some people's reputations are rehabilitated while others' are blackened. Often the process is repeated several times. It's called the pursuit of truth. The 20th century provides ample evidence of regimes that have tried to distort their own histories; invariably such attempts to falsify the past are concomitant with efforts to distort the present. Such oppression can only exist under totalitarian rule and

while modern-day Germany could not be described as a dictatorship, it appears at least one relic of the Hitler years remains.

Germany's intention was noble: to try to prevent a repeat of the Nazi excesses by forbidding any questioning of the era. The Nazis forbade any questioning of their view of German history. In that regard at least nothing has changed. The end never justifies the means.

Recently a young English author suggested that countries where opera is popular are prone to autocracy. She cited Russia, Italy, Spain and Germany as examples of opera-loving nations that have all experienced lengthy periods of dictatorship. Conversely Scandinavia, Belgium, the Netherlands, the UK and by extension Australia are neither big opera buffs nor known for unleashing power-hungry megalomaniacs on the world. In fact Gilbert and Sullivan sent up the whole genre in England.

The author said opera promoted an air of unreality and flights of fancy. Would she be allowed to air this intriguing theory in Germany or would it constitute defaming the dead, namely one Richard Wagner.



# Toben: a war of words in the battle for history

## FROM P23

Dr Toben says he regards the suggestion that he is a neo-Nazi and an anti-Semite as outrageous.

"It's time we got rid of this conceptual prison in our language which brands anyone who seeks the truth about the Holocaust as neo-Nazi or anti-Semitic. I am neither of these things. There are Jewish people who agree with me that we should seek to establish the truth.

"I am a philosopher. Philosophy overrides ideology.

"The Holocaust is a matter of belief for many people. I respect that. But it is not a matter of fact. I only want to deal in facts."

Mr Klein accepts that Dr Toben may simply be misguided, that his views about freedom of speech may have blinded him to the grief his attempts to revise the history of the Holocaust cause. But if that were the case, the best you could say about Dr Toben was he was a "silly fool".

"What I am really concerned about is those who are behind him," he said. "Those people who use him to put these views on to the Internet, who are they? It is very important that we try to find out."

Dr Toben's claim to be simply a truth-seeking philosopher interested in an intellectual debate about the Holocaust is jarringly at odds with the evidence presented to his

trial. He uses highly offensive language such as referring to "people who have taken advantage of numbers on their arms for 50 years".

He has written of Auschwitz as a virtual holiday camp, with a swimming pool, theatre, post office, orchestras and even a brothel for inmates' use. He has described accounts by former inmates of an orchestra being forced to play as people were taken to gas chambers as a "fairy tale".



**Fredrick Toben: "I only want to deal in facts."**

Mr Klein says that however much Dr Toben might deny anti-Semitism, he associated with and gave support to people who were deeply anti-Semitic. "The common thing with those people in Germany who wish to deny the Holocaust is that they hate the Jews," he said.

Mr Klein believes Dr Toben deliberately provoked the legal action against him to draw attention to his arguments. He says this raises the

issue of whether he, as a prosecutor, should respond to such provocation if it results in such people getting attention.

He believes the Toben case will come to be seen as a very important moment in German legal history because it has highlighted the threat posed by Internet distribution of material attacking "the integrity of legal protection for the story of the Holocaust".

The complexity of the issues was revealed by the judgment in which the court decided it was possible for Internet material to be judged to insult or defame racial groups but not to incite racial hatred.

There are significant penalty differences in German law for racial insult (maximum two years' jail) and inciting racial hatred (five years).

Dr Toben says he has found, by going through the German legal processes, further proof that there was not mass murder of Jews in the gas chambers of Auschwitz.

"The German bureaucracy is incredible," he said. "They keep the most detailed records of everything. It is inconceivable that if they had put millions of people into gas chambers that they did not keep detailed records of those people. No such records exist, so I am convinced that no such thing happened."

If he made this statement in the German media he would probably have Hans Klein knocking on his door with another summons.

The Age - 12.11.99 - Pg. 1

# Push to free jailed Holocaust revisionist

By **PENELOPE DEBELLE**  
ADELAIDE  
and **GEOFF KITNEY**  
BERLIN

Holocaust revisionists in Australia are organising an international appeal to raise \$5000 bail to secure the early release of Dr Fredrick Toben from a German jail.

The acting head of the ultra-right Adelaide Institute, Mr Geoffrey Muirden, said thousands of dollars had already been raised to pay Dr Toben's lawyer, Mr Ludwig Bock, for his defence of the German-born Holocaust revisionist on hate speech charges in Mannheim.

Dr Toben, 55, was sentenced to 10 months' jail on Wednesday after a three-day trial in Mannheim in which he was found guilty of charges of incitement, disparagement and insulting the memory of the dead.

Dr Toben, a former Victorian teacher who lives in Adelaide, was arrested in April under German laws designed to prevent Holocaust denial.

Australian Jewish groups said yesterday the conviction was encouraging to all people who support democracy and tolerance. The national vice-



**Fredrick Toben**

president of the Executive Council of Australian Jewry, Mr Jeremy Jones, said Dr Toben was lucky to escape lightly as the offence carried a maximum penalty of five years' prison.

Mr Jones said Dr Toben must have been trying to call German authorities' bluff or trying to make himself into a martyr by visiting Germany.

"It's encouraging not just to Holocaust survivors but to all people who encourage democracy and tolerance that Germany has in place a criminal offence and they are willing to use the criminal law to punish people who continue the propaganda handiwork of Nazis."

Dr Toben was arrested for

challenging the severity of the Holocaust through newsletters and material he posted on the Adelaide Institute's website. The charges were not sustained in relation to the website material, a decision the German hate crimes prosecutor, Mr Hans Klein, said he would challenge.

Mr Klein said the case set a dangerous precedent. The court's decision that it had no power to prosecute over material published in Germany on an Internet site created in Australia was a bad decision that opened up dangerous possibilities, he said.

It would allow the far right in Germany to use its connections with sympathisers in countries such as Australia to pursue its goals of undermining laws in Germany aimed at containing anti-Semitism and preserving the memory of the Holocaust to ensure that such a thing could never again happen.

"It is important to appeal against this court decision," he said.

Because Dr Toben has been in custody since April, the court ruled that he could be released on the payment of a \$5000 fine.

# Holocaust revisionist freed on bail

ADELAIDE: Adelaide Holocaust revisionist Dr Fredrick Toben was released from a German jail yesterday after a supporter paid his \$5000 bail. The 55-year-old director of the Adelaide Institute rang his brother Tony in Victoria about 9am yesterday to tell him of his release, according to Toben's supporters in Australia.

Toben has been in a Mannheim prison since April after he was arrested on charges of incitement, disparagement and insulting the memory of the dead.

The charges related to his views in newsletters and on the Adelaide Institute web site challenging the severity of the Holocaust.

After a three-day trial, he was convicted on Thursday and sentenced to 10 months in prison, including time already served.

However, the judge said he could be released if he posted bail of 6000 Deutschmarks (\$A5000).

Toben's brother informed Adelaide Institute acting director Geoff Muir-

den that he had been released from prison. "Somebody has paid the fine, a supporter in Germany," Mr Muir-den said.

Another Toben supporter, Australian Civil Liberties Union president John Bennett, said he understood the money was paid on the condition that the union and the Adelaide Institute reimburse the supporter.

Mr Bennett and Mr Muir-den said they believed Toben was staying at the unidentified supporter's house.

Mr Muir-den also revealed the German prosecutor had appealed against the 10-month sentence after calling on the judge to jail Toben for 28 months.

B'nai Brith Anti-Defamation Commission executive director Danny Ben-Moshe said he did not expect Toben to have experienced some sort of metamorphosis while in prison.

"We expect the Adelaide Institute to continue its campaign of Holocaust denial and racism and no doubt Toben upon his return to Australia will be an important part of that," Mr Ben-Moshe said.

## 10 NEWS

SUNSHINE COAST  
24.6.1

12-11-99

### COURT

## Revisionist stays in prison

ADELAIDE — Adelaide Holocaust revisionist Fredrick Toben was sentenced to 10 months in prison by a German judge yesterday, in a ruling described as a clamp on free speech by his Australian supporters.

But the conviction for challenging the severity of the Holocaust through newsletters and on the Internet was hailed as a victory for democracy and tolerance by Jewish groups.

Dr Toben, the 55-year-old German-born director of the Adelaide Institute, was found guilty of

charges of incitement, disparagement and insulting the memory of the dead at the end of a three-day trial in Mannheim.

Presiding judge Klaus Kern sentenced him to 10 months' jail, including the seven months he has already spent in a Mannheim prison since his arrest in April.

Judge Kern said Dr Toben had tried "to present the extermination of European Jewry in Nazi German death camps as having been invented by Jewish circles".

### JAIL RELEASE

ADELAIDE — Adelaide Holocaust revisionist Fredrick Toben was yesterday released from a German jail after a supporter paid his \$5000 bail.

The 55-year-old director of the Adelaide Institute rang his brother Tony in Victoria to tell him of his release. Dr Toben was arrested on charges of incitement, disparagement and insulting the memory of the dead. *SUNSHINE COAST 24.6.1*

## Holocaust man freed

HOLOCAUST revisionist Fredrick Toben has been freed from a German jail after a supporter paid \$5000 bail.

Australian Civil Liberties Union president John Bennett said yesterday a German supporter paid the money on condition the ACLU and the Adelaide Institute, of which 55-year-old Dr Toben is director, repay him. Dr Toben was jailed for incitement, disparagement and insulting the memory of the dead.

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### Hate-crime release

THE director of Australia's most notorious Holocaust revision organisation, the Adelaide Institute, has been freed from a German jail days after being sentenced for crimes of hate against Jews. His Australian supporters say 55-year-old Fredrick Toben will not be home for months as German prosecutors have appealed against the leniency of his 10-month sentence.