



# On Europe's Streets:

## Annual Marches Glorifying Nazism



**B'NAI B'RITH  
INTERNATIONAL**

**AMADEU  
ANTONIO  
STIFTUNG**

Supported by:



Federal Foreign Office

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INTERNATIONAL**



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# A report by

## **B'nai B'rith International**

Established in 1843, B'nai B'rith International is committed to safeguarding Jewish life; tackling antisemitism; ensuring Holocaust remembrance, restitution and education and tackling denial and distortion; advancing relations with Israel; providing safe and affordable housing for low-income seniors; championing diversity and helping communities in crisis.

As the oldest Jewish advocacy and service organization operating today, through engagement with the United Nations, European Union institutions, the OSCE, the Council of Europe, the Organization of American States, governments, and other relevant stakeholders, we promote human dignity and combat all forms of discrimination.

B'nai B'rith pursues both legislative and non-legislative tools to safeguard Jewish life and build more tolerant, inclusive societies. The B'nai B'rith Office of European Union Affairs advances these objectives in Brussels around the European Union institutions.

## **Amadeu Antonio Foundation**

The Amadeu Antonio Foundation is one of Germany's foremost independent non-governmental organizations working to strengthen democratic civic society and eliminate neo-Nazism, right-wing extremism, antisemitism, racism and other forms of bigotry and hate in Germany. Since its founding in 1998, the Foundation has funded more than 1,800 projects and campaigns in pursuit of this goal. It brings direct support to victims of hate-based violence and promotes alternative youth cultures and community networks to make social structures resilient against intolerance and racism. Furthermore, the Foundation engages with hate and other forms of group-focused enmity online while promoting the development of a democratic digital civil society.

Increasingly, the Foundation leverages its profile and resources to expand its role beyond Germany. Developing strategic partnerships in the United States and around Europe, the Foundation hopes to meet challenges abroad with the same success and determination as it has at home.

This report was made possible by the generous support of the German Federal Foreign Office.

This report was concluded in February 2023.

# Foreword I.

**Katharina von Schnurbein**

**European Commission Coordinator on Combatting Antisemitism and Fostering Jewish Life**

Dear reader,

Holocaust denial and distortion are phenomena that plague our societies increasingly today. The European Union was founded on a commitment to ensure that the atrocities of the Holocaust can never happen again and that the hate that led to it – antisemitism and other forms of racial and ethnic discrimination, sexual orientation or disability – cannot find fertile ground in our societies again. Human dignity, freedom, democracy, rule of law, respect for human rights, and the protection of minorities are at the core of EU values and at the center of our work.

Antisemitism stands in stark contrast to these values and is a threat not only to Jews, but to our societies as a whole. To participate fully in European social and political life, it is essential that citizens feel safe and secure, can practice freely their religions and traditions. The perception of safety among Jewish Europeans and other minorities, as well as the general public is dramatically influenced by the ongoing displays of hatred too often found on Europe's streets. In this context, annual marches glorifying Nazism are a particular threat.

Antisemitic slogans and symbols; symbols that deny or distort the Holocaust; and at times physical violence, harassment, vandalism and insults are recurring manifestations of hate during such gatherings. Their impact is further amplified by the sense of tacit condonement by local authorities: such marches receive permits, police protection, demarcations and other forms of state-sponsored assistance, including at times, participation by public officials in the events.

The 2008 *EU Framework Decision on combating racism and xenophobia by means of criminal law* provides a solid legal framework by which public condoning, denial or gross trivialization of the Holocaust is illegal when it is likely to incite to violence or hatred. While approaches still differ among EU Member States – including on what constitutes a criminal offence and the range of historical events covered - most countries address Holocaust denial through their criminal code. The full and correct transposition of this Framework Decision is a top priority for the European Commission, and we have seen significant progress in the past years.

The European Commission has stepped up its efforts to address persistent Nazi displays in the public space: including by supporting training programs on tackling Holocaust denial and distortion for justice and law enforcement personnel; supporting research about the Holocaust; working with tech platforms to address the sale of Nazi memorabilia online; working with football and other sport clubs, developing a network of Young European Ambassadors of Holocaust Remembrance and developing a network of places "Where the Holocaust happened".

The European Commission regards all forms of antisemitism as equally pernicious whether emanating from the political left, Islamist circles, right wing extremism or the center of society. The publication *On Europe's Streets: Annual Marches Glorifying Nazism* is a timely and important tool for policy-makers, local administrations and civil society alike to act specifically against manifestations of hatred based on Nazi ideology taking place today in major cities throughout Europe.



We are thankful that B'nai B'rith International and the Amadeu Antonio Foundation – through the present publication – are contributing valuable insights and recommendations to ongoing efforts to secure a European public space free from hatred and antisemitism and which honors the memory of the Holocaust.

Brussels, January 2023



**Katharina von Schnurbein**

European Commission Coordinator on Combatting Antisemitism and Fostering Jewish Life



# Foreword II.

**Dr. Robert Klinke**

**Special Representative for Relations with Jewish Organisations, Issues relating to Antisemitism, International Sinti and Roma Affairs, and Holocaust Remembrance, German Federal Foreign Office**

Dear reader,

The multifaceted danger of Holocaust distortion in Europe is omnipresent and topical, as is clearly shown by the marches glorifying National Socialism, which this report has taken as its central focus. These marches are symbolic of a particularly dangerous form of hatred, which can adapt to the grey areas of European legal frameworks in a highly volatile manner and therefore easily remain unchallenged.

The important first step towards understanding these phenomena is to recognize these marches glorifying Nazism as a product of hateful and nationalistic aspirations and to identify them as a channel for modern antisemitism. This is exactly what the project *On Europe's Streets: Annual Marches Glorifying Nazism* achieves in a special and unique way. This report provides insight into the important and necessary investigation of the marches' structural nature and discusses reasons for the success and high resonance of these collective efforts. The analysis of legal systems in Europe is essential – not only in order to gain an understanding of how these groups can function within and outside legal boundaries. Furthermore, the report identifies, acknowledges and accurately portrays this modern and contemporary form of Holocaust distortion. It is vital that the sanction mechanisms of Europe's democratic constitutional states allow targeted, controlled and effective action to be taken against crimes that glorify the Holocaust and create a solid foundation for the institutional criminalization of hatred and denial so that offenders can be held accountable. Equally, there must be a realistic and honest recognition of what our legal systems are not able to achieve, and where existing laws might need to be revised and new laws implemented.

It is important that well-known ideological theories that are dramatically put into practice on Europe's streets are researched thoroughly in order to identify their many different facets. This report enhances previous academic debates by thoroughly analysing this particular case from a unique legal perspective. The results of *On Europe's Streets: Annual Marches Glorifying Nazism* complement and enrich existing measures and initiatives to combat antisemitism and Holocaust distortion, such as the work of the *International Holocaust Remembrance Alliance's Global Task Force against Holocaust Distortion* or the recently published *National Strategy*

*against Antisemitism and for Jewish Life of the German Government (NASAS)*. The Federal Foreign Office very much welcomes the work of this project, and we would like to thank all those involved in this report for their indispensable contribution to remembrance, research, and education about the Holocaust.

It is a great pleasure to be part of this project.

Berlin, December 2022

A handwritten signature in black ink, appearing to read 'Robert Klink', written in a cursive style.

**Dr. Robert Klink**

Ambassador

*Special Representative for Relations with Jewish Organisations, Issues relating to Antisemitism, International Sinti and Roma Affairs, and Holocaust Remembrance*

*Federal Foreign Office  
Federal Republic of Germany*

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All views expressed in this report, including any possible inaccuracies, are the responsibility of the authors.

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# Executive Summary

“The biggest far-right march in Europe” is the title proudly sought out by marches glorifying Nazism and fascism happening across the continent each year.

“Jews out!”, “Fascism is joy, comrades!”, “Hail Fortress Europe!” are among the cries animating those marching and creating an atmosphere of fear and intimidation for targeted communities.

Despite existing Europe-wide legal frameworks that ban Holocaust denial, gross distortion of the Holocaust, hate speech inciting to violence and other behaviors synonymous with these marches, they have persisted for decades, with scant intervention from relevant authorities.

Part I of this report documents 12 major marches and meetings that glorify Nazism and/or fascism that have taken place annually across the European Union in recent years. It does so by cataloging expressions of antisemitism and Holocaust denial and distortion; tracking instances of cross-border networking among far-right groups; laying out the spectrum of topics addressed by participants; tracking trends in attendance and detailing reactions by authorities and civil society.

What emerges are clear and persistent patterns: on a substantive level - the ubiquitous nature of antisemitism and Holocaust denial and distortion, the use of narratives that relativize key events of World War II, the use of slogans and symbols that glorify the Nazis and their collaborators and allies, the embrace of a pan-European white supremacist identity that regards diversity and inclusion as major threats; on an organizational level - the constant re-emergence of key high-profile far-right activists and organizations, the circumventing of existing legislation by regularly modifying the declared intent and scope of gatherings, and the legal entities or individuals organizing the events, as well as the lack of application of existing legal provisions.

Part II provides a legal analysis addressing the key aspects by which to analyze and address the phenomenon of marches glorifying Nazism and/or fascism. The analysis details existing Holocaust heritage, militant democracy and memory laws in Europe and the relevant legal frameworks within the Council of Europe and the European Union human rights protection system, that address the aforementioned issues.

It reviews the relevant case-law of the European Court of Human Rights as it pertains to hate speech and Holocaust denial and/or distortion; public presentation, dissemination and/or propaganda of Nazi (or other totalitarian) ideologies; hate crimes; freedom of assembly; freedom of association and the positive obligations of states to protect against hate speech, including Holocaust denial and promotion of totalitarian ideologies. In so doing, it highlights *existing* instruments to combat this persistent problem.

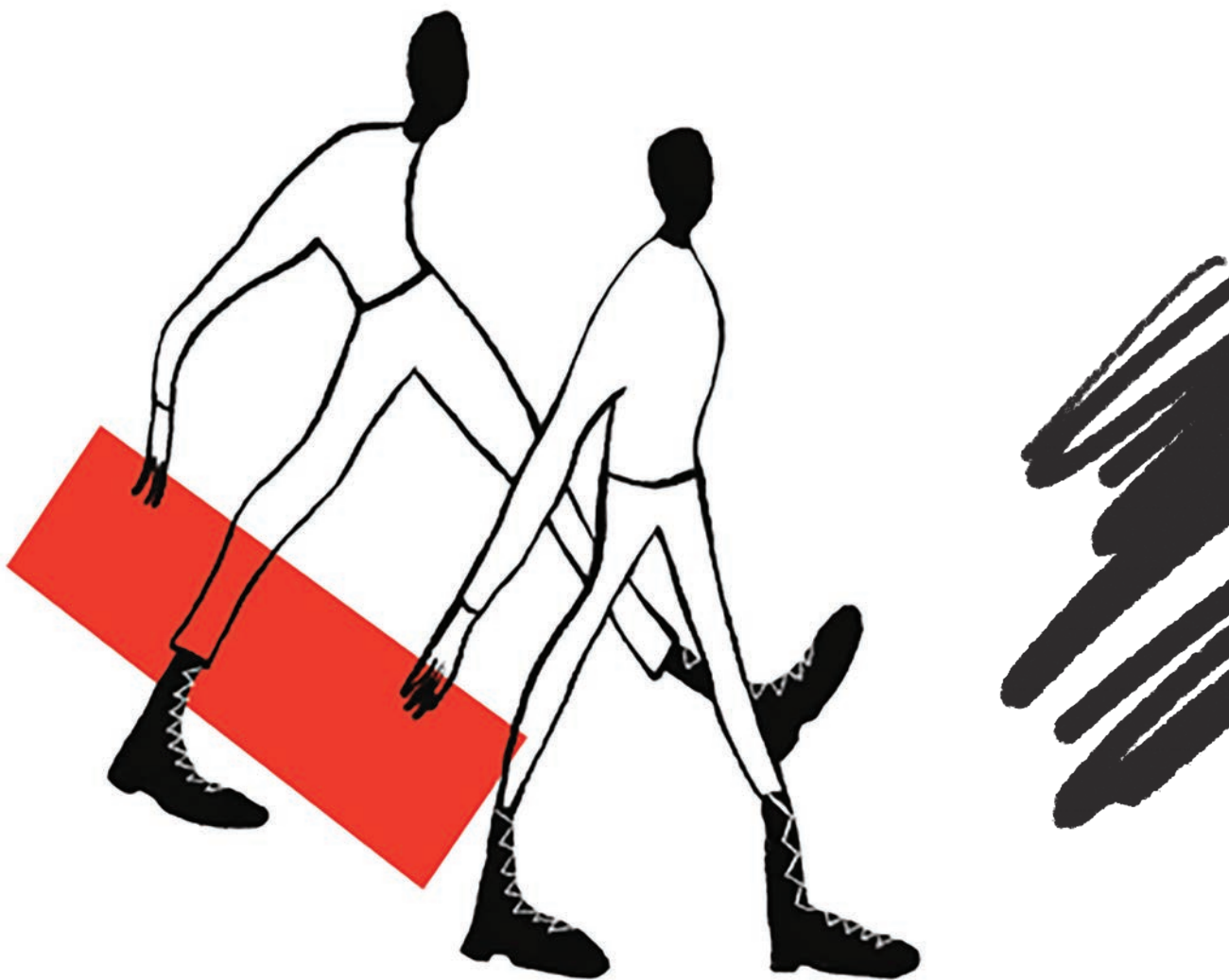
The legal analysis provides a brief and preliminary assessment of the marches described in Part I. As the report details, proper instruments are generally in place in the European and national legal frameworks to implement bans on assemblies that promote Holocaust denial and distortion and genocide denial more broadly, racial or religious hatred or incitement to violence, as well as the glorification of totalitarian regimes. What is more, the case law of the European Court of Human Rights offers legal precedent for the adequate implementation of these instruments.



Consequently, in many cases in which marches glorifying Nazism and/or fascism persist with impunity, it is with the acquiescence or active participation of those charged with the responsibility to take action against them.

Finally, Part III offers policy recommendations to strengthen responses to these marches – in the legislative space, with regard to enforcement, as well as with regard to building civil society resilience against the hateful ideologies promoted during the gatherings.

The continued occurrence of marches glorifying Nazism and fascism stands in striking opposition to the European Union's founding principles, and the values that it purports to uphold and promote. This report is our contribution to accelerating the necessary work of removing them from Europe's streets.



# PART I – The Marches

## Introduction: Marches glorifying Nazism and fascism – a European problem

Across Europe, the far-right takes to the streets to spread its neo-Nazi and fascist ideology – in Dresden, Warsaw, Helsinki, or Sofia. Through torchlit marches or militant demonstrations, aggressive rallies or even full-blown riots, far-right extremists seek to politically occupy the public realm – sowing fear, spreading hate, and intimidating opponents, perceived or real.

The common thread of these marches, from Madrid to Rīga, and from Athens to Helsinki is antisemitism, as well as denial and distortion of the Holocaust and the glorification of Nazi war criminals and their collaborators.

Such political events are catalysts for both the continued radicalization and the strategic networking of the far-right movement – nationally and internationally. They provide a framework in which various groups from the entire breadth of the far-right can establish contact, expand their networks, and forge alliances. They also offer an opportunity for neo-Nazis and fascists to live out their ideology on the streets – through banners and chants, but also vandalism and violence. These marches provide the far-right with safety in numbers, as hundreds or even thousands of neo-Nazis feel emboldened enough to wear symbols honoring the Nazis and their collaborators, deny or distort the Holocaust or perform the Hitler salute.

Established far-right marches taking place annually pose a particular threat. Their recurring nature and “brand recognition” result in a higher mobilization potential and make them particularly attractive as international networking events. At its peak between 2007 and 2009, the annual *Memorial March for the bombing of Dresden*, in which neo-Nazis use the revisionist term “Holocaust by bombs” to describe the bombing of the city by the Allies in 1945, was able to attract almost 7,000 Nazis, young and old, at the time becoming Europe’s largest neo-Nazi demonstration.

Starting in 2010, a broad coalition of civil society organizations and anti-fascist activists was able to stop the Dresden march through the staging of blockades. In 2012, the march was successfully prevented – and has ever since lost much of its appeal. The lessons of these events are still relevant today because in Dresden, and across Europe, neo-Nazis and fascists are still marching.

In December 2021, about 450 neo-Nazis gathered in Helsinki on Finland’s Independence Day. As in previous years, the demonstration ended at the memorial for the Finnish SS battalion in the Hietaniemi Cemetery. Alongside Scandinavian neo-Nazis, from groups such as the notorious *Nordic Resistance Movement* or *the Soldiers of Odin*, the march also attracts right-wing extremists from the United Kingdom, Greece and Germany, including the banned British terror group National Action or the German neo-Nazi party *Der III. Weg*.

On 28 October 2022, as many as 4,000 fascists gathered in Predappio to mark the centenary anniversary of Mussolini’s *March on Rome*. Wearing black shirts, they sang fascist anthems such as *Facetta Nera*, chanted “Duce, Duce!”, performed fascist salutes, perused the Nazi and fascist memorabilia readily available on site, and marched to the Mussolini family crypt, where they laid wreaths to the fascist leader.

At the *Lukov March* in Sofia, another fixture on the international far-right calendar, which takes place every year in February and brings together over 2,000 extremists from across the

continent, demonstrators typically march with torches wearing shirts with swastikas and other Nazi symbols, and display banners honoring Hristo Lukov and other Nazi collaborators.

Such marches have become rituals on the far-right, attaining an almost mythical status within their circles, and attracting other far-right extremists from across Europe. They offer a space in which ideological differences and factional infighting can be overcome in pursuit of a common cause. Above all, they serve to strengthen far-right identity by advancing a perverse far-right “culture of remembrance” that distorts the memory of the Holocaust, inverts the roles of perpetrators and victims and promotes antisemitism and conspiracy myths.

Through these marches, ever-recurring organizations and individual activists are given an opportunity to show up in numbers, put up shows of force and strengthen transnational ties to promote their genocidal ideology.

As the entries contained in this report show, marches glorifying Nazism and fascism are an organized pan-European phenomenon. As such, they constitute one of the main avenues of right-wing extremist mobilization.

This report details 12 of the most notorious annual gatherings of this kind. Ten out of the twelve marches discussed are directly dedicated, partially or fully, to the glorification of Nazi war criminals and their collaborators. The remaining two cases, the *Independence March* in Poland and the *Imia March* in Greece occur in different political contexts, but rely on the same far-right themes, tactics, networks and symbols, and, as such, pose an equally significant threat to European democratic society and merit the same level of scrutiny.

In select cases, these marches have faced laudable resistance from state authorities, but not in a systematic and consistent manner, and with significant enforcement gaps. In the same vein, resistance from civil society differs greatly from country to country. Consequently, greater awareness of these marches as an organized phenomenon constituting an attack on European values, the rule of law and the democratic order must be promoted. Public authorities must act upon existing legislation and devise new rules where appropriate, as detailed in Part II of this report.



# 1. Day of Honor, Hungary

**1. Name:** Day of Honor (*Becsület napja*)



**2. Location:** Budapest, Hungary

**3. Date:** 12 February

**4. Context, themes, slogans:** The *Day of Honor* in Budapest is a far-right march commemorating the failed attempt of German and Hungarian troops to break out of the Soviet siege of Budapest on 11 February 1945, two days before the city unconditionally surrendered. The 50-day siege cost 38,000 civilians their lives. The failed breakout resulted in an additional 20,000 deaths of mostly German soldiers. The far-right interpretation of this event, the “breakout”, depicts the German and Hungarian soldiers as “defenders of European civilization” against communism.

The *Day of Honor* usually begins with a commemoration ceremony in Budapest. Then the march itself, named *Breakout 60 (Kitörés 60)* takes place in the village of Szomor, 60 km away from Budapest. Some of the demonstrators appear in historical uniforms, such as those of the Waffen-SS. The march is advertised as a sporting event, but consists rather of a *Wehrsportübung*, a far-right militia training exercise. Along the route there are checkpoints where participants can pick up tokens depicting SS-skulls, runes, and other Nazi symbols. Some of these checkpoints are decorated with swastikas and pictures of Adolf Hitler.<sup>[1]</sup>

**5. Persistence:** The first *Day of Honor* took place in 1997, with subsequent annual marches until 2008. The march was banned

in 2009, but annual marches resumed the year after until 2021. Though the *Day of Honor* was banned in 2022 and 2023, unauthorized marches went ahead.

**6. Organizers:** At its inception in 1997, *Blood and Honour Hungaria* - at the time still registered as a non-profit association for the promotion of “disadvantaged rock musicians”<sup>[2]</sup>- was the organizer of the march. *Blood and Honour Hungaria* itself was a member organization of the *Hungarian National Front (MNA)*, a neo-Nazi paramilitary movement headed by convicted murderer István Györkös.<sup>[3]</sup> At the inaugural event, Györkös himself delivered a speech in which he called the soldiers trying to break out “heroes” and drew parallels to “the need to break out even today.”<sup>[4]</sup>

Currently, the *Day of Honor* is organized by *Légió Hungária*, a neo-Nazi group founded in 2018.<sup>[5]</sup> In 2019, it made international headlines after its members vandalized the *Aurora Jewish Community Center* during a nationalist gathering in the center of Budapest commemorating the 1956 Hungarian revolution. The Center was plastered with neo-Nazi stickers and a rainbow flag was set on fire.<sup>[6]</sup> Members of *Légió Hungária* are also active in the international far-right martial arts scene and participated in an event held in Germany entitled *Kampf der Nibelungen*<sup>[7]</sup>.

1. <https://www.progress-online.at/artikel/unter-neonazis-eine-stadt-im-ausnahmezustand>

2. <https://www.progress-online.at/artikel/tag-der-ehre>

3. <https://hungarytoday.hu/day-of-honor-extreme-rightist-gathering-on/> ; <https://jcpa.org/article/anti-semitism-in-hungary/>

4. [https://hvg.hu/itthon/20161026\\_magyar\\_nemzeti\\_arcvonal\\_bony\\_rendorgyilkossag](https://hvg.hu/itthon/20161026_magyar_nemzeti_arcvonal_bony_rendorgyilkossag)

5. <https://www.radicalrightanalysis.com/2020/02/13/february-2020-a-busy-month-for-europes-radical-right/>

6. <https://www.algemeiner.com/2019/10/23/hungarian-far-right-mob-vandalizes-jewish-community-center-in-budapest-during-protest/>

7. <https://www.belltower.news/kampf-der-nibelungen-eine-sportveranstaltung-von-und-fuer-neonazis-42850/>

At times, the *Day of Honor* has even been listed in official sports directories and received state subsidies and sponsorships from mainstream institutions, such as the Mayor's Office, the ruling *Fidesz* party and the *Military History Museum*.<sup>[8]</sup>

**7. Number of participants:** From 150 participants in the first year to a peak of around 2,500 participants, including around 900 clearly visible neo-Nazis in 2009 and 2019.

**8. Spectrum and topics of participants:** Participants include Hungarian *comradeships* (*Kameradschaften* - small cohesive, informal neo-Nazi groups) and organized groups like *Hatvannégy Vármegye Ifjúsági Mozgalom* or *Betyársereg* and *Hammerskins*, as well as members of the neo-Nazi *Blood and Honour* network and its terrorist arm *Combat 18*. However, not only neo-Nazis take part in the *Day of Honor*. Advertising has depicted the march as a supposedly family-friendly sporting event. Consequently, "citizens enthusiastic about hiking" take part in the event with their families. This contributes to the normalization of far-right ideology in Hungary.<sup>[9]</sup>

**9. European networking:** International attendance to the *Day of Honor* by far-right and neo-Nazi groups was on the rise for many years. In particular, large contingents have been spotted from the German neo-Nazi party *Die Rechte*, which was formed by members of banned groups like *Nationaler Widerstand Dortmund*, notorious for its particularly crass displays of antisemitism and large pan-European network.<sup>[10]</sup>

Other German neo-Nazi organizations have taken part, such as *Der III. Weg*, the *Junge Nationaldemokraten (JN)* (youth wing of the *National Democratic Party/NPD*), *Europäische Aktion* and/or *Sons of Asgard Ger-*

*many*. Members of the Scandinavian *Nordic Resistance Movement*, the UK's *Blood and Honour* network, Serbia's *Club 28* and Ukraine's *C14*, *Karpatska Sich* and *Azov*, the *Bulgarian National Union (BNS)* and Russia's *Liberation Army*, as well as other far-right participants from Italy and France.<sup>[11]</sup>

**10. Potential for violence/violent incidents:** The organizers and a substantial number of participants belong to far-right- or far-right terrorist organizations. The mere presence of so many potentially violent actors in the city poses a significant risk, especially for vulnerable groups. While so far, there have not been any major attacks at the march, journalists have been assaulted, with the latest incident occurring in 2023.<sup>[12]</sup>

**11. Antisemitism and Holocaust denial:** Antisemitism is open and ubiquitous at the event. Observers reported for instance shouts of "*Juden raus*" ("*Jews out*") in 2020.<sup>[13]</sup> In 2019, Matthias Deyda, chairman of *Die Rechte*, quoted Adolf Hitler in a speech: "If our old enemy and adversary should try to attack us again, the storm flags will fly high, and they will know us." Deyda then added: "We still have the same enemy today as 75 years ago. The enemy is not called Müller or Meier - No! He is called Rothschild and Goldman and Sachs."<sup>[14]</sup>

On the *Day of Honor*, the defeat of the Nazis and their allies is glorified to emphasize the supposed fighting spirit of the vanquished. Holocaust denial and distortion, historical revisionism of World War II, and worship of the *Waffen-SS* are core ideological elements of the event. Nazi uniforms and insignia, historical weapons, swastika flags, *SS*-runes and Hitler portraits are omnipresent and are framed as "historical representations" to circumvent bans.

8. <https://www.progress-online.at/artikel/unter-neonazis-eine-stadt-im-ausnahmestandard>; <https://atlatzo.hu/kozpenz/2020/02/06/allami-hatszellel-epul-a-becsuletnap-ujnyilas-mitoszat-csaladbaratta-szinezokitores-emlektura/>; <https://hungarianspectrum.org/tag/breakout-tours/>

9. <https://www.progress-online.at/artikel/unter-neonazis-eine-stadt-im-ausnahmestandard>

10. <https://www.belltower.news/rechtsextremer-tag-der-ehre-in-budapest-unser-feind-heisst-rothschild-und-goldman-und-sachs-95777/>

11. <https://www.belltower.news/rechtsextremer-tag-der-ehre-in-budapest-unser-feind-heisst-rothschild-und-goldman-und-sachs-95777/>; <https://www.rtl.de/cms/tag-der-ehre-in-budapest-hier-leben-europas-neonazis-ihren-judenhass-offen-aus-4484124.html>; <https://www.radicalrightanalysis.com/2020/02/13/february-2020-a-busy-month-for-europes-radical-right/>

12. <https://democ.de/artikel/hitlergruesse-waffen-ss-uniformen-in-budapest-journalisten-verletzt/>

13. <https://www.belltower.news/rechtsextremer-tag-der-ehre-in-budapest-unser-feind-heisst-rothschild-und-goldman-und-sachs-95777/>

14. <https://www.belltower.news/rechtsextremer-tag-der-ehre-in-budapest-unser-feind-heisst-rothschild-und-goldman-und-sachs-95777/>



**12. Civil society response:** For many years, only small groups of counterdemonstrators protested the *Day of Honor*. The first larger counterdemonstration with 500 participants took place in 2020, with the participation of a Hungarian association of concentration camp survivors and several Roma organizations, recalling the systematic persecution during World War II. This counterdemonstration was strictly separated from the *Day of Honor*, and speakers left shortly after their speeches, fearing police repression and clashes with neo-Nazis. Nevertheless, around 100 counterdemonstrators banging drums managed to disrupt the march effectively.<sup>[15]</sup>

Jewish organizations, including *B'nai B'rith International*<sup>[16]</sup>, the *Federation of Hungarian Jewish Communities (MAZSIHISZ)* and the *European Union of Jewish Students (EUJS)*<sup>[17]</sup> have called for the bans of the *Day of Honor* to be effectively enforced.

**13. Reaction by the authorities/bans:** In 2009, the *Day of Honor* was banned for the first time. The following year, the organizers circumvented the ban by registering a political party, the *National Revolutionary Front (MNF)*, and held the *Day of Honor* as an alleged election campaign event.

Since 2017, the police had tried to ban the march, mainly due to the presence of far-right terrorist organizations. However, this was repeatedly rejected by the Supreme Court of Hungary, citing freedom of assembly. Attempts to ban the march relied on a law that makes it a punishable offence to deny, question, justify or trivialize the crimes committed by the Nazi or Communist regimes. However, according to the organiz-

ers of *Légió Hungária*, this law had never been violated, because only the attempt to break the siege of Budapest was being commemorated.<sup>[18]</sup>

In 2022, the *Day of Honor* was banned again. The decision to ban the gathering was issued by the Budapest police and confirmed by the Supreme Court. The banning decision cites some of the speeches delivered and notes that the appearance of extremists was likely to cause fear and alarm.<sup>[19]</sup> Instead, small groups of neo-Nazis lit candles and a clandestine concert was held by the *Blood and Honour* network with Hungarian and German neo-Nazis in attendance. On the next day, neo-Nazis from *Blood and Honour*, *Hammerskins* and *Die Rechte* marched through Budapest in spite of the ban.

In 2023<sup>[20]</sup>, the *Day of Honor* was banned once more, but hundreds, possibly thousands of demonstrators showed up at Budapest's Vienna Gate and marched without a permit.<sup>[21]</sup> Two German neo-Nazis were prevented by the German Federal police from travelling to the march.<sup>[22]</sup>

**Author:** Simone Rafael

15. <https://www.progress-online.at/artikel/unter-neonazis-eine-stadt-im-ausnahmestandard>; <https://taz.de/Rechter-Tag-der-Ehre-in-Ungarn/!5662587/>

16. <https://twitter.com/bnaibrith/status/1625515173086744580>

17. <https://eujs.org/press-releases/mazsihisz-and-eujs-statement-on-the-2023-hungarian-day-of-honour/>

18. <https://balkaninsight.com/2022/02/02/hungary-bans-annual-neo-nazi-gathering-in-budapest/>

19. <https://www.israelnationalnews.com/news/321626>

20. Video footage of the 2023 Day of Honor (democ.) <https://www.youtube.com/watch?v=Uc6uAlMvEGl>

21. <https://24.hu/belfold/2023/02/11/kitores-napja-becsulet-napja-neonaci-antifasiszta-megemlekezes/>

22. <https://www.faz.net/agenturmeldungen/dpa/zwei-maenner-an-ausreise-zu-neonazi-veranstaltung-gehindert-18668474.html>



Photo Credit: [Pixelarchiv](#) (CC BY-NC 4.0)

## 2. Memorial March for the Bombing of Dresden, Germany

**1. Name:** Memorial March for the Bombing of Dresden (*Trauermarsch zur Bombardierung von Dresden*)



**2. Location:** Dresden, Germany

**3. Date:** 13 February

**4. Context, themes, slogans:** From the outset tagged as a memorial or mourning march (*Trauermarsch*) by the organizers, the *Memorial March for the Bombing of Dresden* claims to commemorate the 25,000 citizens of Dresden who died during the bombing of the city on 13 February 1945.

The march describes the Dresden bombing as a *Holocaust by bombs* (*Bombenholocaust*) by the Allied Forces. This rhetoric is regularly accompanied by calls for a *Schlussstrich* (end line or closure) for addressing Germany's responsibility during National Socialism and World War II.<sup>[23]</sup> Therefore, the march is an exercise in historical revisionism. Demonstrators misappropriate the term "Holocaust" and create false equivalences by portraying the perpetrators of the Holocaust and the Nazi war of aggression as victims, thereby promoting a distorted far-right culture of remembrance.

**5. Persistence:** The first *Memorial March for the Bombing of Dresden* took place in 2000. Annual marches have been taking place every year since.

**6. Organizers:** The march was initiated by the *Junge Landsmannschaft Ostdeutschland* (JLO), a far-right youth group which oversaw the organization of the march between 2000 and 2011. This group started as part of the right-wing conservative, but not far-right *Landmannschaft Ostpreußen* organization, which expelled the JLO when it started to espouse an openly neo-Nazi ideology and agenda.

Since 2012, the marches have been organized by different members of the far-right *Free Comradeships* (*Freie Kameradschaften*) group, and later also by members of the neo-Nazi *National Democratic Party* (NPD). In 2019 and 2020, the march was officially organized by Maik Müller, an NPD member from Dresden.<sup>[24]</sup> In 2022, it was organized by Lutz Giesen, a neo-Nazi from Berlin, who worked for the NPD in the northeastern state of Mecklenburg-Vorpommern, and who belongs to the *Folkish settlers* (*Völkische Siedler*), a far-right movement prominent in rural areas and with a base in Leisnig, near Dresden.<sup>[25]</sup>

23. <https://www.belltower.news/dresden-2009-schaulaufen-der-rechtsextremen-szene-30416/>

24. <https://www.endstation-rechts.de/news/dresden-comeback-des-trauermarsches>; <https://www.luhze.de/2020/02/16/tausende-gegen-trauermarsch-in-dresden/>

25. <https://www.belltower.news/demobericht-in-dresden-naehren-neonazis-den-mythos-vom-bombenholocaust-127989/>



**7. Number of participants:** Peak numbers were reached in 2005<sup>[26]</sup> and 2010<sup>[27]</sup> with around 6,500 participants. Numbers subsequently decreased due to successful civil society campaigns (see below). In 2018, only 500 people took part in the march. Since then, numbers are again slightly on the rise, with 1,000 people taking part in 2022,<sup>[28]</sup> and around 800 in 2023.<sup>[29]</sup>

**8. Spectrum and topics of participants:** Over the last decade, the march was one of the most important revisionist neo-Nazi events. In particular, it was regarded as the main event for so-called *action-oriented (aktionsorientiert)* far-right activists, i.e., rather informal, decentralized comradeships operating locally, in small numbers, independently of party structures, and without distinct formal hierarchy. Currently, participants hail from action-oriented comradeships and far-right parties like the *NPD* or *Die Rechte* and include older elements of the German far-right scene.

The bombing of Dresden remained for a long time an untouched topic in the city's history. A significant proportion of Dresden's citizens are sympathetic to the neo-Nazi march and to the theme of a "Holocaust by bombs." Often, onlookers will join the demonstration, at least while it passes through the city center.

**9. European networking:** The march has attracted far-right and neo-Nazi visitors from other European countries each year. Between 2002 and 2010, it was regarded as the largest neo-Nazi demonstration in Europe. Foreign visitors have included Nick Griffin, long-time leader of the *British National Party (BNP)* and former Member of the European Parliament<sup>[30]</sup> and Portuguese neo-Nazi

Mario Machado, founder of *Frente Nacional*.<sup>[31]</sup> The march has been regularly attended by far-right groups from Austria, Sweden, Italy, Norway, Czechia and Poland, as well as by members of the pan-European far-right party *Europa Terra Nostra*.<sup>[32]</sup>

**10. Potential for violence/violent incidents:** To maintain the pretense of a mourning march and to avoid legal scrutiny, participants are asked by the organizers to maintain propriety and to refrain from violence and alcohol consumption during the event. Nevertheless, violent attacks on counter-demonstrators and the press have often taken place after the official end of the *Memorial March*, for example against the alternative youth-center *Conni AZ* in 2010<sup>[33]</sup> or against journalists in 2022.<sup>[34]</sup> The biggest violent attack occurred in 2009, when 40 neo-Nazis attacked two buses of counterdemonstrators affiliated with the *German Trade Union Confederation (DGB)* at a motorway service area in the nearby city of Jena.<sup>[35]</sup> Five people were hurt in the attack, including one person with a skull fracture and another one with a knee fracture.<sup>[36]</sup>

**11. Antisemitism and Holocaust denial:** The main topic of the demonstration, the "Holocaust by bombs," is an expression of Holocaust distortion and perpetrator-victim reversal. The march tries to equate the victims of the bombing of Dresden and the victims of the Holocaust, omitting or minimizing the perpetrator role of Nazi Germany. Hitler salutes, which are forbidden by law in Germany, are common and performed with impunity at the *Memorial March*.

26. <https://taz.de/Trauermarsch-und-Fackelzug-in-Dresden/!5167804/>

27. <https://www.belltower.news/wehrhafte-demokratie-dresden-im-februar-stoerungen-im-stadtgebiet-136495/>

28. <https://www.belltower.news/demobericht-in-dresden-naehrten-neonazis-den-mythos-vom-bombenholocaust-127989/>

29. <https://www.belltower.news/dresden-2023-800-neonazis-laufen-und-netzwerken-146051/>

30. <https://www.belltower.news/neonaziaufmarsch-in-dresden-gegenprotest-verkuerzt-naziroute-95935/>

31. <https://www.antifainfoblatt.de/artikel/jlo-trauermarsch-dresden-blockiert>

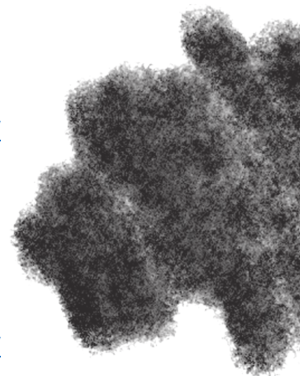
32. <https://www.luhze.de/2020/02/16/tausende-gegen-trauermarsch-in-dresden/>

33. <https://www.belltower.news/demobericht-in-dresden-naehrten-neonazis-den-mythos-vom-bombenholocaust-127989/>

34. <https://www.belltower.news/demobericht-in-dresden-naehrten-neonazis-den-mythos-vom-bombenholocaust-127989/>

35. <https://www.belltower.news/dresden-2009-schaulaufen-der-rechtsextremen-szene-30416/>

36. <https://taz.de/!5167808/>



**12. Civil society response:** Around the year 2000, Dresden city authorities started organizing mourning ceremonies for the victims of the bombing. These were regularly attended by neo-Nazis and far-right politicians.<sup>[37]</sup> When neo-Nazis started organizing their own march through the center of Dresden, the city authorities regarded it as a legitimate political demonstration. At the time, civil society in the city was not sufficiently organized to put in place effective counterdemonstrations. At first, the city authorities did not try to counter the march but chose instead to criminalize the few existing counterdemonstrators.

The first larger, more successful counterdemonstrations brought together 10,000 people and were organized in 2009 by the civil society alliance *Dresden without Nazis - Dresden takes a stand (Dresden nazifrei - Dresden stellt sich quer)*,<sup>[38]</sup> with counterdemonstrators from across Germany.

In 2010, a chain of 10,000 people around the center of Dresden was formed to protect it symbolically against the march.<sup>[39]</sup> For the first time, the march was physically blocked by counterdemonstrators, and neo-Nazis were unable to parade through the city.<sup>[40]</sup> This physical blockade was successfully repeated for the next three years.<sup>[41]</sup> The organizers responded by announcing multiple possible dates for the march, but this resulted in confusion and a decline in participants. Alongside the decline in demonstrators in the following years, a decline in counterdemonstrators has also taken place, to the point where a physical blockade of the city can no longer be organized.

37. <https://www.belltower.news/wie-wuerdig-gedenken-ein-kommentar-35814/>

38. <https://archiv.dresden-nazifrei.com/index3322.html?lang=de>

39. <https://www.spiegel.de/politik/deutschland/zehntausend-bei-anti-neonazi-kette-dresden-stemmt-sich-gegen-die-geschichtsklitterer-a-677692.html>

40. <https://www.belltower.news/wAehrhaft-demokratie-dresden-im-februar-stoerungen-im-stadtgebiet-136495/>

41. <https://www.belltower.news/trauerspiel-in-dresden-neonazis-marschieren-am-12-februar-und-wollen-am-13-in-der-zivilgesellschaft-abtauchen-37096/>

42. <https://www.antifainfoblatt.de/artikel/jlo-trauermarsch-dresden-blockiert>

43. <https://www.belltower.news/wehrhafte-demokratie-dresden-im-februar-stoerungen-im-stadtgebiet-136495/>

44. [https://blog.zeit.de/stoerungsmelder/2018/02/12/dresden-im-februar-zwischen-afd-und-neonazis\\_25551](https://blog.zeit.de/stoerungsmelder/2018/02/12/dresden-im-februar-zwischen-afd-und-neonazis_25551)

45. <https://www.belltower.news/dresden-2023-800-neonazis-laufen-und-netzwerken-146051/>

46. <https://www.raa-sachsen.de/buendnis-gegen-antisemitismus/neuigkeiten/fragwuerdige-einstellung-6784>

**13. Reaction by the authorities/bans:** There has been no attempt by the authorities to ban the march, which is still regarded as a legitimate political demonstration. There have been minimal attempts to regulate it. Neo-Nazi demonstrators are allowed to march with burning torches and with revisionist banners. The only forbidden symbols and flags visible are those of the 1871 German Empire.

The *Memorial March* was only reduced to a stationary gathering when civil society opposition made it too difficult and dangerous for it to be allowed to take place (e.g., in 2006<sup>[42]</sup> and 2010<sup>[43]</sup>). For years, the route of the march led right through Dresden's picturesque city center. It took until 2018 to ban the march from the city center and relocate it to the outskirts.<sup>[44]</sup> This minor success was short lived and in the following year, the march was again rerouted to the city center.

In 2022, the Dresden Public Prosecutor's Office dismissed a case concerning whether the term "Holocaust by bombs," displayed on a banner at the *Memorial March*, constituted the illegal downplaying of the genocide committed under the National Socialist regime, stating that it saw "no relevance under criminal law,"<sup>[45]</sup> and that "the defendants did not use the banner to express their views on the crimes committed by the National Socialists against the Jews."<sup>[46]</sup>

**Author:** Simone Rafael

Photo Credit: Kira Ayyadi



# 3. Lukov March, Bulgaria

**1. Name:** Lukov March (*Луковмарш*)



**2. Location:** Sofia, Bulgaria

**3. Date:** 13 February

**4. Context, themes, slogans:** The *Lukov March* commemorates the anniversary of the death of Bulgarian Nazi collaborator Hristo Lukov (1887–1943). In 1933, Lukov founded the fascist *Union of Bulgarian National Legions (UBNL)* and became Minister of War in 1935. He advocated the introduction of antisemitic laws and supported collaboration with the Nazis. Lukov was assassinated by two communist partisans on 13 February 1943 in Sofia. One month later, the UBNL urged the Bulgarian government to deport 11,000 Jews from North Macedonia, northern Greece, and eastern Serbia to the Treblinka extermination camp.<sup>[47]</sup>

**5. Persistence:** The Lukov March has taken place in Sofia since 2003. Between 2014 and 2018, it was banned, but the ban was ignored by participants. In 2020 and 2021<sup>[48]</sup> it was banned again, but the ban was not properly enforced, and a stationary rally was held.<sup>[49]</sup> In 2022 and 2023, the march was held again.<sup>[50]</sup>

**6. Organizers:** The march is organized by the *Bulgarian National Union (BNS)*, a minor ultranationalist party founded in 2000 by Boyan Stankov Rasate, which follows in the tradition of Lukov's UBNL. Rasate himself ran for president in 2014 and 2021 with the new-

ly formed *Bulgarian National Union – New Democracy (BNS-ND)*. He received about 0.1% of the vote each time. He has been sentenced multiple times, including for possession of arms and for throwing Molotov cocktails at an LGBTQI+ center in Sofia.

**7. Number of participants:** According to the organizers, only 15 people participated in the first *Lukov March* in 2003.<sup>[51]</sup> Ten years later, the number of participants had increased to around 1,000.<sup>[52]</sup> The highest number of participants was reached in 2019, with 2,000 demonstrators. While the march was officially banned in 2020, about 250 people took part in the replacement event, a rally in front of Lukov's former residence.<sup>[53]</sup> In 2021, when the march was banned again, a few wreaths were laid at the residence.<sup>[54]</sup> In 2022, the march again took place with around 400 participants.<sup>[55]</sup>

**8. Spectrum and topics of participants:** The *Lukov March* takes the form of a torchlight procession paying direct tribute to Hristo Lukov. Many portraits of Lukov are shown, his name is chanted alongside slogans such as “*Free, National, Social*” (*Svobodan, Nationalen, Sozialen*).<sup>[56]</sup> This is accompanied by far-right music and rhetoric.

47. <https://www.jns.org/jewish-groups-hail-bulgaria-for-preventing-annual-neo-nazi-march/>

48. <https://apnews.com/article/race-and-ethnicity-europe-sofia-bulgaria-daffe41baca873f8ca4317db37d02f53>

49. <https://balkaninsight.com/2022/02/11/bulgarian-ruling-party-condemns-controversial-far-right-march/>

50. <https://democ.de/artikel/lukov-marsch-sofia/>

51. <https://www.heise.de/tp/features/Der-Lukov-Marsch-und-die-bulgarischen-Nationalisten-3633300.html?seite=all>

52. <https://library.fes.de/pdf-files/id-moe/09660.pdf>, p. 7.

53. <https://democ.de/en/article/international-far-right-extremists-commemorate-nazi-collaborator-lukov/>

54. <https://eurojewcong.org/news/communities-news/bulgaria/neo-nazi-lukov-march-thwarted/>

55. <https://www.tagesspiegel.de/politik/huldigung-eines-nazi-generals-5419504.html>

56. <https://www.heise.de/tp/features/Der-Lukov-Marsch-und-die-bulgarischen-Nationalisten-3633300.html?seite=all>



The organizing *BNS* clearly draws from the fascist tradition of the *UBNL*. The delegations from other European countries, some of whom give speeches, also originate from neo-Nazi circles.<sup>[57]</sup>

European guest speakers often invoke the supposed “European struggle for freedom.” In 2020<sup>[58]</sup>, Matthias Deyda, chair of the German far-right *Die Rechte* party, mentioned in his speech the common goal of keeping Europe as “a natural settlement area for the white race.”<sup>[59]</sup> In the same year, a representative of *Légió Hungária* ended his speech with the words “Hail Bulgaria, hail Fortress Europe.”<sup>[60]</sup>

The *Lukov March* also receives support from the national conservative, right-wing populist camp in Bulgaria. For example, Angel Dzhabazki,<sup>[61]</sup> a Member of the European Parliament for the *IMRO-BNM* party, defended the march in 2012 by referring to Lukov’s military successes during World War I.<sup>[62]</sup>

**9. European networking:** In 2012, a far-right conference was held at the *IMRO-BNM* headquarters in commemoration of Lukov’s death and was attended by speakers from Croatia, Germany, and France. Since then, far-right delegations from Europe have regularly participated in the march.<sup>[63]</sup> In 2020, these included participants from Germany (*Die Rechte*), France (*Les Nationalistes*, *Pride France*), Scandinavia (*Nordic Resistance Movement*), Hungary (*Légió Hungária*), and the United States (*Rise Above Movement*).<sup>[64]</sup> Members of the *BNS* wore patches with the *Blood and Honour* code 28.<sup>[65]</sup>

## 10. Potential for violence/violent incidents:

Through uniforms, music and torches, the *Lukov March* creates a threatening atmosphere on the streets of Sofia. No known direct acts of violence have been recorded in the vicinity of the demonstration, although allegedly a large number of armed demonstrators is arrested every year. Nevertheless, the sentence against Boyan Stankov Rasate, who attacked a center for the LGBTQI+ community with other *BNS* supporters in 2021, testifies to the organizers’ willingness to use violence. Rasate himself was also among those who disrupted the first gay pride parade in Sofia in 2008.

## 11. Antisemitism and Holocaust denial:

The organizers and participants of the *Lukov March* emphasize that they only want to honor Lukov as a “patriotic hero.” This is by itself an attempt to rehabilitate a Holocaust war criminal. Lukov’s antisemitism and his collaboration with the Nazis, which resulted in the deportation of 11,000 Jews to Treblinka, are undisputed. While speakers generally do not express overt antisemitism during the march, supporters have openly expressed it online. In particular, they refer to the fact that one of the partisans who killed Lukov, Violeta Yakova, was Jewish. This has also been emphasized by the organizers.<sup>[66]</sup> In addition, Jewish activists have received death threats from participants because of their requests to ban the march.

**12. Civil Society response:** Civil society actors, and especially Jewish civil society organizations have protested the *Lukov March*. *B’nai B’rith* was among the first Jewish organizations to raise awareness of the event and to criticize politicians and the police for their lack of action in introducing and enforcing

57. <https://democ.de/en/article/international-far-right-extremists-commemorate-nazi-collaborator-lukov/>

58. Video footage of the 2020 Lukov March rally (democ.): <https://www.youtube.com/watch?v=Vb5yR8dKCq4>

59. <https://www.belltower.news/lukov-marsch-in-sofia-trotz-verbotener-demonstration-wichtiges-event-der-internationalen-vernetzung-96255/>

60. <https://democ.de/artikel/deutsche-neonazis-bei-lukov-gedenken-in-sofia/>

61. Dzhabazki was sanctioned by the EP for giving what was largely perceived as a Nazi salute in the plenary of the Parliament in 2022.

62. <https://www.heise.de/tp/features/Der-Lukov-Marsch-und-die-bulgarischen-Nationalisten-3633300.html?seite=all>

63. <https://www.lukovmarsh.info/what-is-lukovmarch/>

64. <https://democ.de/en/article/international-far-right-extremists-commemorate-nazi-collaborator-lukov/>

65. <https://www.tagesspiegel.de/politik/huldigung-eines-nazi-generals-5419504.html>

66. <https://www.haaretz.com/world-news/europe/2018-02-08/ty-article/.premium/neo-nazis-to-converge-to-fete-bulgarian-promoter-of-holocaust/0000017f-e552-df2c-a1ff-ff5300540000>

bans. "If we do not stop the Lukov March, we legitimize hate,"<sup>[67]</sup> declared Solomon Bali, President of *B'nai B'rith Bulgaria* and Vice-President of *B'nai B'rith Europe*, during discussions surrounding the ban.

In 2018, Alexander Oscar, President of the *Shalom Organization of Bulgarian Jews*, presented Prime Minister Boko Borisov with a petition signed by nearly 180,000 people calling for an administrative ban on the march.

For years, a counterdemonstration with several hundred participants has been held in Sofia alongside the march. Participants in this protest come from the *Bulgarian Anti-Fascist Union (BAU)*, among others. From Germany, members of the *Union of Persecutees of the Nazi Regime (VVN-BdA)*, regularly travel to Sofia to support the counterdemonstration.

**13. Reaction by the authorities/bans:** Between 2014 and 2018, the march was banned by Sofia's mayor, Yordanka Fandukova, but still held due to lack of enforcement.<sup>[68]</sup> In

2019, the march took place with 2,000 participants. In 2020, the demonstration was banned, and a rally in front of Lukov's former residence was held instead, as noted above.<sup>[69]</sup> In 2021, following another ban, only wreaths were laid at the residence.<sup>[70]</sup> In 2022, four out of Bulgaria's five biggest parliamentary parties condemned the march, which nevertheless went through.<sup>[71]</sup>

The Israeli and U.S. ambassadors to Bulgaria have also condemned the *Lukov March*. International security agencies have also reacted. For example, the 2017 banning decision was reportedly based on an Interpol warning.<sup>[72]</sup> In 2020 and 2022, the German Federal Police prevented far-right supporters of *Die Rechte* from leaving the country.<sup>[73]</sup> Some of these individuals contested the exit bans in court and won.<sup>[74]</sup>

**Author:** Linus Pook



Photo Credit: Pluto/Alamy

67. <https://bg.ambafrance.org/Mercredi-15-fevrier-6639>

68. <https://www.heise.de/tp/features/Der-Lukov-Marsch-und-die-bulgarischen-Nationalisten-3633300.html?seite=all> and <https://www.lukovmarsh.info/what-is-lukovmarch/>; <https://sofiaglobe.com/2017/02/18/lukov-march-2017-goes-ahead-in-spice-of-mayoral-ban-over-foreign-neo-nazi-involvement/>

69. <https://democ.de/artikel/deutsche-neonazis-bei-lukov-gedenken-in-sofia/>

70. <https://eurojewcong.org/news/communities-news/bulgaria/neo-nazi-lukov-march-thwarted/>

71. <https://sofiaglobe.com/2022/02/12/foreign-ministry-lukov-march-tarnishes-image-of-bulgaria/>

72. <https://sofiaglobe.com/2017/02/18/lukov-march-2017-goes-ahead-in-spice-of-mayoral-ban-over-foreign-neo-nazi-involvement/>

73. <https://www.tagesspiegel.de/politik/huldigung-eines-nazi-generals-5419504.html>

74. <https://www.faz.net/aktuell/politik/inland/rechtsextremisten-in-bulgarien-bundespolizei-verwehrt-ausreise-16645274.html>

## 4. Blue Division March, Spain

**1. Name:** March in honor of the Blue Division  
(*Marcha en honor a la División Azul*)



**2. Location:** Madrid, Spain

**3. Date:** Around 10 February

**4. Context, themes, slogans:** Falangist, neo-Nazi and Francoist groups in Spain march every year in Madrid in honor of the *Blue Division* (*División Azul*) of volunteers who fought alongside the German Nazi Army during World War II. The event takes place on the anniversary of the *Battle of Krasny Bor* on 10 February 1943 under the motto “*Honor and Glory to the Fallen.*” Those attending the march wear all kinds of Francoist or fascist garb: blue shirts and buckles with the symbols of the *Blue Division's* coat of arms.<sup>[75]</sup>

*Blue Division* veterans, together with falangists, constituted the core of the *Círculo Español de Amigos de Europa* (*CEDADE*) the first Spanish neo-Nazi organization, founded in 1966. They were supported by Nazi exiles Leon Degrelle and Otto Skorzeny, who lived in Spain under the protection of the Franco regime.<sup>[76]</sup>

**5. Persistence:** The march has taken place every year since 2007.

**6. Organizers:** Several Neo-Nazi and far-right organizations, including *Alianza Nacional* (*AN*), *Acción Nacional Revolucionaria* (*ANR*) and *Juventud Patriota de Madrid* have been initiators of the annual march. *AN* is a member of the platform *La España En Marcha*, which rose to fame after the assault on the

Catalan cultural center *Blanquerna* in Madrid in 2013. For its part, *ANR* is a neo-Nazi organization created in 2012 which defines itself as a coordinator of far-right militants in Spain. Among its members are known right-wing football hooligans linked to groups such as *Ultras Sur*.<sup>[77]</sup>

**7. Number of participants:** Between 120 and 300 participants take part in the *Blue Division March* every year. Around 200 participated in 2023.<sup>[78]</sup>

**8. Spectrum and topics of participants:** The event usually takes the form of a procession to the *Almudena* cemetery in Madrid, where eight *Blue Division* soldiers are buried and where a plaque was laid in their honor. A religious ceremony, in the presence of the widows of the soldiers, usually takes place. Afterwards, participants sing Franco-era songs such as “*Yo tenía un Camarada*”, “*Primavera*” and “*Cara al Sol*” and perform fascist salutes.<sup>[79]</sup> Pedro Varela, Holocaust denier and former President of *CEDADE*, addressed the first march in 2007. Ignacio Menéndez, the lawyer who defended the far-right perpetrators of the 1977 *Atocha* massacre, addressed the march in 2021, urging attendees to break COVID-19 sanitary rules: “Embrace, and sing, and live with joy because fascism is joy, comrades.”<sup>[80]</sup>

75. Video footage of the 2023 Blue Division March (democ.): <https://www.youtube.com/watch?v=k9cFhjALKA0>

76. <https://www.publico.es/politica/manos-limpias-apoya-alianza-ultra.html>

77. <https://www.lamarea.com/2014/02/07/bronca-entre-neonazis-por-dos-actos-simultaneos-en-honor-la-division-azul-en-madrid/>

78. <https://democ.de/artikel/neonazis-gedenken-wehrmacht-blaue-division-azul-madrid/>

79. <https://laicismo.org/el-cementerio-de-la-almudena-acoge-de-nuevo-el-cara-al-sol-y-el-saludo-nazi-en-en-un-homenaje-a-la-division-azul/65945>

80. <https://www.publico.es/sociedad/division-azul-alrededor-300-neonazis-homenajean-madrid-division-azul-incitando-incumplir-normas-sanitarias.html>



**9. European networking:** Several national far-right organizations, such as *España 2000* and the *Falange* party,<sup>[81]</sup> and local groups such as *Skullheads* and *Bastion Frontal*, regularly join the march.<sup>[82]</sup> The event was largely confined to Spain until 2021, when it became notorious for gross antisemitic incitement by a speaker, Isabel Peralta of *Bastión Frontal*. Following the march, Peralta received a scholarship from the German far-right party *Der III. Weg* to learn “techniques of propaganda and combat.”<sup>[83]</sup> She was subsequently refused entry to Germany after she was found in possession of Nazi materials.<sup>[84]</sup>

**10. Potential for violence/violent incidents:** The *Blue Division March* generally proceeds uncontested and without incident. In 2019, the graves of left-wing politicians Pablo Iglesias and Dolores Ibárruri, also located at the Alameda cemetery, were found defaced one day after the march.<sup>[85]</sup> In addition, one of the original organizers, Pedro Pablo Peña, has been convicted for possession of incendiary or explosive substances.<sup>[86]</sup>

**11. Antisemitism and Holocaust denial:** The 2021 march gained international notoriety when a video appeared online in which Peralta appeared shouting antisemitic slogans such as “The enemy will always be the same, albeit with different masks: the Jew”, “Communism [...] is a Jewish invention designed to set the workers against each other”, and “The Jew is always guilty and that is what the Blue Division fought for”.<sup>[87]</sup> In previous years,

organizers have encouraged participants to chant: “Our only enemy is Zionism! Hail Spain! Hail Europe!”<sup>[88]</sup>

**12. Civil society response:** Local neighborhood committees have protested the march for many years.<sup>[89]</sup> In addition, following the 2021 march, the *Federation of Jewish Communities of Spain (FCJE)* and the *Movement against Intolerance (MCI)* filed a complaint against Peralta for incitement to hatred,<sup>[90]</sup> which was subsequently dismissed by the Madrid Prosecutor’s Office on the grounds of “freedom of expression.”<sup>[91]</sup>

**13. Reaction by the authorities/bans:** The march was banned in 2022 by local authorities in Madrid, and again allowed to go ahead in 2023 despite the legal requirement in *Art. 15(1) of the Law of Historical Memory*<sup>[92]</sup> to take the necessary measures to prevent such gatherings. Following the 2023 march, the office of the State Secretary for Democratic Memory declared that it would look into whether the gathering is subject to sanctions under *Art. 62 of the Law of Democratic Memory*<sup>[93]</sup>, which prescribes fines for acts “inciting the personal or collective exaltation of the “military uprising, the [civil] war or the [Franco] dictatorship”.<sup>[94]</sup>

**Author:** Johanan Seynave

81. <https://www.lamarea.com/2021/02/15/enemigo-siempre-mismo-judio-300-neonazis-homenajean-espanoles-lucharon-hitler/>

82. [https://www.niusdiario.es/sociedad/sucesos/skullheads-bastion-frontal-nuevas-organizaciones-ultraderecha-presentes-homenaje-division-azul\\_18\\_3096195190.html](https://www.niusdiario.es/sociedad/sucesos/skullheads-bastion-frontal-nuevas-organizaciones-ultraderecha-presentes-homenaje-division-azul_18_3096195190.html)

83. <https://www.ipost.com/diaspora/jewish-group-slams-18-year-old-granted-nazi-scholarship-683304>

84. [https://www.elnacional.cat/en/news/germany-refuses-entry-spanish-fascist-antisemitic-neo-nazi\\_727806\\_102.html](https://www.elnacional.cat/en/news/germany-refuses-entry-spanish-fascist-antisemitic-neo-nazi_727806_102.html)

85. <https://www.publico.es/sociedad/madrid-profanan-tumbas-pablo-iglesias-pasionaria-cementerio-almudena.html>

86. <https://www.lamarea.com/2014/02/07/bronca-entre-neonazis-por-dos-actos-simultaneos-en-honor-la-division-azul-en-madrid/>

87. <https://www.publico.es/sociedad/division-azul-alrededor-300-neonazis-homenajean-madrid-division-azul-icitando-incumplir-normas-sanitarias.html>

88. <https://www.publico.es/espana/nuestro-unico-enemigo-sionismo-espana.html>

89. <https://www.madridiario.es/miembros-extrema-derecha-homenajean-caidos-division-azul>

90. <https://observatorioantisemitismo.fcje.org/grupo-nazi-bastion-frontal/>

91. [https://www.infolibre.es/politica/tribunal-alego-senalar-judios-culpable-libertad-expresion-exonero-neonazi-ahora-expulsada-alemani\\_1\\_1222779.html](https://www.infolibre.es/politica/tribunal-alego-senalar-judios-culpable-libertad-expresion-exonero-neonazi-ahora-expulsada-alemani_1_1222779.html)

92. <https://www.boe.es/eli/es/l/2007/12/26/52/con>

93. <https://www.boe.es/eli/es/l/2022/10/19/20>

94. <https://www.noticiasdenavarra.com/politica/2023/02/16/moncloa-investiga-ultimos-homenajes-division-6451346.html>





Photo Credit: Linus Pook/democ.



Photo Credit: Grischa Stanjek/democ.



Photo Credit: Pacific Press Media Production Corp. / Alamy



Photo Credit: Grischa Stanjek/democ.



# 5. Remembrance Day of the Latvian Legionnaires

**1. Name:** Remembrance Day of the Latvian Legionnaires (*Leģionāru piemiņas diena*)



**2. Location:** Rīga, Latvia

**3. Date:** 16 March

**4. Context, themes, slogans:** The *Remembrance Day of the Latvian Legionnaires* is held annually on 16 March in Rīga.<sup>[95]</sup> There is no separate motto for the march, it is *Legionnaires' Day* or just "16 March", which is enough. The historical meaning of this day is widely known: On 16 March 1944, the *Latvian Legion*, the union of the 15th (*Latvian No. 1*) and 19th (*Latvian No. 2*) *Waffen Grenadier Division* of the SS fought together for the first time in the same front area against the Red Army.<sup>[96]</sup> With Latvian independence in 1991, 16 March became *Legionnaires' Day* and annual marches began to be held.

The chronology of the commemoration is always the same.<sup>[97]</sup> It begins with a memorial service at the Evangelical Lutheran cathedral in Rīga. Pastor Guntis Kalme gives a speech before leading the march. In this speech, he rails against counterdemonstrators and calls for a reassessment of World War II history in which the Legionnaires are no longer "disparaged." The march leads to the *Freedom Monument* in central Rīga, a 1930s monument honoring Latvian independence.

During the march, songs from a broad repertoire of Legion hymns are sung, including the Legion anthem *Zem Mūsu Kājām* ("Beneath our feet a white road leads to Latvia, where a ruthless enemy sows death in our

fields. We are coming soon, Latvia, wait, we will bring you freedom"). This is the Latvian version of the anthem *SS marschiert in Feindesland*. Flowers and wreaths are laid at the memorial, as well as at the cemetery for Latvian *Waffen-SS* members in Lestenē, near Rīga.

**5. Persistence:** The first march took place in 1990, and annual marches followed until 1998 with many official representatives of the state and army. In 2000, the Latvian government abolished *Legionnaires' Day* as an official commemoration day. Between 2004 and 2006, the march was banned, but other commemorations were held. Annual unofficial marches have continued since 2007, with interruptions due to the COVID-19 pandemic.

**6. Organizers:** The march is organized by *Daugava Accipiter (Daugavas Vanagi)*, the veterans' association of former Latvian SS units, which was founded in Belgium in 1945 and is active in various countries.<sup>[98]</sup> When in 2006 the official march was banned, the far-right *National Power Union (Nacionālā Spēka Savienība/NSS)* party and the ultra-nationalist *Klubs 415* youth group organized marches and commemorations.

95. <https://jungle.world/artikel/2022/35/ss-veteranen-gegen-putler>

96. [https://www.baltictimes.com/march\\_16\\_commemoration\\_attempt\\_to\\_glorify\\_nazism\\_-\\_russian\\_embassy\\_in\\_riga/](https://www.baltictimes.com/march_16_commemoration_attempt_to_glorify_nazism_-_russian_embassy_in_riga/)

97. <https://jungle.world/artikel/2022/35/ss-veteranen-gegen-putler>

98. <https://bnn-news.com/1000-residents-part-procession-commemorate-latvian-legionnaires-126659>

**7. Number of participants:** The number of participants regularly ranges between 1,500 and 2,000.<sup>[99]</sup> Until the early 2000s, up to 200 *Latvian Legion* veterans took part, but almost all have since passed away. After cancellations due to the COVID-19 pandemic, the 2022 march was the smallest to date, with fewer than 200 participants.<sup>[100]</sup>

**8. Spectrum and topics of participants:** Regular participants include representatives of the right-wing populist *National Alliance (Nacionālā apvienība/NA)* party, a member of the current ruling coalition, such as Jānis Dombrava, Raivis Dzintars, Imants Parādnieks and Edvīns Šnore.<sup>[101]</sup>

Representatives of the Lutheran Church also take part in the march, as well as families who want to commemorate their fallen ancestors, pay homage to those who fought against the Soviets for a free Latvia, and at least pretend not to see the glorification of Nazi collaborators in the event.

Other regular participants include neo-Nazi Uldis Freimanis, who in 2011 called Jews “monkeys” on Latvian television and called for them to be shot,<sup>[102]</sup> as well as neo-fascists from the now illegal *Thunder Cross (Pērkonkrusts)* organization founded by Igors Šiškins. In 1997, Šiškins and other *Thunder Cross* members attempted to blow up the Soviet-era *Victory Monument* in Rīga.

**9. European networking:** Small delegations of ultra-nationalists from Estonia and Lithuania, Scandinavia, Germany, Poland, Russia, and Ukraine have taken part in the marches, such as a delegation from the Ukrainian far-right *National Corps* party headed by Vladislav Kovalchuk in 2017.<sup>[103]</sup>

**10. Potential for violence/violent incidents:** No major violent incidents have been recorded.

**11. Antisemitism and Holocaust denial:** According to a widespread narrative in Latvia, the legionnaires were not only not involved in the persecution of Jews, they also only joined the *Latvian Legion* under duress, were mobilized by force and could therefore not be seen as collaborators. At the Nuremberg trials, the *Latvian Legion* was excluded from the conviction of the SS as a criminal organization.

German *Einsatzgruppen*, together with Latvian and Lithuanian auxiliaries, massacred most Latvian Jews.<sup>[104]</sup> The *Latvian Legion* is not regarded as having been directly involved in the persecution of Latvia’s Jews, as this was simply not part of its area of responsibility. By the Legion’s establishment in early 1943, nearly all of Latvia’s 90,000 Jews, as well as many tens of thousands of Jews in Belarus, had been murdered. Nevertheless, numerous members of the *Latvian Legion* took active part in the persecution of Jews in other capacities before the Legion’s establishment.<sup>[105]</sup>

In the case of the march, the fact that some legionnaires were recruited under duress should not be a reason to trivialize the crimes of National Socialism and to glorify the *Latvian Legion*. The fact that the participation of Latvians in the Shoah is downplayed or ignored amounts to Holocaust distortion.

At the march, swastikas are worn openly, SS anthems are sung, and the chevron of the *Latvian Legion* is featured prominently as a patch and in the form of wreaths. Participants occasionally deny the Holocaust or the fact that there are and were Jews in Latvia. At concerts aimed to appeal to a younger

99. <https://latviansonline.com/hundreds-march-to-honor-legion-while-protesters-attack-fascism/>

100. <https://baltics.news/2022/03/16/in-riga-several-hundred-people-take-part-in-a-march-in-memory-of-legionnaires/>

101. <https://visegradpost.com/en/2016/03/17/waffen-ss-legion-commemorated-in-riga/>

102. <https://www.delfi.lv/news/national/politics/legionaru-pieminas-pasakums-noritejis-bez-starpgadījumiem.d?id=20520524>

103. <http://daserste.ndr.de/panorama/aktuell/Lettland-Jubel-fuer-SS-und-Bundeswehr,riga162.html> ; <https://taz.de/Nationalismus-im-Baltikum/!5071171/>

104. <https://encyclopedia.ushmm.org/content/en/article/latvia>

105. Shafir, M., 2016. Ideology, memory and religion in post-communist East Central Europe: a comparative study focused on post-Holocaust. *Journal for the Study of Religions and Ideologies*, 15(44), p. 68-69.

crowd taking place after the march in recent years, different neo-Nazi bands have performed, among them *Diktatūra*, whose repertoire includes a song called “Jews Out.”<sup>[106]</sup>

**12. Civil society response:** The march always takes place under police protection, which also serves to ward off counterdemonstrators. In the early years, former Jewish ghetto and concentration camp prisoners organized counterdemonstrations.

Later, counterdemonstrators, partly from Latvia, but also from other European countries, protested the glorification of the SS. In 2016, the Latvian authorities imposed an entry ban on German anti-fascists.<sup>[107]</sup> Some were not allowed to enter the country, while others were deported.

In recent years, mainly members of the Russian-speaking minority in Latvia protested the march.<sup>[108]</sup> In 2023, however, a Russian-language protest would run the risk of being used as propaganda for Greater Russian interests. As part of its war of aggression on Ukraine and its imperial policy of violence, Russia instrumentalizes World War II and Holocaust history. According to Russian propaganda, “Nazis” have “seized power” not only in Ukraine, but also in the Baltic States.<sup>[109]</sup>

**13. Reaction by the authorities/bans:** *Lejonnaires’ Day* is controversial in Latvian society. A march was first planned in 1989, which the Soviet authorities prevented at the time. On 16 March 1990, the first small processions took place. The day was an official national holiday until 1998 and politicians from various parties and high-ranking members of the army also took part in the march.

After public criticism, also in connection with Latvia’s 2004 accession to the European Union, the marches were banned in 2006 by a decision of the Rīga city administration, which was confirmed by an administrative court. The march resumed again in 2007, and in 2008 with the participation of mayor Janis Birkis. In 2010, the Latvian Supreme Court ruled that the ban imposed by the city administration was illegal.

In 2014, the Latvian government decided to ban ministers from participating in the march.<sup>[110]</sup> The fact that the Minister for Environmental Protection and Regional Development, Einārs Cilinskis, flouted this ban in the same year led to impeachment proceedings.<sup>[111]</sup>

In 2022, the *Victory Monument* was dismantled alongside 68 other monuments, in accordance with the *Law of 16 June 2022 on dismantling objects glorifying the Soviet or Nazi Regime*.<sup>[112]</sup> The law does, however, not contemplate dismantling sites where SS perpetrators are glorified, such as the aforementioned Lestēnē cemetery.

**Author:** Lara Schultz



Photo Credit: Grischa Stanjek/democ.

106. <https://www.timesofisrael.com/in-latvia-hundreds-march-in-honor-of-ss-veterans/>

107. <https://eurojewcong.org/news/communities-news/latvia/german-anti-fascists-prevented-from-protesting-pro-nazi-demonstration-in-latvia/>

108. <https://jungle.world/artikel/2022/35/ss-veteranen-gegen-putler>

109. [https://www.isdglobal.org/digital\\_dispatches/recurring-pro-kremlin-rhetoric-linking-baltic-states-with-nazism/](https://www.isdglobal.org/digital_dispatches/recurring-pro-kremlin-rhetoric-linking-baltic-states-with-nazism/)

110. <https://www.baltictimes.com/news/articles/34555/>

111. <https://www.theguardian.com/world/2014/mar/14/latvia-minister-einars-cilinskis-nazi-memorial-row>

112. <https://www.saeima.lv/en/news/saeima-news/31206-saeima-passes-a-law-to-dismantle-sites-glorifying-the-soviet-and-nazi-regimes>

## 6. Bleiburg Meeting, Austria

**1. Name:** Memorial Service for the Victims of the Bleiburg Massacre (*Gedenken an das "Massaker von Bleiburg"*)



**2. Location:** Bleiburg (Pliberk), Austria

**3. Date:** A Sunday in early May

**4. Context, themes, slogans:** Each year, thousands of people come together to commemorate the Bleiburg repatriations. In May 1945, shortly before the unconditional surrender of the Third Reich, a group consisting of Croatian *Ustaše* and their sympathizers, German *Wehrmacht* and *SS*, Slovene Home Guard (*Domobrani*), Serbian *Četniks*, and others – anticipating retribution for their war crimes – began to flee from the approaching Yugoslav Partisans. The group had planned to surrender to the British army, which did not accept their capitulation. Instead, they were disarmed at the *Loibacher Feld* (*Libuško polje* in Croatian) near Bleiburg in Carinthia, Austria and handed over to the Partisans. The prisoners were taken back to Yugoslavia. Along the way, tens of thousands were killed by the Yugoslav authorities, while others were interned and put on trial.<sup>[113]</sup>

The meeting at Bleiburg has grown into a major gathering of Croatian ultra-nationalists. This takes the form of a Catholic mass and a commemoration ceremony by a memorial stone located at the *Loibacher Feld*.

According to the far-right myth of these events, a massacre was committed by the partisans at the *Loibacher Feld*. However, there is no evidence that a massacre took place at Bleiburg itself.<sup>[114]</sup> Reliance on a distorted narrative of a massacre serves to re-

habilitate the Nazi collaborators of the *Independent State of Croatia (NDH)* and rewrite Holocaust history.<sup>[115]</sup>

**5. Persistence:** The gathering goes back to the 1950s, but until the 1990s it was relatively small, bringing together only a few hundred participants, mainly from the Croatian diaspora. Since the dissolution of Yugoslavia, and Croatian independence, the event has grown significantly.

**6. Organizers:** The organizer of this yearly celebration is the *Bleiburger Ehrenzug*, an organization of Croatian exiles in Austria. The organization's main field of activity is the memorial service, the promotion of revisionist ideas and the glorification of the *NDH*.<sup>[116]</sup> On its logo, the *Bleiburger Ehrenzug* does not use the checkerboard of the modern Republic of Croatia, but that of the *NDH*. The same logo was used as a badge worn on the sleeves of the Croatian unit of the *Waffen-SS* and is featured on the memorial at the *Loibacher Feld*.

For many years, the event was officially a religious event, under the auspices of the Austrian Catholic Church.<sup>[117]</sup> The Church rescinded its support in the 2010s following civil society protests. The event is heavily influenced and planned by the Catholic Church in Croatia and plays a central role in Croatian politics and has been shown live on Croatian TV.

113. Pål Kolstø (2010) Bleiburg: The Creation of a National Martyrology, *Europe-Asia Studies*, 62:7, 1155-1156.

114. <https://www.no-ustasa.at/en/the-yearly-memorial-service-at-bleiburg-faq/>

115. [https://www.no-ustasa.at/wp-content/themes/understrap/pdf/Bleiburg\\_the\\_myth.pdf](https://www.no-ustasa.at/wp-content/themes/understrap/pdf/Bleiburg_the_myth.pdf)

116. <https://www.no-ustasa.at/allgemein/2510/die-umtriebe-des-verein-bleiburger-ehrenzug/>

117. Pål Kolstø (2010) Bleiburg: The Creation of a National Martyrology, *Europe-Asia Studies*, 62:7, 1159.



**7. Number of participants:** Peak numbers were reached in 2015 with as many as 30,000 participants. Before the COVID-19 pandemic, tens of thousands attended every year, in what several newspapers have dubbed “Europe’s biggest fascist demonstration.”

**8. Spectrum and topics of participants:** Participants include a who’s who of Croatian moderate to far-right political figures and clergy, thousands of organized far-right and neo-Nazi activists, as well as hooligans from almost all major Croatian football clubs.

The event has become a central feature of Croatian nation-building. Depending on the composition of the government, the *Bleiburg Meeting* has been at times held under the patronage of the Croatian parliament. The latter has also contributed to the financing of the event.<sup>[118]</sup> High-ranking officials attend every year. For instance, in 2016, Deputy Prime Minister Tomislav Karamarko (*HDZ*) and Minister of Culture Zlatko Hasanbegović (*HDZ*) were present. Prime Ministers, and even former President Kolinda Grabar-Kitarović, have often visited the memorial a few days before the ceremony and laid wreaths.<sup>[119]</sup> For the Catholic church, the archbishop of Zagreb, Josip Bozanić, led in 2015 “a holy mass for the troops and civilians,”<sup>[120]</sup> attended by over 20,000 people. In 2018, a mass was led by the Archbishop of Zadar, Želimir Puljić.<sup>[121]</sup>

Since the end of the Croatian “Homeland War,” the march involves not only the flaunting of *Ustaša/NDH* symbols but also the glorification of individual war criminals or military units from the war and the flaunting of their symbols and flags. A monument to the Bleiburg repatriations was erected at Mirogoj cemetery in Zagreb, meant to serve as an

alternate commemoration site, which makes subtle reference to *Ustaša* symbols.<sup>[122]</sup>

**9. European networking:** In recent years, the event has also become an important networking opportunity for the Central European far-right, with a number of far-right and neo-Nazi activists from Austria, Germany and beyond attending the event.

**10. Potential for violence/violent incidents:** To maintain the pretense that it is a march of mourning, all participants are asked by the organizers to behave accordingly. At the same time, after the procession and mass at the memorial, beer tents and booths are set up, which raise the potential for violent incidents.<sup>[123]</sup> In addition, attacks on journalists critical of the event, are commonplace.<sup>[124]</sup>

**11. Antisemitism and Holocaust denial:** Through the memorial service and the open celebration of the *NDH*, people commemorate a fascist movement whose ideology was significantly influenced by National Socialism. One exceptional feature of the *NDH* is its concentration camp system which was run without any German assistance and included the biggest Holocaust-era extermination camp in Croatia at Jasenovac. The fact of a completely self-run concentration camp system by the *NDH* is unique. Whoever celebrates the *NDH* also celebrates its genocidal antisemitism, anti-Roma hatred and its anti-Serbian racism.<sup>[125]</sup>

**12. Civil society resistance:** The *Ustaša* meeting at Bleiburg is in a sense very particular: a Croatian fascist gathering tucked away deep in the Austrian countryside near the Slovenian border, far away from all major cities, in the state of Carinthia which is not known as a hotbed of civil society activism. As a conse-

118. <https://balkaninsight.com/2016/02/05/croatian-parliament-endorses-again-ww2-bleiburg-commemoration-02-05-2016/>

119. <https://www.cultures-of-history.uni-jena.de/debates/commemorating-bleiburg-croatias-struggle-with-historical-revisionism>

120. <https://balkaninsight.com/2015/05/18/20-000-come-to-commemorate-ww2-controversial-memorial/>

121. <https://ika.hkm.hr/english/homily-by-archbishop-zelimir-puljic-for-the-annual-commemoration-of-the-bleiburg-tragedy/>

122. [https://www.antifasisticki-vjesnik.org/hr/vijesti/3/Croatian\\_Government\\_Pays\\_Tribute\\_to\\_Fascist\\_Ustasha\\_Regime/377/](https://www.antifasisticki-vjesnik.org/hr/vijesti/3/Croatian_Government_Pays_Tribute_to_Fascist_Ustasha_Regime/377/)

123. <https://www.no-ustasa.at/en/the-yearly-memorial-service-at-bleiburg-faq/>

124. <https://www.telegram.hr/politika-kriminal/bujanec-je-naprosto-briljirao-u-bleiburgu-jedan-novinar-tvrdi-da-ga-je-pljunuo-ovdje-drugog-iz-cista-mira-pita-je-li-gej/>

125. <https://www.no-ustasa.at/en/the-yearly-memorial-service-at-bleiburg-faq/>

quence, the event had long gone under the radar of the broader Austrian public.

This changed in the 2010s with various anti-fascist groups, often led by the Carinthian-Slovene minority, leading the mobilization against the event. This renewed resistance, including by Jewish and Roma groups, has led to the Austrian Catholic Church first rescinding its support for the event<sup>[126]</sup> and now potentially leading to a ban by the authorities.

*B'nai B'rith International* has called repeatedly for a full ban of the march, as has the *Jewish Community of Zagreb*.

From 2020 onwards, an official counter-demonstration was co-organized by the *European Union of Jewish Students*, who, together with the *World Jewish Congress* and the *Jewish Community of Vienna* have taken action against the march.<sup>[127]</sup>

### 13. Reaction by the authorities/bans:

For a long time, national and local authorities not only allowed the event to take place, but actively contributed to its dangerous nature by taking every possible step to make it proceed as smoothly as possible, even going so far as to allocate a special border crossing to participants of the march on the day of the event, and looking away when illegal symbols or Hitler salutes were being displayed. Thanks to mounting civil society pressure, this attitude has slowly changed.

After Austria's Federal Parliament voted in 2020 to call on the Ministry of Interior to find ways to ban the *Bleiburg Meeting*, some-

thing that had always been legally possible, a parliamentary commission concluded that the event in its current form should not be allowed to take place anymore and that the memorial stone with its revisionist text should be removed.<sup>[128]</sup>

However, the measures have not yet been put in place. In 2022, after the Commission's report, the event was still allowed to take place, albeit in a much smaller format, in part thanks to the support of the Catholic Church.<sup>[129]</sup> Alternate commemorations continue to be held in Croatia at Zagreb's Mirogoj cemetery and at the Shrine of Croatian Martyrs in Udbina.<sup>[130]</sup>

**Author:** Bini Guttman



Photo Credit: AK Bleiburg/Pliberk\*

126. <https://balkaninsight.com/2019/03/08/austrian-church-bans-mass-at-bleiburg-commemoration/>

127. <https://www.noa-project.eu/project/jewish-students-protest-against-ustasa-glorification/>

128. [https://bmi.gv.at/Downloads/Expertenbericht\\_Bleiburg.pdf](https://bmi.gv.at/Downloads/Expertenbericht_Bleiburg.pdf)

129. <https://www.no-ustasa.at/allgemein/4753/bleiburg-update-2022/>

130. <https://www.total-croatia-news.com/politics/61856-central-commemoration-of-bleiburg-tragedy-to-be-held-in-zagreb-udbina>

# 7. Rudolf Hess Memorial March, Germany

**1. Name:** Rudolf Hess Memorial March  
(*Rudolf-Heß-Gedenkmarsch*)



**2. Location:** Wunsiedel, Berlin, and other German cities

**3. Date:** 17 August

**4. Context, themes, slogans:** The *Rudolf Hess Memorial March* serves as a hero's memorial (*Heldengedenken*), for the Nazi war criminal Rudolf Hess. Hess was *Obergruppenführer* of the SS in Nazi Germany and served as Deputy Führer of the Nazi Party (NSDAP). Among other things, he was responsible for the formulation of the Nuremberg Race Laws, which disenfranchised Jews in Germany and allowed for their persecution.

In 1941, Hess flew to the United Kingdom to meet a group of politicians he saw as opponents to Winston Churchill. Instead, he was arrested, and his flight was regarded as a betrayal by the Nazi government, and Hess was declared insane. At the Nuremberg Trials in 1945, he was sentenced to life imprisonment as one of 24 major war criminals. He showed no remorse at trial or in custody, famously saying "I regret nothing" as his last words in court. Hess committed suicide in 1987, hanging himself with an extension cord in the war crimes prison in Berlin's Spandau district, whose sole inmate he had been since 1966. After his death, the prison was demolished so that it would not become a pilgrimage site. At his own request, Hess was buried in his parents' grave in the town of Wunsiedel,

in the state of Bavaria, which in turn became a neo-Nazi pilgrimage site.

**5. Persistence:** The first annual march in honor of Hess was held in 1988 in Wunsiedel, attracting around 120 neo-Nazi "mourners."<sup>[131]</sup> After the town banned the march in 1991, it moved to other German cities, such as Rudolstadt in 1992, and eventually abroad to Luxembourg in 1994,<sup>[132]</sup> Roskilde in Denmark in 1995,<sup>[133]</sup> Trollhättan in Sweden in 1997, and Greve in Denmark in 1998.<sup>[134]</sup>

No march took place in 2000. In 2001, neo-Nazi lawyer Jürgen Rieger was able to overturn the ban in Wunsiedel. Subsequently, annual marches took place there again between 2001 and 2004. In 2005, the march was banned again, which was confirmed in court in 2009. Nonetheless, there were still smaller, isolated memorial events in other German towns and cities.<sup>[135]</sup> In 2009, when Rieger died, neo-Nazis registered a memorial march for him in Wunsiedel instead, attracting 850 participants.

In 2011, Hess' gravesite in Wunsiedel was removed with the consent of his heirs.<sup>[136]</sup> His remains were exhumed, burned, and buried at

131. <https://www.antifainfoblatt.de/artikel/rudolf-he%C3%9F-pilgerst%C3%A4tte-wunsiedel>

132. <https://www.antifainfoblatt.de/artikel/rudolf-he%C3%9F-gedenkmarsch-1994>

133. <https://www.antifainfoblatt.de/artikel/he%C3%9F-todestag-1995-au%C3%9Ffer-spesen-nix-gewesen>

134. <https://www.antifainfoblatt.de/artikel/he%C3%9F-marsch-1998-d%C3%A4nemark>

135. <https://www.spiegel.de/politik/deutschland/rudolf-hess-todestag-kampf-ums-aufmarschgebiet-a-500368.html>

136. <https://www.merkur.de/bayern/grab-hitlers-stellvertreter-aufgeloeszt-zr-1330774.html>



sea.<sup>[137]</sup> That year, only 20 neo-Nazis embarked upon the annual pilgrimage, spelling an end to the era of sizeable Hess marches there. From 2009, demonstrations were no longer allowed to explicitly refer to Hess, yet they continued under various pretenses, rife with allusions to National Socialism. Between 2012 and 2014, these marches attracted around 200 participants.

On the 30<sup>th</sup> anniversary of Hess' death, in 2017, 800 extremists marched through Spandau displaying a banner with Hess' infamous last words, "I regret nothing."<sup>[138]</sup> Yet this was not regarded by the authorities as a direct reference to Hess. In 2018, 700 people attended a demonstration in Berlin.<sup>[139]</sup> In 2019, there was again a "hero's memorial" in Wunsiedel, organized by *Der III. Weg*, with a parallel memorial event in Schleusingen, Thuringia. The COVID-19 pandemic prevented any demonstrations in 2020. Demonstrations were registered in 2021 and 2022 by *Der III. Weg* in Wunsiedel, drawing very small crowds.<sup>[140]</sup>

**6. Organizers:** The first Hess marches in Wunsiedel were organized by neo-Nazis linked to Christian Worch and Michael Kühnen. The latter formulated the goal of never letting Wunsiedel "come to rest" again. Later, other neo-Nazis such as Andreas Rachhausen, Thomas Dienel and Tino Brandt became organizers. Between 2001 and 2009, demonstrations were registered by Rieger. Since 2015, *Der III. Weg* has organized demonstrations in Wunsiedel.

**7. Number of participants:** The first march in Wunsiedel in 1988 counted 120 participants. Peak numbers were reached in 2004 with 3,800 participants. Numbers have dwindled considerably in recent years, with the 2021

march counting only 150 participants, and 120 for a November 2022 gathering.<sup>[141]</sup>

## 8. Spectrum and topics of participants:

Throughout the years, the various manifestations of the annual *Hess Memorial March* have attracted Nazis old and new. Specifically, many active members of the *Blood and Honour* network have participated, as well as German far-right parties *NPD*, *DVU*, *Der III. Weg* and *Die Rechte*. The son of Rudolf Hess, Wolf Rüdiger Hess, campaigned throughout his life for his father's release and rehabilitation. In 1967, he founded the *Hilfsgemeinschaft Freiheit für Rudolf Heß e.V. (HFRH)*, which claimed to have 2,000 members and drew international attention to the march.

**9. European networking:** The myth of Rudolf Hess as the only high Nazi functionary whose grave site could be visited, fascinated neo-Nazis internationally.<sup>[142]</sup> Already in 1989, international visitors from Belgium, Denmark and Austria attended, including Bert Eriksson, founder of the *Vlaamse Militanten Orde (VMO)*.<sup>[143]</sup> In 1991, the English translation of Wolf Rüdiger Hess' book about his father was published by Canadian Holocaust denier Ernst Zündel, who had good contacts with other Holocaust deniers across the globe, such as Spain's Pedro Varela and the UK's David Irving. All three campaigned for the march for the first time in 1991, and Irving was a keynote speaker in the same year.<sup>[144]</sup>

Other neo-Nazis have promoted the march in Wunsiedel, including Povl Riis-Knudsen (*World Union of National Socialists/WUNS*), Claude Cornilleau (*Parti nationaliste français et européen/PFNE*), and Christian Ruiz (*Círculo Español de Amigos de Europa/CEDADE*). In 1991, Around 250 of the approx-

137. <https://www.sueddeutsche.de/politik/wunsiedel-ende-einer-nazi-pilgerstaette-grab-von-rudolf-hess-existiert-nicht-mehr-1.1122689>

138. <https://www.vice.com/de/article/7xxkdb/trauriger-marsch-statt-trauermarsch-wir-waren-bei-der-neonazi-demo-in-berlin>

139. <https://rechtsausen.berlin/2018/08/nazi-rochade-in-berlin/>

140. <https://www.zeit.de/gesellschaft/zeitgeschehen/2021-11/der-dritte-weg-marsch-wunsiedel-neonazis-rechte-szene-jugendliche-nachwuchs-rechtsextremismus> ; [https://www.br.de/nachrichten/bayern/trotz-protest-150-neonazis-ziehen-ungestoert-durch-wunsiedel\\_SogWy2u](https://www.br.de/nachrichten/bayern/trotz-protest-150-neonazis-ziehen-ungestoert-durch-wunsiedel_SogWy2u)

141. <https://www.belltower.news/wunsiedel-kaum-nazis-beim-heldengedenken-des-iii-wegs-142763/>

142. <https://www.antifainfoblatt.de/artikel/der-geschichtspolitische-fundamentalismus-der-extremen-rechten-am-beispiel-rudolf-he%C3%9F>

143. <https://www.antifainfoblatt.de/artikel/neonazi-aufmarsch-wunsiedel>

144. <https://www.antifainfoblatt.de/artikel/%E2%80%9Erudolf-he%C3%9F-marsch%E2%80%9C-kristallisationspunkt-der-militanten-rechten>



imately 2,000 neo-Nazis at the march hailed from neighboring European countries. In 1993, neo-Nazis from Denmark's *Nationalsozialistische Bevægelse*, and from the Swedish terrorist organization *Vitt Ariskt Motstånd*, took part in the demonstration.

The *Rudolf Hess Memorial March* became a fixture in the international neo-Nazi calendar, and an important networking event. As the marches grew larger in 2002, so did international participation from across Europe.<sup>[145]</sup> While international participation peaked in 2004 and has decreased significantly since 2007, the networks established at the marches remain active.

#### 10. Potential for violence/violent incidents:

Previous iterations of the march have included large contingents of violent neo-Nazis, belonging to illegal, and sometimes terrorist organizations. Violent confrontations between neo-Nazis and counterdemonstrators in 1990 led to a ban between 1991 and 2000.<sup>[146]</sup> The members of the *National Socialist Underground (NSU)*, who carried out a wave of terrorist murders and bombings between 2000 and 2006, attended the march in the early 1990s.<sup>[147]</sup>

**11. Antisemitism and Holocaust denial:** The march focuses primarily on the glorification of National Socialism and the rehabilitation of Nazi war criminal Rudolf Hess. Holocaust deniers have promoted, attended and addressed the marches. However, overt antisemitic references are uncommon.

**12. Civil society response:** From its inception, the *Hess Memorial March* was met with counterdemonstrations. Early on, clashes between neo-Nazis and counterdemonstrators were regarded by the authorities as the threat to public order, and not the march itself.<sup>[148]</sup> When in 2001, marches were again officially allowed, the citizens of Wunsiedel organized large counterdemonstrations. In 2011, the Protestant church of Wunsiedel ter-

minated the lease on Hess' grave, leading to the above-mentioned removal. The most spectacular counterdemonstration took place in 2014: The citizens' initiative *Wunsiedel is colorful (Wunsiedel ist bunt)* turned the event, which had been registered by *Der III. Weg*, into a "fundraising run", under the motto *Recht gegen Rechts (The rule of law against the far-right)*. For every meter covered by the far-right procession, 10 euros were donated to the *Exit* organization, which helps neo-Nazis to leave the scene.<sup>[149]</sup>



145. <https://www.antifainfoblatt.de/artikel/bockwurst-bei-hess-gedenken>; <https://www.antifainfoblatt.de/artikel/bockwurst-bei-hess-gedenken>;

146. <https://www.belltower.news/hitlers-stellvertreter-28468/>

147. <https://www.boell.de/de/demokratie/demokratie-entwicklung-der-neonazi-szene-in-thueringen-13361.html>

148. <https://www.boell.de/de/demokratie/demokratie-entwicklung-der-neonazi-szene-in-thueringen-13361.html>

149. <https://www.belltower.news/kreativer-spendenlauf-in-wunsiedel-die-waren-so-schnell-weg-wie-lange-nicht-mehr-38300/>

**13. Reaction by the authorities/bans:** Between 1988 and 1990, stationary rallies were allowed. From 1991 to 2000, they were banned, but still took place – in Wunsiedel and other German cities, and abroad. From 2001, demonstrations in Wunsiedel were allowed again, as confirmed by the *Federal Constitutional Court*, Germany's Supreme Court. Thanks to an amendment criminalizing the endorsement, justification, or glorification of National Socialist rule,<sup>[150]</sup> the marches were banned again in 2005. Legal action was taken again all the way to the *Federal Constitutional Court*, which this time upheld the ban.<sup>[151]</sup>

On the 20th anniversary of Hess' death in 2007, pre-emptive bans on demonstrations were put in place in numerous German cities. Nevertheless, some demonstrations still went ahead.<sup>[152]</sup> In 2009, the *Federal Consti-*

*tutional Court* handed down the so-called Wunsiedel decision, which finally confirmed the ban on the marches, relying on an amendment criminalizing incitement (*Volksverhetzung*). Nevertheless, far-right groups have continued to register demonstrations on other (bogus) topics.

**Author:** Simone Rafael



Photo Credit: Kira Ayyadi

150. <https://www.belltower.news/wunsiedel-kann-aufatmen-vorerst-2-29584/>

151. <https://www.deutschlandfunk.de/unter-polizeischutz-100.html>

152. <https://www.spiegel.de/politik/deutschland/rudolf-hess-todestag-kampf-ums-aufmarschgebiet-a-500368.html>

## 8. Iron Wake, Belgium

1. **Name:** Iron Wake (*IJzerwake*) and *Front Night* (*Frontnacht*)



2. **Location:** Steenstrate near Ieper (Ypres), Belgium

3. **Date:** Last weekend of August

4. **Context, themes, slogans:** The *Iron Wake* (*IJzerwake*) is an offshoot of the *Iron Pilgrimage* (*IJzerbedevaart*), the latter being a more moderate gathering paying homage to fallen Flemish soldiers of World War I, which since the 1920s has been a focal point for the Flemish Movement for greater political autonomy.

By the 1980s, the *Iron Pilgrimage* had become associated with the far-right. In 1995, a riot took place on the eve of the pilgrimage, in which hundreds of foreign fascists attempted to storm the barracks of a gendarmerie to free Bert Eriksson, the leader of the neo-Nazi *Vlaamse Militanten Orde* (VMO).<sup>[153]</sup> Following years of disputes, these far-right elements were excluded from the pilgrimage. They in turn coalesced around the newly established *Iron Wake* in 2003.<sup>[154]</sup>

5. **Persistence:** The *Iron Wake* takes place every year in Steenstrate, in the province of West Flanders. Since its inception, it has been a focal point for far-right activity in Flanders and in the Low Countries more broadly. In 2022, seeking to “reach out to a younger audience,”<sup>[155]</sup> the organizers of the wake announced a two-day music festival alongside the main event, entitled *Front Night*, which was ultimately banned by the authorities.

6. **Organizers:** The event, which is not a march, but a static gathering, is organized by an officially non-partisan NGO, *IJzerwake vzw*, which is closely associated with the far-right *Vlaams Belang* (formerly *Vlaams Blok*) party. Several board members hold or have held office or positions at the party.<sup>[156]</sup> The operation of the event also relies on close ties with radical nationalist organizations, such as the far-right irredentist action group *Voorpost*, the *Flemish National Youth Association* (VNJ), the *Nationalist Student Association* (NSV),<sup>[157]</sup> and the youth group *Schild & Vrienden*.<sup>[158]</sup>

7. **Number of participants:** Between 2,000 and 6,000 people take part each year in the *Iron Wake*, with numbers peaking around 2009. Since the event is listed as family-friendly, a lot of children and young people take part.

8. **Spectrum and topics of participants:** The manifesto of the *Iron Wake* officially focuses on Flemish political autonomy and pacifism and is as such not explicitly far-right. In the same manner, participants may not necessarily identify with far-right ideology.

153. <https://www.dewereldmorgen.be/artikel/2022/09/01/de-ijzerwake-heeft-een-zwakte-voor-fascisme-in-haar-dna/>

154. <https://www.bellingcat.com/news/2022/07/28/our-songs-are-manifestos-why-music-matters-for-belgiums-far-right/>

155. <https://www.thebulletin.be/ypres-cancels-music-festival-neo-nazi-line>

156. <https://www.hetobservatorium.be/2021/09/02/oproep-tot-samenwerking-door-ijzerwake-is-een-blamage-voor-n-va/>

157. <https://www.vrt.be/vrtnws/nl/2022/08/16/ijzerwake-manifestatie-va-echte-vlamingen-of-bijeenkomst-van/>

158. [https://www.nieuwsblad.be/cnt/dmf20220817\\_95685198](https://www.nieuwsblad.be/cnt/dmf20220817_95685198)



Nevertheless, the event is widely regarded as the largest gathering of extremist elements within the Flemish Movement. According to Christophe Busch, Director of the *Hanna Arendt institute for Totalitarianism studies*, “Extremists have been going to the *Iron Wake* for years. Whoever is looking for SS-propaganda or Nazi symbols knows that they should go there.”<sup>[159]</sup>

In 2004, the event specifically paid tribute to Nazi collaborator and leader of the *Vlaamsch Nationaal Verbond (VNV)*, Staf Declercq.<sup>[160]</sup> Materials published by the organizers regularly contain far-right elements. For example, an editorial published in 2020 in the *Iron Wake* magazine blamed immigrants for carrying disease, warned against the “ongoing Muslim invasion” and the “Great Replacement” as a consequence of “globalist illusions of a world without borders.”<sup>[161]</sup> Nostalgia for “real Flemish leaders”, such as Nazi collaborators August Borms and Cyriel Verschaeve, as well as nostalgia for apartheid South Africa, are often expressed at the gathering.<sup>[162]</sup>

**9. European networking:** The organizers of the *Iron Wake* have sought to create international links with the far-right or identitarians abroad. Politicians such as far-right Dutch MP Thierry Baudet have been among the keynote speakers.<sup>[163]</sup> In 2021, far-right activist Marcel Vink,<sup>[164]</sup> a speaker at demonstrations of the *Patriotic Europeans Against the Islamization of the West (PEGIDA)*, in the Netherlands, as well as members of the Dutch neo-Nazi group *Volksverzet*, took part in the *Iron*

*Wake*.<sup>[165]</sup> Organizers claimed at the time not to be allowed to exclude the latter “by law.”<sup>[166]</sup>

Having remained broadly confined to Dutch-speaking Belgium and the Netherlands for most of its history, the establishment of the *Front Night* was a clear attempt to reach out to broader European far-right networks. The bands composing the lineup of the concert are well connected in the European neo-Nazi rock scene. For instance, the Italian band *Bronson* was interviewed by *Der III. Weg*. Another headliner of the *Front Night*, Harm-Jan Smit, has previously covered a song by a notorious British neo-Nazi band at the *Day of Honor* in Budapest.<sup>[167]</sup> Reportedly, German neo-Nazis had been planning on Telegram to attend the *Front Night en masse*.<sup>[168]</sup>

**10. Potential for violence/violent incidents:** *Project Thule*, a far-right group led by Tomas Boutens, an extremist convicted twice for terrorism and weapons charges who has established links to the *Blood and Honour* network,<sup>[169]</sup> has been allegedly put in charge of organizing security for both events since at least 2021.<sup>[170]</sup>

**11. Antisemitism and Holocaust denial:** The gathering generally holds revisionist views with regard to Flemish Nazi collaborators. In previous editions of the *Iron Wake*, flags of the Flemish *Waffen-SS*<sup>[171]</sup> and the Nazi-era *Deutsches Rotes Kreuz*,<sup>[172]</sup> have been flown at the event. According to Vincent Scheltiens, Professor at the University of Antwerp,

159. <https://www.mo.be/interview/christophe-busch-extreemrechts-vlaanderen-hier-nu-serieus-probleem>

160. <https://ijzerwake.org/ijzerwake-2004/>

161. IJzerwake magazine, no. 68, available at: <https://issuu.com/ijzerwake/docs/yw68>

162. <https://www.dewereldmorgen.be/artikel/2022/09/01/de-ijzerwake-heeft-een-zwakte-voor-fascisme-in-haar-dna/>

163. <https://www.hetobservatorium.be/2021/08/29/de-ijzerwake-de-ontmoetingsplek-van-de-vlaams-extremisten/>

164. <https://kafka.nl/gemeenteraadsverkiezingen-2022/>

165. <https://www.volksverzet.com/2021/08/31/volksverzet-op-ijzerwake-2021/>

166. <https://twitter.com/ijzerwake/status/1559490376922185728>

167. <https://www.bellingcat.com/news/2022/07/28/our-songs-are-manifestos-why-music-matters-for-belgiums-far-right/>

168. [https://www.standaard.be/cnt/dmf20220815\\_97627732](https://www.standaard.be/cnt/dmf20220815_97627732)

169. <https://www.hln.be/ieper/spanning-rond-frontnacht-stijgt-extreemrechts-roept-op-om-toch-af-te-zakken-naar-ijzerwake-politie-op-scherp-loopt-het-uit-de-hand-dan-wordt-hun-vergunning-in-vraag-gesteld~a1e8adb3/>

170. <https://www.hln.be/binnenland/portret-project-thule-waar-nazis-en-terroristen-voor-de-veiligheid-instaan~ad11f969/>

171. <https://www.bellingcat.com/news/2022/07/28/our-songs-are-manifestos-why-music-matters-for-belgiums-far-right/>

172. <https://www.hetobservatorium.be/2021/09/01/recidiviste-carrera-neefs-mag-op-ijzerwake-nazisme-verheerlijken/>



Holocaust denial and distortion are common occurrence at the event.<sup>[173]</sup> Particularly common is the glorification of Flemish Waffen-SS volunteers who fought on the Eastern Front (see picture).<sup>[174]</sup>

In addition, the lyrics of many of the bands announced for the concert are overtly antisemitic. Songs by Philip Neumann and *Flak* include explicit references to antisemitic conspiracy theories, such as ZOG ("Zionist-Occupied Government") or AJAB ("All Jews are bastards").<sup>[175]</sup>

**12. Civil society response:** The announcement of the *Front Night* provoked a wave of outrage and condemnation in Belgium<sup>[176]</sup> and abroad.<sup>[177]</sup> A coalition of local civil society organizations led by *Vredescollectief Ieper* (Peace Collective Ieper) published an open letter, documenting the extremist background of the line-up of the festival and calling for its permit to be annulled.<sup>[178]</sup>

**13. Reaction by the authorities/bans:** The City Council of Ieper, which initially had granted the *Front Night* a permit, subsequently withdrew it on 16 August 2022. The permit had been initially granted following a recommendation from the *Coordination Unit for Threat analysis (OCAD)*, the independent federal instance in charge of assessing terrorist and extremist threats in Belgium.

Once the lineup of the festival was announced, Ieper City Council again sought advice from OCAD, which flagged the presence of neo-Nazi and neo-fascist elements performing there.<sup>[179]</sup> While the *Front Night* was banned, the *Iron Wake* itself was allowed to take place unhindered.

**Author:** Johanan Seynave

Photo Credit: Belga News Agency/Alamy



173. <https://radio1.be/luister/select/de-wereld-vandaag/een-blik-op-de-muziekgroepen-die-op-frontnacht-zouden-staan-willen-mensen-organiseren-binnen-neonazistische-stroming>

174. <https://affverzet.wordpress.com/2022/06/06/foute-argumenten-voor-neonazistische-frontnacht/>

175. <https://www.bellingcat.com/news/2022/07/28/our-songs-are-manifestos-why-music-matters-for-belgiums-far-right/>

176. <https://www.demorgen.be/snelnieuws/deze-omstreden-bands-stonden-op-de-affiche-van-het-extreemrechtse-festival-frontnacht~bb27a52d/>

177. <https://www.vice.com/en/article/7k8xqg/frontnacht-nazis-ypres-belgium>

178. <https://www.focus-wtv.be/nieuws/ieperlingen-vragen-om-annulering-frontnacht-open-brief>

179. [https://www.nieuwsblad.be/cnt/dmf20220816\\_97155302](https://www.nieuwsblad.be/cnt/dmf20220816_97155302)

## 9. March on Rome, Italy

**1. Name:** March on Rome (*Marcia su Roma*)



**2. Location:** Predappio (Emilia-Romagna, Italy), with minor marches in Salò (Lombardy, Italy)

**3. Date:** 28 October (anniversary of the march on Rome) and 29 July (birthday of Benito Mussolini)

**4. Context, themes, slogans:** The march on Rome was a subversive armed demonstration organized by the *National Fascist Party*, aimed at a *coup d'état* with the objective of facilitating the rise of Benito Mussolini to the leadership of the Italian government. On 28 October 1922, thousands of fascists headed towards Rome threatening to violently seize power. The demonstration ended on 30 October, when King Vittorio Emanuele III instructed Mussolini to form a new government. The march on Rome was touted in the following years as the prologue of the “fascist revolution,” and in 1926 time began to be counted from the march on Rome according to the “Fascist Era.”

Annual marches take place in Italy commemorating these events, as well as the anniversary of the birth of Mussolini on 29 July 1883. Participants meet at the main square of the town of Predappio, birthplace of the fascist dictator. The procession goes up to San Cassiano cemetery, where Mussolini's body was moved in August 1957, to the crypt belonging to his family. There, speeches are traditionally held.

While the march is relatively short, consisting of a 2.5 km route, it is highly symbolic and has resulted over the years in harsh political controversies in Italy. The march is also informally known as *Corteo di Predappio*, *Commemorazione Marcia su Roma*, *Raduno Predappio* or *Raduno Fascista di Predappio*.

Over the years, the political movement most closely related to the Predappio marches has undoubtedly been the *Italian Social Movement* (*Movimento Sociale Italiano/MSI*), founded in 1946 and later re-founded as *National Alliance* (*Alleanza Nazionale/AN*) in 1995,<sup>[180]</sup> albeit with ups and downs and controversies over the years. In the past, many participants were veterans of the *Italian Social Republic* (*Repubblica Sociale Italiana/RSI*).

Common slogans at the marches are: “*Onore al Duce*”(Honor to the Duce), “*Camerata Benito Mussolini!*” to which the crowd replies: “*Presente!*”(Comrade Benito Mussolini - Present), and “*Per sua eccellenza Benito Mussolini*”, to which the crowd replies: “*All'armi siamo fascisti*” (To his excellency Benito Mussolini – To arms, we are fascists).

**5. Persistence:** Since the return of Mussolini's remains to Predappio in 1957, a custom of holding informal commemorations on important dates in fascist history began. Commemorative marches in Predappio consisting of several thousand participants have been witnessed and well documented since at least the early 1980s. Annual marches have been taking place since the 1990s. A fully consolidated tradition of yearly commemorative marches on 28 October or 29 July has existed since around the early 2000s.

180. For a quick introduction to the lineage of the current ruling Fratelli d'Italia party and the MSI-AN, see: <https://culturico.com/2021/11/12/post-fascism-in-italy-so-why-this-flame-mrs-giorgia-meloni/>



**6. Organizers:** At least in a formal sense, the *Associazione Nazionale Arditi d'Italia* may be regarded as the organizer of the march. The *MSI* has played an important role in the organization of the marches, particularly in the past, and not always in an explicit manner. This has wended down since the 1995 Fiuggi turn (*Svolta di Fiuggi*), an event widely acknowledged to mark the *MSI*'s transition from neo-fascism to post-fascism, and from an overtly far-right party to an "acceptable" party under the Italian constitutional order, under the new name of *Alleanza Nazionale*.<sup>[181]</sup>

**7. Number of participants:** Early numbers of participants ranged between 1,000 and 2,000. However, over the past ten years this number seems to be gradually on the increase. Although it is not easy to ascertain the exact number of participants, current attendance may fluctuate between 3,000 and 5,000. For the 90<sup>th</sup> anniversary of the March on Rome in 2012, between 1,000<sup>[182]</sup> and 5,000<sup>[183]</sup> participants were reported, and for the commemoration of the centenary of the March on Rome in 2022, around 4,000 participants were reported.<sup>[184]</sup>

**8. Spectrum and topics of participants:** Over the years, the marches have seen the participation of war veterans, particularly from the *RSI*, representatives of the *MSI*, but also groups and movements from the extra-parliamentary far-right, including neo-Nazi and skinhead groups. Some of the leaders of far-right movements such as *Casa Pound* and *Forza Nuova* have in the past declared themselves against the marches in Predappio, calling them "marches of masked clowns."<sup>[185]</sup>

The themes of the march are nostalgia for fascism and the promotion of neo-fascism,

as well as the invocation of conspiracy myths. Participants mostly protest to repeal the laws sanctioning the crime of apology of fascism (see below), which in their view would unduly restrict freedom of expression, and in favor of an unspecified "national unity and pacification." Participants range in age and include families. Fascist salutes are widely displayed, as are black shirts with far-right slogans. Flags and drapes with fascist and neo-fascist symbols are also flaunted.

**9. European networking:** The marches held in Predappio largely consist of Italian participants. A group of participants from Spain took part in the 2022 march.<sup>[186]</sup>

**10. Potential for violence/violent incidents:** In almost all cases, the marches held in Predappio or Salò have not resulted in acts of violence. They have proceeded in a relatively orderly manner and in the presence of police. Moments of tension have occurred when, for example, civil society organisations have attempted to call alternative counterdemonstrations supporting the Italian constitution.

**11. Antisemitism and Holocaust denial:** First and foremost, the march seeks to rehabilitate the memory of fascist dictator and war criminal Benito Mussolini and to downplay the crimes of his regime. Fascist and Nazi memorabilia are on display on site.<sup>[187]</sup>

During a 2018 march in Predappio, Selene Ticchi (former Budrio mayoral candidate for *Aurora Italiana* and *Forza Nuova* activist, later suspended by the latter<sup>[188]</sup>) wore a black T-shirt with the inscription *Auschwitzland*, comparing the extermination camp to Disneyland. In January 2023, Ticchi was acquitted of apology of fascism. The public

181. see V. A. Bruno Populism and Far-Right. Trends in Europe, Educatt, 2022 (p.175) Available at: <https://www.polidemos.it/wp-content/uploads/2022/10/ebook-AA.VV.-Populism-and-Far-Right-2022-9788893350679.pdf>

182. <https://www.ilfattoquotidiano.it/2012/10/28/predappio-carica-dei-1000-per-marcia-su-roma-delusi-dal-pdl-viva-lantipolitica/396095/>

183. <https://st.ilsole24ore.com/art/notizie/2012-10-28/fascisti-predappio-cinquemila-tomba-163523.shtml?uuid=Ab905hxG>

184. <https://st.ilsole24ore.com/art/notizie/2012-10-28/fascisti-predappio-cinquemila-tomba-163523.shtml?uuid=Ab905hxG>  
[https://www.ansa.it/sito/notizie/cronaca/2014/10/26/in-2.500-a-predappio-per-marcia-su-roma\\_fc83d5e0-8a58-4d2e-8765-77c9585f144b.html](https://www.ansa.it/sito/notizie/cronaca/2014/10/26/in-2.500-a-predappio-per-marcia-su-roma_fc83d5e0-8a58-4d2e-8765-77c9585f144b.html)

185. [https://www.agi.it/politica/di\\_stefano\\_casapound\\_predappio-4547862/news/2018-10-29/](https://www.agi.it/politica/di_stefano_casapound_predappio-4547862/news/2018-10-29/)

186. [https://bologna.repubblica.it/cronaca/2022/10/30/news/marcia\\_su\\_roma\\_il\\_giorno\\_delle\\_camice\\_nere\\_a\\_predappio\\_fez\\_camicie\\_nere\\_e\\_magliette\\_del\\_duce-372227616/](https://bologna.repubblica.it/cronaca/2022/10/30/news/marcia_su_roma_il_giorno_delle_camice_nere_a_predappio_fez_camicie_nere_e_magliette_del_duce-372227616/)

187. <https://www.vice.com/en/article/v7vqdy/fascist-sympathisers-italy-mussolini>

188. <https://www.bolognatoday.it/cronaca/t-shirt-utschwitzland-predappio-selene-ticchi-sospesa-forza-nuova.html>

prosecutor had requested a 9-month sentence and a fine of 600 euros. In the view of the relevant court in Forlì, the fact “did not constitute an offence.”<sup>[189]</sup>

**12. Civil society response:** Historically, within Italian civil society, the most active opponents of fascist and neo-fascist inspired marches have been the members of the ANPI (*Associazione Nazionale Partigiani d'Italia*).<sup>[190]</sup> Over the years, many national and regional political leaders have condemned the Predappio marches. However, rather discouragingly, marches continue to be held annually, with a steadily increasing number of participants and media exposure in Italy and abroad.

**13. Reaction by the authorities/bans:** Despite the fact that fascist and neo-fascist-inspired marches are, in theory, prohibited by the Italian Constitution, and condemned by many politicians and parts of civil society, they continue to be organized every year. These marches should, in theory, be banned under the *Scelba Law* of 1952 and the *Mancino Law* of 1993. In fact, bans have been implemented on very few occasions and only in relation to the organizers.

The *Scelba Law*, adopted by the De Gasperi government at a time of great social tensions, punishes anyone who “promotes or organizes the establishment of an association, movement or group that pursues anti-democratic aims peculiar to the fascist party, exalting, threatening or using violence as a method of political struggle or advocating the suppression of the freedoms guaranteed by the Italian Constitution or denigrating democracy, its institutions and the values of the Resistance, or carrying out racist propaganda; or whoever publicly extols exponents, principles, facts or methods of fascism or its anti-democratic aims.” Those found guilty are punished with imprisonment, fines and disqualification from public office. In addition, *Article 3* of the law regulates the dissolution of the aforementioned groups (so far

enforced only in two cases: *Ordine Nuovo* and *Avanguardia Nazionale*).

For its part, the *Mancino Law* prohibits the use of gestures, actions and slogans linked to Nazi-fascist ideology, and the diffusion of political ideas inciting violence and discrimination on racial, ethnic, religious or national grounds. The law also punishes the use of symbols linked to these political movements.

The current Minister of the Interior, Matteo Piantedosi, in relation to the centenary march held on October 2022, condemned it with the following statement: “This is just a clown show (*pagliacciata*), which I deplore in the strongest possible terms. However, it has been taking place for years, without incidents and under the control of the police force. [...] We live in a democratic country with solid institutions and a republican Constitution, we have the antibodies to defeat anyone who wants to go in another direction.”<sup>[191]</sup>

**Author:** Dr. Valerio Alfonso Bruno



Photo Credit: Vladimir Pomortzeff/Alamy

189. <https://www.today.it/cronaca/selene-ticchi-maglietta-auschwitzland.html>

190. <https://www.anpi.it/articoli/2098/apologia-del-fascismo-a-predappio-denuncia-dellanpi-nazionale-alla-procura-di-forli>

191. <https://www.fanpage.it/politica/il-ministro-piantedosi-dice-che-il-raduno-di-predappio-e-una-pagliacciata/>



# 10. Independence March, Poland

**1. Name:** Independence March  
(*Marsz Niepodległości*)



**2. Location:** Warsaw, Poland

**3. Date:** 11 November

**4. Context, themes, slogans:** *National Independence Day (Narodowe Święto Niepodległości)* commemorates the anniversary of the restoration of Poland's sovereignty as the Second Polish Republic in 1918 from the German, Austro-Hungarian, and Russian Empires. Commemorations on Independence Day refer to Polish traditions and patriotism and are unifying events for broad sections of Polish society. In recent years, the main Independence Day celebration has been instrumentalized by the far-right to promote extreme nationalistic, antisemitic, and anti-LGBTQI+ views.

**5. Persistence:** The first far-right march in Warsaw on Polish Independence Day was organized by Polish Skinheads in 1996 and was followed by sporadic marches in the following years. Since 2006, the march has been organized annually.<sup>[192]</sup>

**6. Organizers:** The first marches between 1996 and 2001 were organized by the antisemitic far-right party *National Rebirth of Poland (Narodowe Odrodzenie Polski/NOP)*. In 2003, the demonstration was organized for the first time by the far-right organization *All-Polish Youth (Młodzież Wszechpolska/MW)*. From 2006, the neo-fascist organization *National Radical Camp (Obóz Narodowo-Radykalny/ONR)* organized the annual event together with the MW and was later

joined by the far-right umbrella organization and political party *National Movement (Ruch Narodowy/RN)*. In 2011, these groups formed the *Independence March Association (Stowarzyszenie Marsz Niepodległości/SMN)* which acts as the official organizer of the event with Robert Bąkiewicz, a former leader of the *ONR*, as its president.

**7. Number of participants:** With only a few hundred participants in its first years, the annual march grew to more than 10,000 participants in 2011. It attracts more and more people every year, resulting in tens of thousands of participants. For the first time in 2018, on the 100<sup>th</sup> anniversary of Poland's independence, representatives of the ruling party *Law and Justice (Prawo i Sprawiedliwość/PiS)* called for participation in the march, which was held as a joint event by *PiS* alongside various far-right groups.<sup>[193]</sup> 250,000 people attended, according to the police.<sup>[194]</sup> The following years, tens of thousands participated.

**8. Spectrum and topics of participants:** The march has been repeatedly headlined by members of *PiS* and small far-right parties. Besides members and supporters of the organizing far-right and neo-fascist groups, the march has been attended by far-right hooligans tied to football clubs from all over Poland and a broad range of Catholic, anti-LGBTQI+ and anti-abortion organizations.

192. [https://warszawa.wyborcza.pl/warszawa/56,34862,10624511,Skini\\_policja\\_i\\_antyfaszysci\\_Konflikt\\_trwa\\_od\\_lat.html](https://warszawa.wyborcza.pl/warszawa/56,34862,10624511,Skini_policja_i_antyfaszysci_Konflikt_trwa_od_lat.html)

193. <https://www.independent.co.uk/news/world/europe/far-right-poland-warsaw-president-andrzej-duda-national-independence-march-a8629251.html>

194. <https://www.nytimes.com/2018/11/11/world/europe/poland-far-right-independence-day.html>

In past years, so-called “autonomous nationalists” formed a “black block” consisting of neo-Nazis from Poland and other eastern European countries. Some participants display white supremacist, racist, antisemitic, and homophobic slogans, symbols, and imagery; rainbow flags and flags of the European Union were burned during the demonstrations.<sup>[195]</sup>

Since the march is billed as a mass event celebrating national independence, large crowds of families, including children waving flags of Poland and supporters of the Polish government, take part every year in the event.

**9. European networking:** The *Independence March* has become another meeting point of the international far-right. In the past five years, the march has been attended by leading far-right groups and neo-Nazis from across Europe. Roberto Fiore, leader of the Italian neo-fascist party *Forza Nuova*, and former Member of the European Parliament, spoke at the event in 2017 after being invited by the organizers.<sup>[196]</sup> Alongside activists from major European far-right organizations, a group of members of the American white supremacist *Patriot Front* participated in 2019.<sup>[197]</sup>

**10. Potential for violence/violent incidents:** The march has often sparked heavy riots by participants, resulting in violent attacks on police forces, counterdemonstrators, and journalists. Despite a ban in 2020, participants marched through Warsaw and threw fireworks at police forces, stores, and residential houses with rainbow flags and symbols of the *Women's Strike Movement (Strajk Kobiet)*. One flat along the route was set on fire as participants cheered.<sup>[198]</sup>

**11. Antisemitism and Holocaust denial:** In 2019, the *Stop 447* campaign led by Robert Bąkiewicz was visible throughout the demonstration. The campaign was directed against the *U.S. JUST Act*, which called for a report on efforts taken by European countries to compensate Holocaust survivors and their heirs for assets seized by Nazi Germany and post-war communist governments, including Poland. During the kick-off rally, signatures against the law were collected and hundreds of participants wore pins opposing the law. A banner of the campaign on the main stage of the closing rally stated: “Against Jewish claims.”

In 2021<sup>[199]</sup> participants showed an antisemitic banner with the slogan “*Polish Intifada*.”<sup>[200]</sup> Slogans such as “*This is Poland! Not Polin*”<sup>[201]</sup>, “*No more Zionism!*” and “*USA: center of evil; no wars for Israel!*” were chanted. Right-wing supporters of the *Legia Warszawa* football club wore green balaclavas with Celtic crosses reading “*Jihad Legia*.”<sup>[202]</sup> In 2022, Nazi symbols were again on display at the march.<sup>[203]</sup>

In recent years, participants have worn historical uniforms of the underground military organization *National Armed Forces (Narodowe Siły Zbrojne/NSZ)*. The *NSZ* resisted the German Nazi occupation of Poland but was also an openly antisemitic organization that persecuted and murdered Jews.<sup>[204]</sup>

Banners have also paid tribute to the Polish nationalist and antisemite Roman Dmowski, admired by both the *MW* and *ONR*. These organizations adapted their name, symbols, and ideology from antisemitic organizations with the same name from the pre-World War II Second Polish Republic. Recent efforts to rehabilitate the *NSZ* and Dmowski are prob-

195. <https://www.vice.com/en/article/5dgpqk/the-far-right-brought-chaos-to-warsaw-on-polands-independence-day>

196. <https://www.france24.com/en/20171111-tens-thousands-far-right-march-poland-independence-day-nationalism>

197. <https://ctc.westpoint.edu/polands-evolving-violent-far-right-landscape/>

198. <https://democ.de/en/article/nationalists-set-fire-to-apartment-riots-during-independence-day-march-in-warsaw/>

199. Video footage of the 2021 Independence march (democ.): <https://www.youtube.com/watch?v=FMSoYgbxcg4>

200. <https://democ.de/en/article/warsaw-independence-day-march-2021/>

201. <https://www.tv7israelnews.com/israel-condemns-polish-anti-semitic-march/> (Note: Polin is Hebrew for Poland.)

202. <https://democ.de/en/article/warsaw-independence-day-march-2021/>

203. <https://www.timesofisrael.com/polish-independence-day-march-features-nazi-symbol-calls-to-burn-jews/>

204. [https://www.yadvashem.org/odot\\_pdf/Microsoft%20Word%20-%20203128.pdf](https://www.yadvashem.org/odot_pdf/Microsoft%20Word%20-%20203128.pdf)

lematic, as they contribute to the construction of a far-right culture of remembrance in the country. The ruling *PiS* party has not only endorsed Dmowski, but also established an institute<sup>[205]</sup> in his name and his legacy is regarded as fundamental to the party's brand of nationalism.<sup>[206]</sup>

**12. Civil society response:** Every year, different groups and alliances from civil society in Poland organize counterdemonstrations throughout the city with up to a few thousand participants. In 2021, activists attempted unsuccessfully to occupy the usual route of the *Independence March* by registering a feminist demonstration before the organizers of the march did.

**13. Reaction by the authorities/bans:** The city of Warsaw, which has been governed since 2006 by the main opposition party *Civic Platform (Platforma Obywatelska/PO)*, repeatedly tried to ban the annual event in light of the violent clashes.

After the march was initially banned in 2018 by the mayor of Warsaw, Hanna Gronkiewicz-Waltz, representatives of *PiS* called for their own march along the same route. The ban was overturned later in court and eventually, Polish President Andrzej Duda and Prime Minister Mateusz Morawiecki, agreed with the organizers to hold a joint march, which was addressed by President Duda himself.<sup>[207]</sup>

In 2020, the march was banned because of the COVID-19 pandemic. Nevertheless, thousands followed the call of the organizers to ignore the ban and attend the march illegally. Hundreds of participants clashed with the police.<sup>[208]</sup> The march was banned again in 2021 by the new mayor of Warsaw, Rafał Trzaskowski.<sup>[209]</sup> After a rejected appeal to the Supreme Court, Polish Justice Minister and

Prosecutor General Zbigniew Ziobro called for "civil disobedience" because, as he stated, it was "a fundamental right to gather for this patriotic event." The ruling *PiS* party then declared the march to be an event of "state character" in order to circumvent the previously issued ban.<sup>[210]</sup>

In recent years, the Polish government has directly funded the organizers *SMN*, *MW* and other organizations related to Robert Bąkiewicz.<sup>[211]</sup>

**Author:** Grischa Stanjek

Photo Credit: Kira Ayyadi



205. <https://idmn.pl/>

206. Andreas Kossert (2011): Founding Father of Modern Poland and Nationalist Antisemite: Roman Dmowski, in: the Shadow of Hitler: Personalities of the Right in Central and Eastern Europe, ed.R. Haynes and M. Rady.

207. <https://www.nytimes.com/2018/11/11/world/europe/poland-far-right-independence-day.html>

208. <https://democ.de/en/article/nationalists-set-fire-to-apartment-riots-during-independence-day-march-in-warsaw/>

209. <https://notesfrompoland.com/2021/10/13/warsaw-mayor-wants-nationalist-independence-day-march-banned/>

210. <https://www.reuters.com/world/europe/polish-far-right-independence-day-march-go-ahead-despite-court-ban-2021-11-11/>

211. <https://www.sv.uio.no/c-rex/english/news-and-events/right-now/2021/the-polish-independence-march-2021-%E2%80%93-nationalized-.html>

# 11. Kohti vapautta and 612-march, Finland

**1. Name:** *Kohti vapautta* and *612-Vapauden puolesta* (“Towards freedom” and “612-for freedom”)



**2. Location:** Helsinki, Finland

**3. Date:** 6 December

**4. Context, themes, slogans:** The number 612 refers to 6 December, which is Finland's Day of Independence. So-called *612-marches* have taken place since 2014, under the motto *Vapauden puolesta* (For freedom). These marches are organized by far-right activists which are not openly associated with the *Nordic Resistance Movement (NRM)*, a violent neo-Nazi-network with chapters in Sweden, Norway, Finland, Iceland, and Denmark, fighting for a Nordic state for “white people” only.<sup>[212]</sup>

The annual *612-marches* are accompanied by another march called *Kohti vapautta* (*Towards freedom*), a public march of the Finnish chapter of the *NRM*.<sup>[213]</sup> Both marches have been held in tandem since 2014, always timed so that the participants of the openly pro-NRM *Kohti vapautta* are able to join the ranks of the officially non-partisan *612-march* once the former concludes. This offers NRM members visibility and the possibility to display their symbols during the *612-march*.

The *612-march* is a torchlight procession from central Helsinki to the *Hietaniemi* war cemetery, where members visit the tomb of World War II-era President Carl Gustaf Emil Mannerheim and the monument to the Finnish SS-Battalion.<sup>[214]</sup> There are speeches at both the assembly point and at the cemetery, eulogizing the *Battle for Helsinki*, depicted by

speakers as the occasion “*when Germans and Finns marched side by side and liberated the city from the communists.*” Subsequently, the march disbands, with some participants taking part in the after-events. Torch-bearing is a calculated and successful ploy to make the procession appear larger than it is, with the torches highly visible in the dark winter night.

**5. Persistence:** The first demonstrations took place in 2014 and have taken place annually ever since.<sup>[215]</sup>

**6. Organizers:** The *Kohti vapautta* march is organized by the Finnish chapter of the *NRM*. According to its former leader, Esa Holappa, the *NRM* took the initiative in organizing another, less openly neo-Nazi procession that could attract a greater number of participants and function as a gathering of the far-right at large. For their part, the organizers of the *612-march* have a registered association and claim to be a club of normal citizens with no ties to the *NRM*. The main organizers and guests of the event have been drawn from either non-party-affiliated far-right-activists or members of the right-wing populist *Finns Party (Perussuomalaiset)*, its youth organization *Finns Party Youth (Perussuomalaiset Nuoret)* and/or from *Suomen Sisu*, an officially independent far-right NGO closely associated to the party.

212. <https://finlandtoday.fi/heres-what-it-was-like-to-witness-the-march-of-neo-nazis-on-finlands-101st-independence-day/>

213. <https://www.aamulehti.fi/tampere/art-2000007584578.html>

214. <https://varisverkosto.com/2018/09/the-new-fascist-tradition-of-independence-day-the-612-demonstration-in-finland-2014-2016/>

215. <https://varisverkosto.com/2018/09/the-new-fascist-tradition-of-independence-day-the-612-demonstration-in-finland-2014-2016/>



**7. Number of participants:** The *Kohti vapautta* march has typically gathered a maximum of 100-200 participants. In 2017, the march had its largest number of participants when, according to police estimates, there were around 450 people in attendance.

*612-marches* have been able to attract significantly more participants, peaking in 2018, when police estimates ranged from 1,800 to 2,800 participants. Numbers have been declining lately, with the 2021 procession only reaching 500 participants in police estimates. Some activists following the events on site have criticized police estimates as too generous. Some independent observers have offered notably lower estimates of attendance at both *Kohti vapautta*- and *612-marches*.

**8. Spectrum and topics of participants:** The participants of *Kohti vapautta* have typically appeared in NRM-symbols and colors, celebrating white supremacy and racist ideas of a Nordic country only for white people and without immigration. One can also find members of the *Finns Party*, as well as racist skinheads who feature visibly among the participants.

**9. European networking:** *Kohti vapautta* has been keenly supported by the other chapters of the NRM from Sweden, Norway, Iceland, and Denmark. In particular, the presence of Swedish neo-Nazi activists has been a typical and conspicuous feature, with occasional participation by far-right activists from countries like Germany (*Der III. Weg, Junge Nationalisten*), the UK (*National Action*), Greece (*Golden Dawn*), Italy (*Casa Pound*), and Estonia.<sup>[216]</sup>

**10. Potential for violence/violent incidents:** As the NRM has a record of physical assaults against outsiders, provocations and a general threat of violence have been character-

istic features of both *Kohti vapautta*- and *612-marches*, even if serious injuries have so far been avoided.<sup>[217]</sup>

**11. Antisemitism and Holocaust denial:** Since the organizers and participants of the *612-march* seek to uphold the fiction of independence from the NRM, open displays of antisemitism, Holocaust denial or Nazi symbols have been rare, and are officially not allowed. The organizers of the *612-march* claim to be inspired only by patriotism and have tried to emphasize that the Finnish flag be the only visible symbol carried by the participants. They have never achieved more than partial success enforcing this rule, as NRM members have continued to carry their symbols in the open, and some participants have displayed other neo-Nazi or far-right insignia, for instance carrying the colors of the 1930's fascist *Lapuan Liike (Lapua Movement)* or performing Nazi salutes. It's also worth restating that the *612-march* concludes at the monument to the *Finnish Volunteer Battalion of the Waffen-SS*.

**12. Civil society response:** Regular *Helsinki Ilman Natseja* (Helsinki without Nazis) counterdemonstrations have been staged on Independence Day, organized by a group of mainly leftist and anti-fascist organizations. In 2021, the police estimated 1,500 participants, noticeably more than the estimated 500 of the *612-march*.<sup>[218]</sup> The police have concentrated on keeping the demonstrators apart, rerouting the 2021 *612-march* to avoid contact with counterdemonstrators.

**13. Reaction by the authorities/bans:** The open display of flags of Nazi Germany in central Helsinki in 2018 led the police to interrupt the event. Several people were arrested on-site, and charges were pressed against some of the participants for assaults on police officials.<sup>[219]</sup> This also gave impetus to the

216. <https://www.belltower.news/nordic-resistance-the-pan-european-ikea-fascism-of-nordiska-motstandsroerelsen-109787/>

217. <https://yle.fi/news/3-9337178>

218. <https://nord.news/2021/12/06/far-right-groups-protesters-are-demonstrating-on-independence-day/>

219. <https://www.helsinkitimes.fi/finland/finland-news/domestic/16016-police-confiscate-three-swastika-flags-during-neo-nazi-protest-in-helsinki.html>

*National Police Board* to seek a ban of the Finnish chapter of the *NRM*. The ban entered into force in 2020.<sup>[220]</sup> The *NRM* has since tried to continue its activities under a number of barely disguised front organizations.<sup>[221]</sup> Since 2019, the police have prevented further *Kohti vapautta* marches, citing the ongoing legal proceedings against the *NRM*.<sup>[222]</sup>

In recent years, the police have taken a heightened interest in the events and have been present in force to prevent the participants to both marches from coming into contact with counterdemonstrators and the public. *NRM* members arriving from Sweden have occasionally been turned away at Finnish border crossing points.

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Photo Credit: Pekka Liukkonen/Alamy

220. <https://yle.fi/uutiset/3-11556872>

221. <https://www.belltower.news/nordic-resistance-the-pan-european-ikea-fascism-of-nordiska-motstandsroerelsen-109787/>

222. <https://yle.fi/news/3-11105080>



# 12. Imia March, Greece

1. **Name:** Imia March (Πορεία IMIA)



2. **Location:** Athens, Greece

3. **Date:** Around 30 January

**4. Context, themes, slogans:** The *Imia March*, initiated by the neo-Nazi *Golden Dawn* party, takes place each year in the center of Athens and commemorates the Imia crisis, in which three Greek soldiers died in a helicopter crash in 1996 on the islets of *Imia* in the Aegean Sea (Kardak in Turkish). Imia is part of the broader dispute between Greece and Turkey over sovereignty of the Aegean, which led in 1996 to massive tensions and brought the two countries to the brink of war.

Far-right organizations in Greece have instrumentalized the death of the soldiers and denounced those in the country who did not retaliate against Turkey as traitors.<sup>[223]</sup> The motto of the march changes according to current events, anti-Turkish sentiment is fomented and often anti-Muslim hatred is expressed. One enduring slogan is: “*Ίμια, δεν ξεχνώ*” (Imia, I do not forget).<sup>[224]</sup> The tone of the march is militaristic, and military officers often address the crowd. Mainstream political parties are accused of “weakness” against Turkey, which is portrayed as the aggressor and arch-enemy.

**5. Persistence:** The first march took place in 1996, on the initiative of the Greek neo-Nazi *Golden Dawn* party. Since then, the *Imia March* has taken place annually.<sup>[225]</sup>

**6. Organizers:** *Golden Dawn* is the main organizer of this demonstration. In fact, it has been their largest annual demonstration with heavy national and international mobilization.

**7. Number of participants:** Peak numbers of participants were reached in 2013, in which around 5,000 people took part, making it one of the largest neo-Nazi demonstrations in Europe that year.<sup>[226]</sup> Ever since, repressive measures have been put in place against *Golden Dawn* and numbers have dwindled.<sup>[227]</sup> In 2022, only a few dozen die-hard *Golden Dawn* members attended the demonstration.<sup>[228]</sup>

**8. Spectrum and topics of participants:** The *Imia March* has been a central venue of mobilization by far-right organizations in Greece, combining contempt against liberal democracy with hate against Turkey and Islam. During its early years when *Golden Dawn* itself was still a fringe phenomenon, neo-Nazi subcultures such as skinheads and far-right football hooligans joined the march seeking confrontation with counter-demonstrators and the police. As such, the march has been regarded as a show of force for *Golden Dawn*. For many years, it was regarded as the one time of the year where the party “reclaimed” the city center. In addition, other far-right nationalist and fascist groups, as well as press outlets such as *Stochos*, the

223. <https://koinonikosethnikismos.com/2022/01/30/31-ιανουαριου-1996-31-ιανουαριου-2022-παροντες/>

224. <https://www.youtube.com/watch?v=4nni7qSPybl>

225. Bampilis, Tryfon. 2018. “Far-right Extremism in the City of Athens During the Greek Crisis.” In *Critical Times in Greece: Anthropological Engagements with the Crisis*, edited by Dimitris Dalakoglou and Giorgos B. Angelopoulos, London, New York, NY: Routledge, p. 70.

226. Dimosthenis, Dimitris. 2014. “The Military.” In *Mapping Ultra-Right Extremism, Xenophobia and Racism Within the Greek State Apparatus*, p. 67.

227. <https://jailgoldendawn.com/2016/01/31/ιμια-2016-η-συμπικνωση-της-χρυσής-αυγής-βί/>

228. [https://www.efsyn.gr/ellada/dikaiomata/329869\\_mploko-sti-fasistiki-sygkentrosi-gia-ta-imia](https://www.efsyn.gr/ellada/dikaiomata/329869_mploko-sti-fasistiki-sygkentrosi-gia-ta-imia)

*Patriot Greek Association Ellinokratein*<sup>[229]</sup> and the *Autonomous Maeandrist Nationalists* join the march.

**9. European networking:** *Golden Dawn* has organized several networking activities with international neo-Nazis around the *Imia March*. Besides the annual visits of the German neo-Nazi *National Democratic Party (NPD)* (at least since 1998), *Der III. Weg* and *Die Rechte* (both since 2012),<sup>[230]</sup> neo-Nazis from Serbia, Russia, Denmark, Sweden, and France, as well as neo-fascists from Italy have participated.<sup>[231]</sup> In 2013, members of the neo-Nazi forum *stormfront.org* organized travels to Athens to join the march. In the early years, *Golden Dawn* organized concerts with international *White Power* and *Blood and Honour* bands around the march.<sup>[232]</sup> Every year, prominent international neo-Nazis have sent welcome addresses.<sup>[233]</sup> German magazine *Der Spiegel* published a leaked report by the German embassy in Athens warning of a delegation of “14 neo-Nazis” attending the *Imia March*, including current *Alternative for Germany (AfD)* politician Andreas Kalbitz.

**10. Potential for violence/violent incidents:** The event was notorious in the early 2000s as an opportunity for members to organize manhunts against immigrants, ethnic minorities, and anti-racist activists. There have been several clashes with anarchists and anti-fascists. Self-styled ‘security battalions’ organized by *Golden Dawn*, which in practice acted as hit squads, further inflamed tensions.<sup>[234]</sup> With dwindling numbers of participants in recent years, however, the potential for violence has decreased.

**11. Antisemitism and Holocaust denial:** Although the march itself is not directed specifically towards promoting antisemitism or Holocaust denial, neo-Nazi symbols are

ubiquitous. Demonstrators regularly sing the *Golden Dawn* anthem “Raise your flags”, based on the *Horst Wessel* song, the anthem of the Nazi party. Consequently, the *Jewish Community of Athens* has raised concerns about the march and received slurs and threats from *Golden Dawn* members in response.

**12. Civil society response:** For many years, the *Imia March* took place in the center of Athens without any resistance by civil society actors. In the 2000s, anarchists mobilized against the march, provoking repeated clashes. More recently, anti-racist organizations have demonstrated against the march.<sup>[235]</sup> Yet there has not been much traction, as civil society resistance is relatively weak in Greece and counterdemonstrations are not an established means of protest politics.

**13. Reaction by the authorities/bans:** After the arrest of *Golden Dawn* MPs in 2013, there have been repeated attempts to restrict the march as the police faced challenges in maintaining order in the city center. In 2016, the protest march transformed to a static rally at the memorial of the fallen Navy soldiers at Vasilissis Sofias Avenue in the Greek capital, following a police ban for security reasons.<sup>[236]</sup> Since state officials regularly memorialize the *Imia crisis*, they are reluctant to ban a march on a topic widely regarded as a patriotic issue, as this could cause outrage among their constituencies.

**Author:** Maik Fielitz

229. [https://www.stoxos.gr/2012/01/28\\_29.html](https://www.stoxos.gr/2012/01/28_29.html)

230. <https://www.vice.com/el/article/pgym8z/touristika-tours-i-xrusi-augi>

231. <https://booksjournal.gr/blog/1872-χρυσή-αυγή-και-διεθνείς-ναζιστές-τίμησαν-ίμια-και-χίτλερ>

232. <https://www.stormfront.org/forum/t1082515/?postcount=1#post12586516> .

233. <http://ethniko.net/blog/golden-dawn-imia-2013-march/>

234. <https://ifex.org/greece-a-tale-of-two-protests/>

235. [https://www.efsyn.gr/ellada/dikaiomata/329869\\_mploko-sti-fasistiki-sygentrosi-gia-ta-imia](https://www.efsyn.gr/ellada/dikaiomata/329869_mploko-sti-fasistiki-sygentrosi-gia-ta-imia)

236. <https://www.dimokratia.gr/ellada/305663/i-el-as-apagoreyei-tin-poreia-tis-chrysis/>





Photo Credit: Abaca Press / Alamy



# Conclusion to Part I: The danger of the marches

## 1. The marches promote antisemitism and Holocaust denial and distortion

As we have seen throughout Part I, antisemitism is not only a by-product, but a core element of the marches. Antisemitic incidents are commonplace, be it through the display of explicit banners and symbols, through slogans such as “Juden raus” and songs such as “AJAB”, through overt incitement by speakers, through shows of force in front of Jewish communal buildings or Holocaust memorial sites, and through veiled references wherever overt displays of antisemitism are criminalized and prosecuted.

Antisemitic conspiracy myths often play a prominent role in the marches. Common tropes include portraying Jews as “globalists” or “rootless cosmopolitans”, as the main antagonists in the form of “bankers” or “puppet-masters”, or the allegation that a “Zionist-Occupied Government” is the force behind a supposed “Great Replacement” of white Europeans with African or Muslim “invaders.”

Equally concerning is the recurring denial and distortion of the Holocaust. As described, the majority of the gatherings are explicit celebrations of Nazism and fascism, usually combined with attempts to rehabilitate Nazi war criminals and their collaborators.

Often the marches pay direct tribute to undeniably antisemitic historical figures, such as Benito Mussolini, Rudolf Hess, Ante Pavelić or Hristo Lukov, all of whom are either Nazis or Nazi collaborators, and of course Adolf Hitler himself. To allow them to be honored in public gatherings in the European Union is an affront to European values.

Veterans of Nazi combat units are honored and take active part in many of these marches in their old uniforms for as long as their health allows. According to an insidious narrative prominent in these circles, these veterans are heroes who were only or primarily trying to save Europe from communism, while the Shoah, the mass extermination of six million Jewish children, women and men is at best an unfortunate side issue, and at worst a disputed historical fact.

As we have seen in the examples of Dresden and Bleiburg, Holocaust distortion often takes the form of an inversion of roles between perpetrator and victim. These are two extreme examples of broader attempts by far-right movements to reshape the politics of memory in Europe.

Trivializing war crimes and genocide, rehabilitating war criminals, whitewashing the darkest chapters of European history, and eroding the boundaries of legitimate public discourse are the building blocks of a burgeoning far-right culture of remembrance that seeks to provide political legitimacy to ideas and actors that for good reason were excluded from democratic processes.

As is the case with overt displays of antisemitism, Holocaust denial and distortion will not always be explicit at the marches. This is certainly not for participants' lack of endorsement of these ideas, but rather because they have acquired an understanding of the need to abide by the existing national legislation and preserve the public image of their movements.

Finally, another troubling fact is that whenever complaints concerning antisemitic incitement or Holocaust denial at the marches have been brought to the attention of the judicial authorities, as was the case after marches in Predappio in 2018, in Madrid in 2021, and in Dresden in 2022, these have been dismissed by prosecutors and judges, sometimes without due consideration. These decisions show that there is important work ahead raising awareness among the judiciary regarding the effective implementation of legislation on hate speech and memory laws.

## 2. The marches are networking opportunities for dangerous extremists

The individuals gathering multiple times a year at the marches represent far-right organizations and informal networks active throughout Europe. In many cases, they are affiliated with the so-called *action-oriented* sector of the neo-Nazi scene, i.e. belonging to informal, decentralized groups that tend to be less interested in political discourse than in acting out their ideology through violence.

To these groups, the marches are less about promoting ideology than they are about exchanging expertise, participating in combat training, and procuring weapons. Therefore, these marches contribute to creating and maintaining structures in place that at the very least increase the potential for violence at individual events, and at worst strengthen pan-European terrorist networks and allow violent criminals to go undetected.

These marches offer extremists the opportunity to increase their outreach and improve their skills under the guise of alleged commemorative or recreational activities. Most often, they attract exactly the kind of actors who pose a real threat to others. Among attendees, far-right Mixed Martial Arts (MMA) fighters join the marches, organize fighting events and provide intimidating security for the marches themselves. Occasionally, far-right football hooligans also play important roles.

Members of designated terrorist organizations, such as *National Action* or the *Russian Imperial Movement*, are often among the international attendees of these marches. They provide them with an opportunity to exchange information and share like-minded contacts across the continent.

Members of the far-right music scene also play a central role in the marches, especially through the Europe-wide *Blood and Honour* network and its right-wing terrorist arm *Combat 18*, but also through links with *Hammerskins*, *Rechtsrock* or *Rock against Communism (RAC)*. This music culture often accompanies hate-based violence. In fact, the first international far-right events and networking opportunities were banned rock concerts that needed to relocate to other neighboring European countries.

Where for instance, the *Blood and Honour* network is banned, such as in Germany, small far-right parties such as *Der III. Weg* or *Die Rechte* have surfaced as catch-all structures. Political parties are much more difficult to ban than wider neo-Nazi networks or so-called *action-oriented comradeships*. It is for this reason that neo-Nazis in Germany have opted for this form of organization, losing none of the determination and willingness to commit violent acts.

Among these groups, special emphasis is placed on cultivating a militaristic appearance and on assuming the role of ensuring “law and order.” This is, for instance, evidenced by the common tactic of not launching attacks directly during the marches, so as not to endanger their continuation. Attacks are often performed later, after the marches have ended, but are planned or prepared before or during the events.

Occasionally, however, as we saw in the cases of Warsaw and Athens, the marches derive a lot of their attractiveness from the fact that they unerringly end in violent excesses.



The most vulnerable targets of these attacks are the groups that they perceive as undesirable: Jews, Roma, Muslims, migrants and refugees, LGBTQI+ people, but also counterdemonstrators and anyone standing in their way.

It should be clear why these marches pose a threat to public security and public order. Unquestionably, an end to marches glorifying Nazism and fascism will not end Europe's neo-Nazi networks or far-right terrorism.

Extremists are turning away from centralized movements and towards concepts of "leaderless resistance" and autonomous cells, promoted through materials shared widely online. The online space offers unlimited access to these materials and a broad range of networking opportunities, including through social media.

Online communities offering anonymity have ushered in an era of online-radicalized and decentralized far-right terrorism, as we have seen on Utøya and in Oslo, in Halle, Hanau, or Bratislava. These online communities only partially overlap with classical far-right terrorist structures, and no longer necessarily rely on them.

Nevertheless, physical gatherings still play a crucial role in strengthening far-right networks. Due to the criminal nature of many of its activities, the far-right scene is inherently paranoid. In-person meetings are much more conducive to building trust and establishing personal connections than online interactions.

Consequently, reducing the availability of offline meeting opportunities, and preventing neo-Nazis from paying homage openly and publicly to their inhuman ideology remains an important strategy in preventing the proliferation of pan-European far-right networks.

### **3. The marches foster a pan-European white supremacist ideology**

Far-right extremists across Europe have come to realize that their beliefs resemble those of far-right extremists in other countries much more than those of democrats in their own countries. This has naturally resulted in the emergence of an internationalist movement of extreme nationalists.

Various alliances can be forged under a pan-European far-right identity, and the marches described in this report are an important part of this process. Parts of the far-right have developed strategies towards establishing a common identity, often borrowing from white supremacist, or *alt right* ideology in the United States. The result is an ideology of a "white race" that needs to be defended through "white power."

This process was not without some incongruity. Since white supremacists in some European countries do not necessarily conform to each other's ideas of "whiteness" or "Aryan-ness", the concept of a "European race" or a "Christian culture" was put forward to describe the ethno-cultural community they claim to defend.

Attempts to establish a pan-European white supremacist identity go hand in hand with World War II and Holocaust revisionism, as they enable a common identity that can be conveyed, at least partially, to the majority of European societies.

Antisemitism also plays an important role in the forging of this identity and has surfaced as a prominent element of identitarian discourse. Particularly prominent is the antisemitic conspiracy myth that Jews have sown discord between the European peoples and that World War II was a "fratricidal war" between cultures that should belong together. Its conclusion is that these European peoples had to rally against the common enemy, imagined as a Jewish dominated "new world order."



This perverse narrative enables the construction of a pan-European white supremacist ideology, and is often on display at the marches, alongside other contemporary conspiracy myths targeting other vulnerable groups.

Approval by the general public is much less an objective of these marches, than the semblance of public approval for a resurgence of far-right revisionist ideology. When these marches are allowed to take place unhindered, the message is conveyed that this ideology should be regarded as acceptable in a democratic society.

In other words, where neo-Nazis are able to take to the streets in numbers, they are able to feel like the spokespersons of an imagined political plurality.

The more these marches continue to proceed undisturbed, the more they will continue to create a shared experience on the streets for extremists, which will foster cohesion, encourage them to take bolder action and eventually metastasize into a pan-European white supremacist movement.

#### **4. The marches intimidate and socially isolate vulnerable target groups**

As will be detailed in Part II, states have a positive responsibility to ensure the security of their citizens.

Every march glorifying Nazism or fascism allowed to take place on Europe's streets contributes to the perception that state authorities do not take sides between aggressor and victim. This reinforces a common view among vulnerable groups that public authorities will not be on their side in the event of a hate crime.

Occasionally, public authorities will regard counterdemonstrators as troublemakers and provocateurs who complicate or escalate the situation. From this perspective, dangerous neo-Nazis are transformed into peaceful and orderly demonstrators.

When Jewish communities fear for their safety in the face of far-right marches, as was the case in Athens, they are often portrayed as oversensitive - even in light of evidence of prior antisemitic incidents.

These sorts of reactions, from the public or the authorities, promote a chilling effect for democratic civil society. They weigh particularly heavily when these marches are supported by members of a ruling party, as is the case in many of the examples presented.

#### **5. Lessons from the civil society response**

Finally, while the legal response will be addressed in Part II, it is also important to address the civil society response, which plays an important role in countering the normalization the far-right.

As members of democratic societies, we should do everything in our power to make it as difficult as possible for neo-Nazis and fascists to carry out their activities. This necessarily includes those activities that are carried out in the public sphere.

As we have seen throughout the report, social movements, organizations of Holocaust survivors, Jewish communities and organizations, neighborhood committees and individual activists have spearheaded the response against these marches and in certain cases achieved considerable success.

Counterdemonstrations and other counteractions offer many opportunities for democratic civil society to provide context, set the tone, and communicate that it is not socially acceptable for extremists to glorify Nazism and fascism on European streets, that their message of hatred must be opposed, and that they cannot be allowed to march undisturbed.

Local authorities also have an important role to play here, doing their part not to allow far-right marches to take place on their intended and traditional routes, and at least to try to confine them to the outskirts of cities.

Counteractions can also be creative. In 2019, for instance, local residents in Ostritz, Germany bought up all the beer from local supermarkets so that participants to a large far-right rock concert were left high and dry and made to realize that they were not welcome. These are symbolic, peaceful actions, but they resonate powerfully as a clear statement against the enemies of democracy.



Photo Credit: dpa picture alliance / Alamy

# PART II - Legal Analysis

**Dr. Aleksandra Gliszczyńska-Grabias**

## 1. Introduction

The phenomenon of *marches glorifying Nazism and fascism* (for the sake of this legal analysis referred to as **MGNF** in Part II), taking place in many of the EU Member States, imply not only social and political consequences, but also those of a legal nature. The most common forms of public expression, actions and other forms of behavior taking place during *MGNF* which demand legal response include glorification of historical figures who were war criminals and/or leaders of totalitarian regimes; presentation of totalitarian symbols, including military uniforms; chants and slogans praising the above mentioned figures, totalitarian regimes and/or their crimes; inciting to hatred and discrimination against particular (most often minority and vulnerable) groups; performing acts of symbolic expression, like burning particular objects.

Thus, *MGNF* should be considered and analyzed within several European legal frameworks. The core of these include:

- The legal framework concerning any public presentation, dissemination and/or propaganda of fascist/Nazi (or other totalitarian) ideology;
- The legal framework concerning hate speech and hate crime, including Holocaust (and/or other genocide) denial and/or distortion;
- The legal framework concerning freedom of assembly;
- The legal framework concerning freedom of association;
- The legal framework concerning positive obligations of states regarding safeguards for the protection against totalitarian ideologies, organizations, and their public activities.

All these frameworks interact with each other and should be taken into consideration by states' authorities responding to *MGNF*. Their reaction should rely not only on the domestic legal regulations and jurisprudence, but also on the relevant and binding international human rights law standards, common for all EU Member States, and more broadly, for the members of the European legal sphere created and functioning within the *Council of Europe* (hereafter: *CoE*). The present part of this report concentrates on the latter, with just some references to the national legal context of EU Member States. The main emphasis is put on the relevant case law of the **European Court of Human Rights** (hereafter: *ECtHR, the Court*), as the highest European judicial body authorized to adjudicate in cases concerning, among other rights and freedoms, freedom of speech, assembly, and association.

*MGNF* belong to the category of phenomena that situate themselves between concurring rights and freedoms: the right to gather and manifest one's ideas freely (freedom of speech and freedom of assembly, often combined with freedom of association) is confronted with the rights and freedoms of others, with the rule of equality and anti-discrimination, and with bans concerning public dissemination of genocide denial or hateful propaganda. The role of international human rights law and judicial bodies that interpret this law is to weigh these rights and freedoms and seek balance between them. The rules governing the process of such balancing attempts are enshrined in human rights law standards, based on the historical heritage especially relevant for the European legal sphere.

## 2. Holocaust heritage, militant democracy, and memory laws in Europe

The creation of the universal system of protection of human rights was inextricably linked with the history of World War II and with the Holocaust.

It is important to note that the leading Jewish organizations active in the United States, and particularly the *American Jewish Conference*, which brought together the heads of the thirty-five largest Jewish national membership organizations in the United States, played an active role in focusing the United Nations (UN) on human rights issues, including the issues of countering racial discrimination and pro-totalitarian propaganda.<sup>[237]</sup>

*B'nai B'rith* President Henry Monsky, who was instrumental in the establishment of the *American Jewish Conference*, led an international delegation of Jewish representatives at the San Francisco conference that created the UN. This involvement was partly motivated by a conviction that the best protection of rights of Jewish people is assured by making it part and parcel of a larger project of universal protection of human rights. In the words of Monsky, who argued against the domestic jurisdiction clause of *Article 2(7)* of the UN charter: “[The UN] may be powerless to halt nations which embark on domestic programs flagrantly violating and totally disregarding human rights and fundamental freedoms. Our tragic experience in the rise of Nazism and Fascism, which was a prelude to war, is a case in point.”<sup>[238]</sup>

Much later, in 2004, during the first-ever conference of the UN devoted to the problem of antisemitism, Secretary General Kofi Annan recalled that the UN was named precisely in order to characterize a unity of the world's nations struggling against a murderous system, and that it was born after the world found out about the terror in the death camps. He added that the UN was raised “from the ashes of the Holocaust” and that no human rights system which overlooks antisemitism is faithful to the history of rights-related concerns.<sup>[239]</sup>

The same point can be made about the philosophical and political sources of the European human rights system. The grounds for the CoE were a reaction against Nazism - the totalitarian regime which brought about unspeakable horrors, including genocide and mass repressions. In contrast, the CoE was based on the principles of the rule of law, respect for human rights, and democratic mechanisms of governance in modern European states. The CoE may be seen as providing a supranational guarantee for these ideals.

It is therefore not surprising that the aftermath of the Holocaust was translated into the whole system of guarantees of human rights and freedoms, including those enshrined in the *Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG)*, the *International Convention on the Elimination of All Forms of Racial Discrimination (CERD)* and in the ***European Convention for the Protection of Human Rights and Fundamental Freedoms***<sup>[240]</sup> (hereafter: *ECHR, the European Convention*). The protection of racial, ethnic, and religious minorities, the prohibition of incitement to genocide and hatred, or general bans on discriminatory treatment, as well as bans on racist, neo-Nazi and fascist organizations and propaganda, including propaganda disseminated during assemblies (such as marches), can be seen as the response to the call of “*Never again.*”

This approach is very closely linked to the **militant democracy doctrine**<sup>[241]</sup> which can be defined as a set of state laws and policies meant to restrict (most often) freedom of speech, assembly and association, when exercised by anti-democratic activists and ideologues. In

237. Loeffler, J. (2013). “The Conscience of America”: Human Rights, Jewish Politics, and American Foreign Policy at the 1945 United Nations San Francisco Conference. *The Journal of American History*, 100(2), p. 401–428.

238. *Ibid*, p. 426.

239. The text of the speech is available at: <http://www.un.org/press/en/2004/sgsm9375.doc.htm>

240. [https://www.echr.coe.int/documents/convention\\_eng.pdf](https://www.echr.coe.int/documents/convention_eng.pdf)

241. M. Thiel (ed.), *The ‘Militant Democracy’ Principle in Modern Democracies*, Routledge 2009.



cases of “dealing with the past,” states often invoke militant democracy measures attempting to control the use of words and symbols in order to avoid the spread of hatred or the negation or trivialization of past wrongs. Militant democracy measures are most often relied upon to justify, for example, bans on the functioning of neo-Nazi political parties or on the dissemination of Nazi symbols and propaganda.

German legislation can serve as a good example here. The *German Basic Law (Grundgesetz)* states that political parties that seek to undermine or abolish the free democratic order shall be found unconstitutional. At the same time, the *German Criminal Code* in Section § 86a outlaws the “use of symbols of unconstitutional organizations” outside the contexts of “art or science, research or teaching”. The law was adopted during the Cold War and notably affected the *Communist Party of Germany (KPD)*, which was declared unconstitutional and banned in 1956, the far-right *Socialist Reich Party (SRP)* (banned in 1952) and several small far-right organizations. The law prohibits the distribution or public use of, in particular, flags, insignia, uniforms, slogans and forms of greeting.<sup>[242]</sup>

Legal bans on assemblies or legal measures introduced during assemblies in order to legally dissolve them can be also considered to belong to the category of the so-called *memory laws*,<sup>[243]</sup> if directed against assemblies/associations linked to or spreading the ideology of former totalitarian regimes. *Memory laws (lois mémorielles; Erinnerungsgesetze)* enshrine state-approved interpretations of crucial historical events, commemorating the victims of past atrocities, as well as heroic individuals or events emblematic of national and social movements.<sup>[244]</sup> Such regulations date back centuries and continue to spread throughout Europe and the world. Memory laws are used by states not only to prescribe, but also to promote a particular view of persons or events from the past. In their punitive form, memory laws impose limits on democratic freedom of expression, association, the media, or scholarly research. Furthermore, memory laws reach far beyond the bounds of criminal law: school-books concerning history, national memorial ceremonies, or public monuments are state approved and state-controlled as well. However, the most common and well-known memory laws are legal bans on Holocaust denial, including the denial disseminated during public assemblies.<sup>[245]</sup>

Theoretically, CoE and EU Member States’ zones should remain neo-Nazi- and neo-fascist-free zones. Legal regulations created within the European legal sphere allow or even oblige states to forbid and counter the public presence of these ideologies. However, the reality is much more complex and even shocking instances of open totalitarian propaganda and racial hatred regularly take place, uninterrupted by police, local authorities, or prosecutors’ offices.

In November 2021, hundreds of people joined a far-right march in the Polish city of Kalisz at which participants chanted “Death to Jews!” and burned a copy of a famous historical document that granted Jews the right to settle in Poland.<sup>[246]</sup> Their actions were criticized by the mayor, who notified prosecutors of a potential crime and passed on police recordings of the event. However, the mayor did not dissolve the march while the open violations of Polish and international law were taking place.

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242. P. de Morree, *The German ‘Wehrhafte Demokratie’ in: Rights and Wrongs under the ECHR*

The prohibition of abuse of rights in Article 17 of the European Convention on Human Rights, Cambridge University Press 2017.

243. A. Gliszczyńska-Grabias, U. Belavusau (eds.), *Law and Memory: Towards Legal Governance of History*, Cambridge University Press 2017.

244. <https://www.holocaustremembrance.com/resources/projects/holocaust-denial-and-distortion-laws>

245. E. Fronza, *Memory and Punishment: Historical Denialism, Free Speech and the Limits of Criminal Law*, Springer 2018.

246. <https://www.jpost.com/diaspora/antisemitism/polish-nationalists-shout-death-to-jews-while-burning-a-book-at-a-rally-684859>

### 3. Relevant legal framework within the CoE and EU human rights protection system

The existing European legal framework offers some responses to the phenomenon of *MGNF*. They include international human rights law treaties' provisions and whole separate legal acts that are relevant for responding to *MGNF*.

#### European Convention on Human Rights and Fundamental Freedoms (ECHR)

**Article 11 ECHR** offers guarantees of **freedom of assembly and association**, also providing prerequisites for the limitations of these freedoms. It thus states, in paragraph 2: *"No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State."*

States are thus in a position to restrict freedom of association and assembly when these conditions are met. In the case of *MGNF*, the necessity in a democratic society for the protection of the rights and freedoms of others seems to be the most common reason for introducing such restrictions. However, in the same case of *MGNF*, the threat to public order may also be invoked to justify the order to dissolve an assembly. As concerns the freedom of association, if the values of such an association, its statutes, activities or other elements are linked to or based on or, make reference to totalitarian regimes and anti-democratic ideologies, the grounds for the dissolution (or refusal of registration) can be rooted even in the national security or public safety prerequisites.

A similar limitation clause is stipulated in **Article 10 ECHR**:

*"1. Everyone has the right to **freedom of expression**. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television, or cinema enterprises.*

*2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary."*

It is important to note that in case of *MGNF*, verbal incitement to racial, ethnic, or national hatred, Holocaust denial or glorification of totalitarian regimes and their leaders may constitute the basis for dissolution of such assemblies also relying on the criminal code provisions in force in various forms in all EU Member States.

**Article 17 ECHR** establishes a general **prohibition of abuse** of the rights and freedoms of the Convention: *"Nothing in this Convention may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in the Convention."*

It is thus forbidden to abuse the *Convention* in an attempt to undermine the very essence

and true meaning of the rights and freedoms granted therein. The drafters of the *Convention* were clearly inspired by the almost identical sounding *Article 30* of the *Universal Declaration of Human Rights* as well as the provisions of the *Basic Law of the Federal Republic of Germany* of 1949, in which the possibility of very far-reaching restrictions on rights and freedoms of individuals and groups acting against a democratic system were allowed. Legal regulations like *Article 17 ECHR* emerged in international human rights law and in the national legislation of European states in order to prevent a repetition of historical events when the democratic legal order had been captured by ideologies and regimes hostile to democracy. *Article 17* should therefore be read as a legal translation of the concept of militant democracy, according to which democratic guarantees should not apply to the enemies of democracy who intend to destroy it. It should be emphasized that *Article 17 ECHR*:

- can only be invoked in connection with the material provisions of the Convention, awarding rights and freedoms - so it has no independent meaning: in case of *MGNF*, it will most often be invoked in connection with *Article 10* or *Article 11 ECHR*;
- applies only to severe actions and acts requiring decisive reaction from state authorities;
- use thereof should be strictly limited in scope because it deprives individuals and groups of important protections provided in the provisions of the Convention.

Analysis of past practice of the actual scope of application of *Article 17* indicates that it is *being* invoked essentially in two main contexts: (1) attempts to replace the democratic system with an anti-democratic system and to introduce rule by totalitarian regimes and (2) calls for hatred and incitement to violence on racial, ethnic, national, and religious grounds (including public expressions of Holocaust denial).

Thus, this provision is of significant importance in case of complaints to the *ECtHR* submitted by individuals and groups whose rights and freedoms have been restricted on the national level as a result of their pro-totalitarian and anti-democratic actions or expressions.

Additionally, **Article 14 ECHR** can be invoked, as it **prohibits discrimination**, including discrimination based on race, ethnicity, national origin, and religion, which most often accompanies the public expression of pro-totalitarian attitudes, including during *MGNF*.

*Article 14 ECHR* reads: “The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.”

### **Additional Protocol to the Convention on Cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems**<sup>[247]</sup>

In the explanatory report to the *Additional Protocol to the Convention on Cybercrime*<sup>[248]</sup> concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems (hereafter: *Additional Protocol*) it has been stated that the treaty has two main objectives: the harmonization of laws of its Member States in the area of counteracting online racism and xenophobia and the improvement of cooperation between the states within this field. Even though the phenomenon of *MGNF* appears “offline” and not online, a lot of elements, including live transmissions of such assemblies, as well as other activities and contents related to *MGNF* may appear online.

247. <https://rm.coe.int/168008160f>

248. An Additional Protocol to the ECHR (Council of Europe).

In the first chapter of the *Additional Protocol*, the notion of **racist and xenophobic material** has been defined as: “(...) any written material, any image or any other representation of ideas or theories, which advocates, promotes or incites hatred, discrimination or violence, against any individual or group of individuals, based on race, colour, descent or national or ethnic origin, as well as religion if used as a pretext for any of these factors.”

The *Additional Protocol* obliges the parties to this treaty to “(...) adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right, the following conduct: distributing, or otherwise making available, racist and xenophobic material to the public through a computer system.” It also includes a similar obligation with regard to racist and xenophobic motivated threats, racist and xenophobic motivated insults and denial, gross minimizing, approval or justification of genocide or crimes against humanity. At the same time, the *Additional Protocol* offers state parties to this treaty various ways of actually bypassing these requirements by introducing other measures.<sup>[249]</sup>

### **Framework Convention for the Protection of National Minorities**<sup>[250]</sup>

The *Framework Convention for the Protection of National Minorities* (hereafter: *Framework Convention*) is a treaty which serves to protect the rights of persons belonging to national minorities and to counteract various forms of discrimination against them. In the context of *MGNF*, the most important provision of the *Framework Convention* is **Article 6 para. 2**, which stipulates: “The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.” As the *MGNF* in EU Member States most often include contents and actions aimed against particular vulnerable minority groups, the quoted provision can be relevant in indicating the scope of the obligations of state parties to this Treaty to counteract the negative consequences of *MGNF*.

As an additional so-called soft law instrument, the **Resolution of the Parliamentary Assembly of CoE on Counteraction to manifestations of neo-Nazism and right-wing extremism**<sup>[251]</sup> should be mentioned. It includes, in its parts related to the legal sphere, the call to (among other things): provide, and effectively implement, a comprehensive legal framework on hate speech and hate crime; make party leaders and members, including members of parliament, criminally liable for using hate speech or committing hate crime or any other criminal offence, reacting in a timely and effective manner; train judges, prosecutors and law-enforcement officials on hate crime and hate speech so that they can also identify crimes with a neo-Nazi background; strike the right balance between the need to protect, on the one hand, freedom of expression and the right to privacy of members of right-wing extremist groups and, on the other, the fundamental rights of democratic groups wishing to react and prevent or block manifestations organized by right-wing extremists; ensure accelerated proceedings in the investigation, prosecution and trial of cases of neo-Nazi violence by adolescents, in co-operation with the families of the offenders and civil society networks, focusing on efficient support measures for those wishing to leave extremist movements, so as to enhance the deterrent effect on other adolescents.

249. Article 3 para. 3 reads: “A Party may reserve the right not to attach criminal liability to conduct as defined by paragraph 1 of this article, where the material, as defined in Article 2, paragraph 1, advocates, promotes or incites discrimination that is not associated with hatred or violence, provided that other effective remedies are available”.

250. <https://www.coe.int/en/web/conventions/cets-number/-/abridged-title-known?module=treaty-detail&treatynum=157>

251. <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=21219&lang=en>





## Legal framework of the European Union

The legal framework of the *European Union* (hereafter: *EU*) encompasses instruments relevant for the subject matter of the present report.

In December 2021, a proposal was presented to extend the list of 'EU crimes' set out in *Article 83(1)* of the **Treaty on the Functioning of the European Union (TFEU)**, which would allow it to cover all forms of hate crime and hate speech as such. These actions and attempts by the EU indicate that the EU and its institutions understand the need to counteract such phenomena as *MGNF*, which are directly linked to antisemitic tendencies and attitudes.

### EU Charter of Fundamental Rights<sup>[252]</sup>

Similar to the *ECHR*, the *EU Charter of Fundamental Rights* (hereafter: the Charter) protects free speech, and freedom of assembly and association:

**Article 11 para. 1** of the Charter stipulates that “*Everyone has the right to **freedom of expression**. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.*”

**Article 12 para. 1** guarantees **freedom of assembly and of association**: “*Everyone has the right to freedom of peaceful assembly and to freedom of association at all levels, in particular in political, trade union and civic matters, which implies the right of everyone to form and to join trade unions for the protection of his or her interests*”.

**Article 21** also **prohibits discrimination**: “*1. Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited. 2. Within the scope of application of the Treaties and without prejudice to any of their specific provisions, any discrimination on grounds of nationality shall be prohibited.*”

Similar to the *ECHR*, the Charter also includes provisions allowing for the **limitations of rights and freedoms** **Article 52**: “*1. Any limitation on the exercise of the rights and freedoms recognized by this Charter must be provided for by law and respect the essence of those rights and freedoms. Subject to the principle of proportionality, limitations may be made only if they are necessary and genuinely meet objectives of general interest recognized by the Union or the need to protect the rights and freedoms of others. 2. Rights recognized by this Charter for which provision is made in the Treaties shall be exercised under the conditions and within the limits defined by those Treaties.*”

Finally, **Article 54** includes a **prohibition of abuse of rights and freedoms** enshrined in the Charter: “*Nothing in this Charter shall be interpreted as implying any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms recognized in this Charter or at their limitation to a greater extent than is provided for herein.*”

Importantly, the provisions of the Charter are addressed to the institutions and bodies of the EU and to the Member States only when they are implementing EU law. The Charter does not extend the field of application of Union law beyond the powers of the Union or establish any new power or task for the Union, or modify powers and tasks as defined in the Treaties.

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252. [https://commission.europa.eu/aid-development-cooperation-fundamental-rights/your-rights-eu/eu-charter-fundamental-rights\\_en](https://commission.europa.eu/aid-development-cooperation-fundamental-rights/your-rights-eu/eu-charter-fundamental-rights_en)

## Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law<sup>[253]</sup>

The *Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law* (hereafter: *Framework Decision*) should be considered the most relevant legal instrument within EU law that relates directly to *MGNF* and EU Member States' reaction towards this phenomenon.

The *Framework Decision* requires, among other things, that certain forms of hate speech constitute criminal offences across the EU and are punishable by effective, proportionate, and dissuasive penalties. Public incitement to violence or hatred directed against a group of persons or a member of such a group, defined by reference to race, color, religion, descent or national or ethnic origin, is thus punishable. It also requires EU countries to make it an offence to publicly condone, deny or grossly trivialize not only crimes committed by the Nazi regime (as defined in the *Charter of the International Military Tribunal annexed to the 1945 London Agreement*), but also genocide, crimes against humanity and war crimes, as defined in the *Statute of the International Criminal Court*. At the same time, such acts need to be likely to incite violence or hatred against such a group or its members. Still, in most of the cases of *MGNF*, such incitement can be identified.

Until now, implementation of the provisions of the *Framework Decision* by the EU Member States has not been fully successful.

The 2014 report on the implementation of the *Framework Decision* concludes: "At present it appears that a number of Member States have not transposed fully and/or correctly all the provisions of the *Framework Decision*, namely in relation to the offences of denying, condoning and grossly trivializing certain crimes. The majority of Member States have provisions on incitement to racist and xenophobic violence and hatred but these do not always seem to fully transpose the offences covered by the *Framework Decision*. Some gaps have also been observed in relation to the racist and xenophobic motivation of crimes, the liability of legal persons and jurisdiction."<sup>[254]</sup> In particular, such observations can be of relevance for the subject matter of the present report:

- The majority of Member States make specific reference to both violence and hatred (Belgium, Bulgaria, Germany, Estonia, Spain, Greece, France, Croatia, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Austria, Portugal, Slovenia, and Slovakia). The incrimination of public incitement to both violence and hatred is relevant for the effectiveness of this instrument. Whereas Estonia, Greece and Portugal refer to both terms, Estonia requires a resulting danger to the life, health, and property of a person, Greece incriminates inciting to acts or actions likely to lead to hatred or violence and Portugal requires an additional organizational element on the part of alleged perpetrators, neither of which is provided for by the *Framework Decision*. While legislation in Czechia, Ireland, Hungary, Poland, Romania and the United Kingdom<sup>[255]</sup> expressly mentions only hatred, Ireland and the United Kingdom consider the concept of violence to be effectively covered by the term hatred, Czechia considers it to be covered in certain circumstances, and Hungary considers it to be covered through national case law.
- Seven Member States do not expressly refer to all three types of conduct (public condoning, denial and gross trivialization of the crimes defined in Articles 6, 7 and 8 of the *Statute of the International Criminal Court* (crimes of genocide, crimes against humanity and war crimes), with Spain, France, Italy and Poland referring only to condoning, Portugal

253. <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A32008F0913>

254. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52014DC0027&from=EN>

255. At the time, the United Kingdom was still an EU member state.

to denying and Latvia and Romania to condoning or denying (Romania incriminates minimization only through distribution of materials). Latvia and Portugal refer to all international crimes while Romania refers to genocide and crimes against humanity, and Spain and Italy only to genocide. In terms of the requisite effect of the conduct being likely to incite to violence or hatred, France, Italy, Latvia, Luxembourg and Romania do not require that the conduct be carried out in a manner likely to incite to violence and hatred, while Bulgaria, Spain, Portugal and Slovenia require more than a mere likelihood of incitement. Thirteen Member States (Belgium, Czechia, Denmark, Germany, Estonia, Greece, Ireland, Hungary, the Netherlands, Austria, Finland, Sweden and the United Kingdom) have no criminal-law provisions governing this conduct. Germany and the Netherlands state that national case law applicable to Holocaust denial and/or trivialization would also apply to the conduct covered by this article.

On 30 October 2020,<sup>[256]</sup> the European Commission sent letters of formal notice to Estonia and Romania as their national laws still did not fully or accurately transpose the *Framework Decision*, thereby initiating infringement procedures. This was followed by letters of formal notice to Belgium, Bulgaria, Finland, Poland, and Sweden on 18 February 2021.<sup>[257]</sup> Finally, on 26 January 2023, the Commission decided to send reasoned opinions to Greece and Hungary for failing to fulfil their obligations to transpose the *Framework Decision*, the next step of the infringement process. On the same day, additional letters of formal notice were sent to Estonia, Poland, and Finland.<sup>[258]</sup>

Consequently, it can be stated that in many EU Member States there are still significant gaps in legislation which may cause difficulties in implementing proper legal measures against organizers/participants of *MGNF* in cases when, among other forms of hateful expression, public denial of the Holocaust takes place.

Among the so-called **soft law instruments** that can be regarded as belonging to the legal framework concerning *MGNF* there are **resolutions of the European Parliament (EP)**. Some of the most important are:

- **European Parliament resolution of 2 April 2009 on European conscience and totalitarianism**<sup>[259]</sup>, where the EP “*Declares that European integration as a model of peace and reconciliation represents a free choice by the peoples of Europe to commit to a shared future, and that the European Union has a particular responsibility to promote and safeguard democracy, respect for human rights and the rule of law, both inside and outside the European Union*”;
- **European Parliament resolution of 1 June 2017 on combating anti-Semitism**<sup>[260]</sup>, where the EP (among other things): *Calls on those Member States where there has as yet been no invocation of motives based on race, national or ethnic origin or religion or belief as constituting an aggravating factor in a criminal offence to remedy this as quickly as possible, and to act to have the Council Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law fully and properly implemented and enforced, so as to ensure that anti-Semitic acts are prosecuted by the Member States’ authorities in the online as well as in the offline environment; Insists on the need to provide enforcement authorities with targeted training on combating hate crime and discrimination, and on the need to set up dedicated anti-hate crime units in police forces where such units do not yet already exist, and calls on EU agencies*

256. [https://ec.europa.eu/commission/presscorner/detail/en/inf\\_20\\_1687](https://ec.europa.eu/commission/presscorner/detail/en/inf_20_1687)

257. [https://ec.europa.eu/commission/presscorner/detail/en/inf\\_21\\_441](https://ec.europa.eu/commission/presscorner/detail/en/inf_21_441)

258. [https://ec.europa.eu/commission/presscorner/detail/en/inf\\_23\\_142](https://ec.europa.eu/commission/presscorner/detail/en/inf_23_142)

259. [https://www.europarl.europa.eu/doceo/document/TA-6-2009-0213\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-6-2009-0213_EN.html)

260. [https://www.europarl.europa.eu/doceo/document/TA-8-2017-0243\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-8-2017-0243_EN.html)



and international organisations to assist Member States in providing such training; Encourages cross-border cooperation at all levels in the prosecution of hate crimes, and above all in the prosecution of serious criminal acts such as terrorist activities;

- **European Parliament resolution of 25 October 2018 on the rise of neo-fascist violence in Europe**<sup>[261]</sup>, where the EP “**strongly condemns and deplors** the terrorist attacks, murders, psychological violence, violent physical attacks and **marches by neo-fascist and neo-Nazi organizations** that have taken place in various EU Member States; Is deeply concerned by the impunity with which neo-fascist and neo-Nazi groups operate in some Member States and stresses that this sense of impunity is among the reasons that explain the alarming rise in violent actions by certain far-right organizations; Recalls that the fascist ideology and intolerance are always associated with an attack on democracy itself; Calls on the Member States to investigate and prosecute hate crimes and to share best practices for identifying and investigating hate crimes, including those motivated specifically by the various forms of xenophobia; Calls on the Member States to follow the Council of Europe’s recommendations on counteracting manifestations of neo-Nazism and right-wing extremism; Calls on the Member States to condemn and counteract all forms of Holocaust denial, including the trivialization and minimalization of the crimes of the Nazis and their collaborators; points out that the truth about the Holocaust must not be trivialized by political and media discourses; Calls on the Member States to put in place national ‘exit programs’ to help individuals to leave violent neo-fascist and neo-Nazi groups; underlines that such programmes should go far beyond one-to-one interventions and should involve long-term support for those struggling to find jobs, relocate and develop new and safe social networks.”
- **European Parliament resolution of 19 September 2019 on the importance of European remembrance for the future of Europe**,<sup>[262]</sup> where the EP: “Condemns all manifestations and propagation of totalitarian ideologies, such as Nazism and Stalinism, in the EU; Condemns historical revisionism and the glorification of Nazi collaborators in some EU Member States; is deeply concerned about the increasing acceptance of radical ideologies and the reversion to fascism, racism, xenophobia and other forms of intolerance in the European Union, and is troubled by reports in some Member States of collusion between political leaders, political parties and law enforcement bodies and the radical, racist and xenophobic movements of different political denominations; calls on the Member States to condemn such acts in the strongest way possible as they undermine the EU values, of peace, freedom and democracy; Expresses concern at the continued use of symbols of totalitarian regimes in the public sphere and for commercial purposes, and recalls that a number of European countries have banned the use of both Nazi and communist symbols; Urges the Member States to ensure compliance with the provisions of the Council Framework Decision, so as to counter organizations that spread hate speech and violence in public spaces and online, and to effectively ban neo-fascist and neo-Nazi groups and any other foundation or association that exalts and glorifies Nazism and fascism or any other form of totalitarianism, while respecting domestic legal order and jurisdiction.”

It should also be indicated that in October 2021, the European Commission adopted the first-ever, comprehensive **EU Strategy on Combating Antisemitism and Fostering Jewish Life (2021-2030)**.<sup>[263]</sup> The Strategy addresses a variety of subjects, including actions address-

261. [https://www.europarl.europa.eu/doceo/document/TA-8-2018-0428\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-8-2018-0428_EN.html). It mentions an important instrument outside the scope of European legal sphere: UN General Assembly Resolution 71/179 of 19 December 2016 on ‘Combating glorification of Nazism, neo-Nazism and other practices that contribute to fueling contemporary forms of racism, racial discrimination, xenophobia and related intolerance’,

262. [https://www.europarl.europa.eu/doceo/document/TA-9-2019-0021\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2019-0021_EN.html)

263. [https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combating-discrimination-0/racism-and-xenophobia/combating-antisemitism/eu-strategy-combating-antisemitism-and-fostering-jewish-life-2021-2030/about-eu-strategy\\_en](https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combating-discrimination-0/racism-and-xenophobia/combating-antisemitism/eu-strategy-combating-antisemitism-and-fostering-jewish-life-2021-2030/about-eu-strategy_en)

ing the problem of Holocaust denial and distortion. Commitments in this area include cooperating with industry and IT companies to prevent the illegal display and sale of Nazi-related symbols, memorabilia and literature online, and developing a handbook on best practices in fighting Holocaust denial, distortion and trivialization, and encouraging Member States to actively engage in awareness campaigns against Holocaust denial, distortion and trivialization.

Other important elements of the legal framework in the context of *MGNF* should be listed. Even though not binding legally like the international treaties or other legal instruments of the *CoE* or the *EU*, the **working definitions of antisemitism**<sup>[264]</sup> and **Holocaust denial and distortion**<sup>[265]</sup> of the **International Holocaust Remembrance Alliance (IHRA)** are relevant instruments. 25 out of 35 IHRA Member States are also EU Member States, and the EU itself is a permanent international partner of IHRA.

The *IHRA working definition of antisemitism*, originally commissioned by the European Monitoring Centre on Racism and Xenophobia (EUMC), and later adopted by the IHRA Plenary in 2016 has been endorsed by the governments of many EU Member States, by universities, municipalities, and various private entities.

The *IHRA working definition of Holocaust denial and distortion* was adopted by the IHRA Plenary in 2013. It was developed by IHRA experts in the Committee on Antisemitism and Holocaust Denial in cooperation with the IHRA's governmental representatives for use as a practical working tool and laid the foundation for further resources on recognizing and countering these phenomena.

The two definitions are to an extent mutually reinforcing. They qualify Holocaust denial as an expression of antisemitism and provide non-exhaustive lists of examples that may amount to antisemitism and Holocaust denial and distortion. In counteracting *MGNF*, these definitions can serve as an additional argument for banning or dissolving *MGNF* where Holocaust denial and/or distortion appears.

## 4. Case-law of the European Court of Human Rights

### Hate speech and Holocaust denial and/or distortion

The *ECtHR*,<sup>[266]</sup> while considering cases concerning hate speech, remains guided by the approach summarized in the case ***Erbakan v. Turkey (2006)***: "... [T]olerance and respect for the equal dignity of all human beings constitute the foundations of a democratic, pluralistic society. That being so, as a matter of principle it may be considered necessary in certain democratic societies to sanction or even prevent all forms of expression which spread, incite, promote or justify hatred based on intolerance ..., provided that any 'formalities', 'conditions', 'restrictions' or 'penalties' imposed are proportionate to the legitimate aim pursued."<sup>[267]</sup>

At the same time, the process of excluding hate speech from the area of protected speech is being conducted by the *ECtHR* with the use of different methods: (1) exclusion from the protection of the Convention with the invocation of *Article 17 (prohibition of abuse of rights)*, where the comments in question amount to hate speech and negate the fundamental values of the Convention; and (2) using restrictions provided for by *Article 10, paragraph 2*

264. <https://www.holocaustremembrance.com/resources/working-definitions-charters/working-definition-antisemitism>

265. [https://www.holocaustremembrance.com/sites/default/files/ihra\\_working\\_definition\\_of\\_holocaust\\_denial\\_and\\_distortion\\_final.pdf](https://www.holocaustremembrance.com/sites/default/files/ihra_working_definition_of_holocaust_denial_and_distortion_final.pdf)

266. As well as the previously functioning European Commission of Human Rights.

267. *Erbakan v. Turkey*, application no 59405/00.

(*freedom of expression*), when the character of a given statement, even though being hate speech, is not apt to destroy the fundamental values of the Convention.

It is important to note that these two approaches are being used by the *ECtHR* in a manner far from consistent. However, generally, when it comes to pro-fascist or pro-Nazi contents and propaganda, the “exclusion method” based on *Article 17* prevails.<sup>[268]</sup> Another important remark concerns the fact that the category of hate speech may also encompass Holocaust denial and/or distortion, as well as pro-Nazi or pro-fascist propaganda. As already noted, the proposed and analyzed selection of legal frameworks serves to illustrate various contexts of *MGNF*.

For the subject matter of the present report, the examples of cases involving hate speech may include *Ivanov v. Russia (2004)*.<sup>[269]</sup> Pavel Ivanov was the founder, owner, and publisher of the *Russkoe Veche* monthly, where he repeatedly called for the exclusion of Jews from the Russian national community, pointing to them as the cause of economic, political, and social misfortunes in Russia. Accused of publicly inciting racial hatred, Ivanov stated during the trial that the “Zionist-fascist leadership of the Jews is the source of all evil”. The *ECtHR* shared the position taken by the national courts in Russia that there were no doubts that the applicant was advocating racial hatred through his antisemitic publications. A fierce attack on an ethnic group, denying it dignity and identity, in the opinion of the *ECtHR*, stands always against the values of tolerance and non-discrimination, on which the Convention is based. Therefore, Ivanov’s complaint was considered inadmissible, based on *Article 17* of the Convention.

The case-law of the *ECtHR* in the field of Holocaust denial is exceptionally stable and consistent, even though the method of not offering Holocaust deniers the guarantees of free speech enshrined in the Convention differs when it comes to relying on *Article 17* or *Article 10 (2)*.<sup>[270]</sup> At the same time, regardless of the method used, all complaints by Holocaust deniers submitted so far to the *ECtHR* have been considered inadmissible.

One of the most representative examples of the *Court’s* attitude towards Holocaust denial was expressed in its decision in *Garudy v. France (2003)*.<sup>[271]</sup> The applicant, the author of a book entitled *The Founding Myths of Modern Israel*, was convicted of the offences of disputing the existence of crimes against humanity, defamation in public of a group of persons – in this case, the Jewish community – and incitement to racial hatred. He argued that his right to freedom of expression had been infringed. The *ECtHR* considered that **the content of the applicant’s remarks had amounted to Holocaust denial and pointed out that denying crimes against humanity was one of the most serious forms of racial defamation of Jews and of incitement to hatred against them. Disputing the existence of clearly established historical events did not constitute scientific or historical research; the real purpose was to rehabilitate the National Socialist regime and accuse the victims themselves of falsifying history.** As such, the acts were manifestly incompatible with the fundamental values which the Convention sought to promote. The *Court* applied *Article 17 (prohibition of abuse of rights)* and held that the applicant was not entitled to rely on *Article 10 (freedom of expression)* of the Convention.

268. A. Gliszczyńska-Grabias, *Penalizing Holocaust Denial – a View from Europe* (in:) Charles A. Small (ed.), *Global Antisemitism – A Crisis of Modernity*, Brill 2013.

269. *Ivanov v. Russia*, application no 35222/04.

270. See also, among others: *Honsik v. Austria (1995)*, decision of the European Commission of Human Rights concerning a publication denying the committing of genocide in the gas chambers of the concentration camps under National Socialism; *Marais v. France*, concerning an article in a periodical aimed at demonstrating the scientific implausibility of the “alleged gassings”).

271. *Garudy v. France*, application no 65831/01.

Another, more recent decision of the *ECtHR* confirms this approach. In *M'Bala M'Bala v. France (2015)*,<sup>[272]</sup> the case concerned the conviction of Dieudonné M'Bala M'Bala, a comedian engaged in political activities, for public insults directed at a person or group of persons on account of their origin or of belonging to a given ethnic community, nation, race, or religion, specifically in this case persons of Jewish origin or faith. At the end of a show in December 2008 at the *Zénith* in Paris, the applicant invited Robert Faurisson, one of the most notorious Holocaust deniers, to join him on stage to receive a “prize for unfrequency (*sic*) and insolence.” The prize was awarded to him by an actor wearing a pair of striped pyjamas with a stitched-on yellow star bearing the word “Jew” – who thus played the part of a Jewish deportee in a concentration camp.

The Court found that, by virtue of Article 17 (*prohibition of abuse of rights*), the applicant, Dieudonné M'Bala M'Bala, was not entitled to the protection of Article 10 (*freedom of expression*). **In the Court's view, “this was not a performance which, even if satirical or provocative, fell within the protection of Article 10, but was in reality, in the circumstances of the case, a demonstration of hatred and antisemitism and support for Holocaust denial. Disguised as an artistic production, it was in fact as dangerous as a head-on and sudden attack and provided a platform for an ideology which ran counter to the values of the European Convention.”**

The same approach towards Holocaust denial was confirmed in *Pastörs v. Germany (2019)*.<sup>[273]</sup> The case concerned the conviction of a regional deputy (a Member of Parliament and chairperson of the neo-Nazi NPD in the regional Parliament of Mecklenburg-Western Pomerania) for denying the Holocaust during a speech in the regional Parliament.

On 28 January 2010, a day after a parliamentary memorial event honoring International Holocaust Remembrance Day, the applicant stated, *inter alia*, that: “[s]ince the end of the Second World War, Germans have been exposed to an endless barrage of criticism and propagandistic lies – cultivated in a dishonest manner primarily by representatives of the so-called democratic parties... the event [International Holocaust Remembrance Day] ... was nothing more than you imposing your Auschwitz projections onto the German people in a manner that is both cunning and brutal. You are hoping, ladies and gentlemen, for the triumph of lies over truth.” The Court declared the complaint inadmissible as being manifestly ill-founded and considered the speech of the applicant as running counter to the values of the Convention itself.

### **Public presentation, dissemination and/or propaganda of fascist/Nazi (or other totalitarian) ideology**

While considering complaints by individuals who were punished by national authorities for public presentation, dissemination and/or propaganda of fascist, Nazi (or other totalitarian) ideology, the *ECtHR* has consistently repeated that such activities and expressions are outside the scope of speech protected by the Convention as they run counter to the very spirit of the Convention and are forms of spreading hatred.

Relevant examples of decisions of the *ECtHR*, or its predecessor the *European Commission of Human Rights*, include *B.H., M.W., H.P. and G.K. v. Austria (1989)*.<sup>[274]</sup> The applicants were convicted of performing activities inspired by National Socialist ideas. These included the preparation and promotion of pamphlets denying the Holocaust and proposals to introduce typical Nazi songs and Nazi titles in the *Aktion Neue Rechte* party, of which they were members/leaders. Moreover, the applicants had attended a number of events such as celebra-

272. *M'Bala M'Bala v. France*, application no 25239/13.

273. *Pastörs v. Germany*, application no 55225/14.

274. *B.H., M.W., H.P. and G.K. v. Austria*, application no 12774/87.



tions of Hitler's birthday, where they used uniforms stylized on Nazi uniforms and shouted Nazi slogans. As a result of domestic court proceedings, they received conditional prison sentences under the *Austrian National Socialism Prohibition Act (Verbotsgesetz)*. The *European Commission of Human Rights* held that given Austria's history and the background of the Convention, the *National Socialism Prohibition Act* and the subsequent penalties imposed were legitimate and justified as being necessary in a democratic society in the interests of national security and territorial integrity as well as for the prevention of crime. It held that sanctions against the applicants fell within the framework of *Article 10(2) (freedom of expression)*, read in light of *Article 17 (prohibition of abuse of rights)*.

One of the more recent decisions of the *ECtHR* proves that this strict attitude of the *Court* towards public dissemination of Nazi propaganda or displays of Nazi symbols also encompasses cases where the motivation of the individual does not belong to typical neo-Nazi or neo-fascist actions. The case ***Nix v. Germany (2018)***<sup>[275]</sup> concerned the applicant's conviction for posting a picture of SS-leader Heinrich Himmler and a swastika in a blog. The applicant argued that the domestic courts had failed to consider that he wanted to protest the discriminatory attitude of a German employment office against children with a migration background. The *Court* declared the application inadmissible. It accepted that the applicant did not intend to promote Nazism or spread hatred, but it nevertheless sided with the German courts which stated that he had used the picture as an "eye-catching" device, which the law penalizing the use of symbols of unconstitutional organizations had intended to prevent. The *ECtHR* also agreed that the applicant had not clearly and obviously rejected Nazi ideology in his blog post.

Two particular cases where the *ECtHR* took a different approach towards the public display of symbols associated with totalitarian regimes were the ***Vajnaj v. Hungary (2008)***<sup>[276]</sup> and ***Fáber v. Hungary (2012)***<sup>[277]</sup>. Attila Vajnaj, Vice-President of the *Hungarian Workers' Party (Munkáspárt)* was found guilty of infringement of laws banning the public display of symbols of totalitarian regimes by placing the sign of a red star on his jacket and wearing it during a lawful demonstration. The *Court* found that the applicant's right had been violated, and the intervention of the authorities, 20 years after the fall of communism in Hungary, was unnecessary in a democratic society. The *Court* stressed its awareness of the fact that the red star symbol is associated with mass violations of human rights that took place during the rule of the communist regime in Hungary. Nevertheless, it decided that this symbol can also refer to the entire international labor movement and legally active political parties. It follows that a total ban on publicly presenting symbols such as a red star, unrelated to the propaganda of a totalitarian system is, according to the *ECtHR*, a prohibition that is too severe and therefore impossible to accept.<sup>[278]</sup>



275. *Nix v. Germany*, application no 35285/16.

276. *Vajnaj v. Hungary*, application no 33629/06

277. *Fáber v. Hungary*, application no 40721/08.

278. It is worth mentioning that the *Vajnaj* case also had CJEU implications. A Hungarian court asked the CJEU for a preliminary ruling on the question of: "Is Article 269/B, first paragraph, of the Hungarian Criminal Code, which provides that a person who uses or displays in public the symbol consisting of a five-point red star commits — where the conduct does not amount to a more serious criminal offence — a minor offence, compatible with the fundamental Community law principle of non-discrimination? Do Article 6 of the TEU, according to which the Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, Directive 2000/43/EC, which also refers to fundamental freedoms, or Articles 10, 11 and 12 of the CFR allow a person who wishes to express his political convictions by means of a symbol representing them to do so in any Member State". However, the CJEU stated that it had no jurisdiction with regard to national provisions outside the scope of Community law and when the subject-matter of the dispute is not connected in any way with any of the situations contemplated by the treaties. Order of the Court of 6 October 2005 in case C-328/04.

In the latter case, the applicant complained that he had been fined for displaying the striped Árpád flag, which has controversial historical connotations, less than 100 meters away from a demonstration against racism and hatred. Here, the *Court* held that there had been a violation of *Article 10 (freedom of expression)* read in light of *Article 11 of the Convention (freedom of assembly and association)*. It accepted that the public display of a symbol associated with the rule of a totalitarian regime in Hungary might create unease amongst its victims and their relatives but decided that there were other factors prevailing: the applicant had not behaved in an abusive or threatening manner and there was no proven risk to public security. The mere display of that flag did not disturb public order, it had been neither intimidating, nor capable of inciting violence.

In both of these cases, the *Court* went into detailed considerations of individual circumstances surrounding the act of displaying the symbols legally banned in Hungary, while normally it does not analyze them, simply stating that the complaints are inadmissible. In particular the argument that the display of these symbols was not accompanied by totalitarian propaganda or incitement to hatred is of concern as in the case of symbols closely associated with Nazism or fascism, such elements and prerequisites are not usually required for legal actions undertaken against individuals or groups publicly displaying such symbols.

## Hate crimes

The most important aspect of the *ECtHR* case-law in the field of hate crimes is its attitude towards the duty of state authorities to effectively investigate a possible racist motivation of perpetrators of crimes under the Convention. In **Menson v. the United Kingdom (2003)**,<sup>[279]</sup> the case concerning the 1997 racist murder of Michael Menson, the *ECtHR* recalled that from *Article 2 (right to life)* a procedural obligation arises for state authorities to carry out an effective criminal investigation “capable of establishing the cause (...) and the identification of those responsible with a view to their punishment.” It added that, “**where an attack is racially motivated, it is particularly important that the investigation is pursued with vigor and impartiality, having regard to the need to reassert continuously society’s condemnation of racism and to maintain the confidence of minorities in the ability of the authorities to protect them from the threat of racist violence.**”

In its further case-law the *ECtHR* started to derive from *Article 14 of the Convention (protection from discrimination)* a separate duty to investigate and disclose racial motives. **Nachova and Others v. Bulgaria (2004)**<sup>[280]</sup> – one of the most significant and known judgments of the Grand Chamber of the *ECtHR* in the area of racist discrimination and violence, concerned a member of the Bulgarian military police who, during an arrest attempt, killed two Bulgarian nationals of Roma origin. The *ECtHR* found that because the domestic investigation ignored the statements of a witness who claimed that the police officer had shouted “you damn G\*psy!” to the victim and did not explain why it had been considered necessary to use such a degree of force, the failure to investigate a possible causal link between alleged racist motivations and the killing of the two men constituted a violation of *Article 14* in conjunction with *Article 2 (right to life)* of the European Convention.

In the **Šečić v. Croatia (2007)**<sup>[281]</sup> case, regarding an incident of racially motivated violence against a Croatian Roma man, the *ECtHR* stated that the same positive duty to effectively investigate possible racist motivations exists in criminal cases in which private persons, rather than state authorities, were involved as perpetrators of racist attacks. Importantly, these obligations of the state go beyond the connection to *Article 2* of the Convention and have been already analyzed by the *ECtHR* also in the context of **racist, extremist marches**.

279. *Menson v. the United Kingdom*- application no. 47916/99.

280. *Nachova and Others v. Bulgaria* [GC] – application no 43577/98 and 43579/98.

281. *Šečić v. Croatia*, application no 40116/02.

Finally, in *R.B. v. Hungary (2016)*,<sup>[282]</sup> the applicant claimed that the authorities had failed to prevent her from being subjected to racist insults and threats and to conduct an effective investigation into the incident where she - a Roma person - was subjected to racist insults and threats from the participants of the marches organized by right-wing paramilitary groups and a self-styled "Civil Guard Association" in a Roma-majority neighborhood. Here the *ECtHR* linked the duty to investigate a possible racist motivation to *Art. 8 of the Convention (right to respect for private and family life)*.

## Freedom of assembly

As in the case of freedom of speech, freedom of assembly is considered as one of the most important human rights guarantees, essential for the proper functioning of democratic states and societies.<sup>[283]</sup> The protection of opinions and the freedom to express them is one of the objectives of the freedoms of assembly and association enshrined in *Article 11*. However, as with the rules applicable for free speech, this freedom has its limitations that the *ECtHR* on numerous occasions found in accordance with the Convention. As a general rule, relying on *ECtHR* case-law, it can be stated that a wider margin of appreciation can be granted to the states limiting freedom of assembly if they are sanctioning intentional disruption of public order, while a narrow margin of appreciation applies towards a general ban on assembly as well as towards interference based on the content of views and ideas expressed publicly during an assembly.

As to the general bans on assemblies, which are particularly important in the context of *MGNF*, it should be stressed that the *ECtHR*, even though generally critical towards such bans, acknowledges that such bans may be justified if specific conditions are met: when there is a real danger of an assembly causing disorder which cannot be prevented by other less stringent measures; when security considerations are of such significance that they justify the ban; and when there is no possibility of narrow circumscription of the ban's scope in terms of territorial application and duration (*Christians against Racism and Fascism v. the United Kingdom, 1980*<sup>[284]</sup>). As for the bans issued because of the content of views and ideas expressed publicly during an assembly, the *ECtHR* is willing to accept such bans only in cases of incitement to violence or rejection of democratic principles taking place during an assembly (*Kudrevičius and Others v. Lithuania, 2013*<sup>[285]</sup>).

At the same time, the *ECtHR* has so far not decided about a case that would consider solely the ban on assemblies in the context of *MGNF*. The case *Vona v. Hungary (2013)*,<sup>[286]</sup> that included the element of marches of a neo-Nazi organization, was dealt by the *Court* in relation to freedom of association and will be referred to in detail below.

## Freedom of association

The *Court* has on numerous occasions affirmed the direct relationship between democracy, pluralism, and the freedom of association. Indeed, the way in which national legislation enshrines this freedom and its practical application by the authorities reveals the condition of democracy in a given state.

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282. *R.B. v. Hungary*, application no 64602/12.

283. These two freedoms are interconnected. Assemblies can be considered as a form of expression. Additionally, freedom of expression is being exercised during assemblies. Whether a particular complaint falls to be examined under Article 10 or 11, or both, depends on the particular circumstances of the case. An important factor is also that those taking part in an assembly are not only seeking to express their opinion, but to do so together with others.

284. *Christians against Racism and Fascism v. the United Kingdom*, application no 8440/78.

285. *Kudrevičius and Others v. Lithuania*, application no 37553/05.

286. *Vona v. Hungary*, application no 35943/10.

The link between freedom of association and *MGNF* concerns the fact that the organizers thereof are mostly groups and organizations which are ideologically close to totalitarian regimes, specifically Nazism and fascism. Legal bans imposed on the assemblies they organize and are involved in (and other forms of activity, including structures and registration procedures) are closely related to this characteristic. In general, while both the refusal to register an association and its dissolution are radical measures in their effects, the latter is particularly far-reaching and can only be justified in strictly limited circumstances.

One of the most relevant examples from the *ECtHR* case-law for the subject matter of the present report is the judgment in ***Vona v. Hungary (2013)***. In this case, the *Hungarian Guard Association (Magyar Gárda)* chaired by the applicant, far-right politician Gábor Vona, was dissolved following a series of rallies and demonstrations it had held throughout Hungary, including in villages with large Roma populations. These marches were military-like, with the participants wearing military-style uniforms and giving salutes and commands, all reminiscent of the collaborationist *Arrow Cross party (NYKP)*, the backbone of the regime responsible for the mass extermination of Roma and Jews in Hungary.

As stated by the *ECtHR*, the association's activities did not *prima facie* reveal any intention to justify or propagate a totalitarian ideology and the applicant had neither expressed contempt for the victims of a totalitarian regime nor belonged to a group with totalitarian ambitions. However, considering the historical context, as noted by the *Court*, the Hungarian authorities rightfully did not wait for further developments and possible devastating consequences of the activities of such organization, in particular as the actions of the dissolved association were causing large-scale, coordinated intimidation and attempts to introduce a policy of racial segregation, such a policy being incompatible with the fundamental values of democracy. Thus, the *ECtHR* found no violation of *Article 11 of the ECHR (freedom of assembly and association)*.

In another relevant example, ***W.P. and Others v. Poland (2004)***<sup>[287]</sup> concerning a prohibition on forming an association whose memorandum of association had antisemitic connotations, the *Court* did not find a violation of the *European Convention*. The *Court* relied here on *Article 17 of ECHR (Prohibition of abuse of rights)*, treating the actions of the association as an attempt to abuse rights and freedoms granted in the ECHR with the aim of spreading national and ethnic hatred.

### **Positive obligations of states regarding safeguards for the protection against hate speech, including Holocaust denial and promotion of totalitarian ideologies**

In February 2022, the *ECtHR* issued a judgment in ***Behar and Gutman v. Bulgaria***<sup>[288]</sup> (as well as in a "twin" case ***Budinova and Chaprazov v. Bulgaria***<sup>[289]</sup> concerning anti-Roma hatred) stating that Bulgaria had failed to fulfill its positive obligation to ensure protection against discrimination and hatred based on national and ethnic origin and respect for the applicants' private lives, which had been affected by the public dissemination of extremely antisemitic content. As a consequence, there had been a violation of *Article 8 (Right to respect for private and family life)* and *Article 14 (prohibition of discrimination)*. The applicants in the former case - two persons of Jewish descent, had tried unsuccessfully to claim a violation of their rights at the level of the Bulgarian national courts, which had occurred through the public dissemination of antisemitic content, including Holocaust denial, by a Bulgarian politician, Volen Siderov, leader of the far-right *Ataka* party.

287. *W.P. and Others v. Poland*, application no 42264/98.

288. *Behar and Gutman v. Bulgaria*, application no 29335/13.

289. *Budinova and Chaprazov v. Bulgaria*, application no 12567/13.



The *ECtHR* first analyzed if in the case of contents and statements directed against an entire group - ethnic, religious, national - it is possible to find a violation of the rights of a specific individual belonging to such a group, even though that person was not mentioned "by name" in the discriminatory or hateful speech in question. In examining this issue, the *ECtHR* noted that a number of criteria should be taken into account when assessing whether certain statements could actually affect members of a given group in a way that makes them feel worthless, intimidated, and discriminated.

These criteria include e.g. the characteristics of the group affected by discriminatory and hateful statements: whether they belong to so-called vulnerable groups, and whether the group in question has been stigmatized historically; the criterion of the exact wording of statements directed against a given group (how extreme, painful and negative they were in their overtones); the criterion of the context in which the statements were made public, including the range of recipients they could reach, the political and social situation in which they were expressed, and the professional and social position of the author of the statement. Of course, this is not an exhaustive catalogue, and the *ECtHR* emphasizes that the final assessment is always made on the basis of very specific circumstances and facts in each specific situation.

In this case, it was of key importance that the content disseminated by Siderov, who was then at the peak of his popularity, was clearly antisemitic and stigmatizing Jews, intended to arouse extremely negative feelings towards them. His statements also included Holocaust denial which should be classified, in accordance with the well-established case law of the *Court*, as falling outside the scope of protection of freedom of expression.

In conclusion, the *ECtHR* found that this content could have a real impact on the self-esteem and identity of people of Jewish descent, and consequently violated their right to privacy, as well as the prohibition of discrimination. At the same time, with regard to the question of whether the Bulgarian authorities fulfilled their obligations under the Convention, the *ECtHR* found that there had been no proper assessment of the politician's statements at the national level. Proper balance between the freedom of expression of a politician and the need to protect against discrimination and hatred of members of the so-called vulnerable group – in this case, people of Jewish descent, was not secured.

Even though the case of the ***Jewish Community of Oslo and others v. Norway (2005)***<sup>[290]</sup> was not adjudicated by the *ECtHR* but by the *UN Committee on the Elimination of Racial Discrimination (CERD)*, the facts of the case, as well as the outcome thereof are of significant importance for the subject matter of the present report, and they should be referred to at length.

On August 19, 2000, a group of members of the *Bootboys* far-right organization marched through the center of the Norwegian town of Askim to commemorate Nazi war criminal Rudolf Hess. The participants of the march were dressed in uniforms resembling military uniforms, and many had their faces covered. In his speech, the leader of the group, T. Sjolie, stated, among other things, that they had "gathered to celebrate a great leader", Rudolf Hess, for his "courageous attempt to save Germany and Europe from the Bolsheviks and Jewry during World War II". As he added, "great heroes" Adolf Hitler and Rudolf Hess were "imprisoned for their beliefs and their heroic effort should not be wasted – their steps should be followed, and Norway should be governed by the idea of National Socialism". During the march, its participants shouted "Sieg heil!" and performed Hitler salutes. The applicants stated that the direct consequences of the march included the creation of a new organizational unit of the *Bootboys* in a nearby town and a growing atmosphere of hostility towards racial and ethnic minorities and nationalities, as well as the increased activity of Norwegian neo-Nazis.

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290. *Jewish Community of Oslo and others v. Norway*, communication no 41/2008.

At the national level, the case reached the *Norwegian Supreme Court*, which returned a surprising and controversial ruling, in which it decided, among other things, that criminalizing the glorification of Nazism would entail a general ban on the existence of neo-Nazi organizations, and that this would constitute too severe an interference in the sphere of freedom of expression and freedom of association. The ruling further stated that Sjolie's words had been merely "Nazi rhetoric" and expressed only his "personal support for the idea of National Socialism, which is not tantamount to praising the extermination of Jews". According to the *Norwegian Supreme Court*, the offensive remarks by the leader of the *Bootboys* had undoubtedly not been threats, nor had constituted a call for actions which are contrary to the law.

The applicants, including the *Jewish Community of Oslo*, claimed that the *CERD Convention* defines the obligations of the state party to protect the public against hostile and hateful propaganda, which was propagated by Sjolie. Therefore, the applicants alleged a violation of the *CERD Convention* by failing to provide them with sufficient and effective protection against the dissemination of ideas based on discrimination and racial hatred, as well as against incitement to violence based on those ideas. The applicants also referred to the *CERD's Committee's General Comment No. 15*, which reiterated that the existence of organizations advocating racial discrimination must be prohibited in the domestic law of a State party to the *CERD Convention*. Justifying their right to be considered as victims of a violation of the *CERD Convention*, the applicants pointed out that all members of a given group could be "victims" within the meaning of the *CERD Convention*, since the rights of any individual within such a group could be violated. The applicants emphasized that the mere fact of the existence of neo-Nazi groups in Norway, read through the prism of the Supreme Court's judgment, created a situation of real danger in which they would become victims of the free and legally permissible dissemination of ideas based on theories of superiority and racial hatred. According to the applicants, the lack of direct confrontation with the marchers was irrelevant to their victim status and the *CERD Convention* should be interpreted in such a way as to take account of the fact that racist views and ideas are rarely addressed directly to the victims of such views - usually their dissemination occurs among the supporters of racist organizations themselves.

In response, Norway stated that the complaint, which was not initiated by the directly affected individuals, fell within the category of *actio popularis*. In addition, according to the State party, the applicants could not be accorded the status of victims as none of the named persons was present during the march and Sjolie's words were not addressed to them personally. However, the *CERD Committee* was not convinced by Norway's arguments. The applicants were entitled to the status of victims for two main reasons: first, the State had shown a real incapacity to provide protection against the dissemination of antisemitic "hate speech", and second, the applicants belonged to a group directly exposed to manifestations of discrimination, hatred, and racial violence. *The CERD Committee* found a violation of the applicants' rights by the state's lack of adequate protection against neo-Nazi content disseminated during the march.



## 5. Legal comments to the marches discussed in Part I

### Day of Honor, Hungary

The Hungarian case seems to be one of the most drastic examples of *MGNF* taking place among EU Member States. Both relying on Hungarian national law and international human rights protection standards, all conditions for the rightful banning of the *Day of Honor* seem to have been met even after the first edition referred to in the present report. The fact that attempts to ban it have been undertaken by the relevant authorities (even though initially unsuccessful as a result of the decisions of the Hungarian highest court) should be noted as a positive development, as is the court's decision on the 2022 edition of the march that was banned. At the same time, the fact that groups of neo-Nazis were still able to march and gather (albeit not in a *Day of Honor* large assembly formula) should be of concern as, as it seems, no legal restrictions followed.

### Memorial March for the Bombing of Dresden, Germany

The characteristics of the *Memorial March* leave no doubt as to the violations of German law taking place during consecutive editions of the march. The non-reaction of the German authorities can thus amount to the violation of positive duties of the state concerning the protection against all forms of racial, ethnic, and national hatred or violence, as well as the spreading of Nazi propaganda and Holocaust denial, banned under German criminal law.

### Lukov March, Bulgaria

The Lukov March amounts to a classic example of *MGNF* by commemorating individuals deeply involved in pro-fascist or pro-Nazi ideology and acts of violence committed against Jews during WWII. The very fact of the commemoration of such an individual as Hristo Lukov can amount to forbidden propaganda. The fact that some of the previous editions have been banned, proves that the relevant authorities are aware of the unlawful character of these assemblies.

### Blue Division March, Spain

In the case of the Blue Division March, it seems that the non-reaction of the authorities is in direct violation of binding Spanish national law. The openly antisemitic incidents noted during these marches also form the basis for lawful ban or dissolution of these assemblies.

### Remembrance Day of the Latvian Legionnaires, Latvia

During the Remembrance Day of the Latvian Legionnaires, Nazi symbols and gestures are openly presented, and antisemitic slogans appear regularly. This should provide sufficient grounds to take legal action against the march, in accordance with Latvian law.

### Bleiburg Meeting, Austria

The characteristics of the *Bleiburg Meeting* indicate that it amounts to an *MGNF*, and as noted in the present report in relation to the Nazi-allied *Independent State of Croatia (NDH)*: "Whoever celebrates the NDH also celebrates its genocidal antisemitism, antigypsyism and its anti-Serbian racism." The fact that steps have been undertaken to ban the meeting in Austria should be praised. However, the actual implementation of the ban is of crucial importance, as are parallel efforts against alternate commemorations in Croatia.

### **Rudolf Hess Memorial March, Germany**

The example of the *Hess Memorial Marches* taking place in Germany proves that legal actions at the national level may successfully lead to the banning of such assemblies by the highest national judicial authorities. There can be no doubt that any attempts to glorify or rehabilitate figure like Rudolf Hess, directly and personally responsible for the crimes committed against the Jews and other vulnerable groups during World War II amounts to Nazi propaganda and antisemitism. Again, the most important aspect of the imposed ban is its practical, real implementation and the reaction of the relevant authorities towards attempts to bypass such bans.

### **Iron Wake, Belgium**

The *Iron Wake* meeting is mostly problematic because of its racist and antisemitic elements. Belgian law allows for restrictions of free speech and freedom of assembly in cases of public incitement to racial, ethnic, or religious hatred. Thus, a proper reaction by the relevant authorities should follow in case of the appearance of such elements during the assemblies.

### **March on Rome, Italy**

The fascist character of the *March on Rome* remains indisputable. It amounts to active propaganda of a totalitarian regime based on ethnic, racial and national hatred and discrimination. It also contains glorification of fascist leaders. All of these behaviors are prohibited under Italian law, which was not applied, and this fact alone constitutes a breach of law. The legal measures introduced by the state must be effective and applied. In the given example, the state seems to neglect its obligations arising from national law, but also from international law, through ICERD and other international treaties.

### **Independence March, Poland**

The *Polish Independence March* has been in fact granted governmental protection despite the decisions of the Polish courts and city of Warsaw authorities.<sup>[291]</sup> The final decision in the case by the Supreme Court, allowing the march to take place, has been issued by neo-judges of the neo-chamber of the Supreme Court that does not meet the criteria of an independent court (a fact confirmed by the ECtHR in the judgment in *Dolińska-Ficek and Ozimek v. Poland*). Thus, politics has prevailed over the rule of law. Still, every incident of antisemitic or racist hate speech happening during the march should, according to Polish law, cause the immediate reaction of the relevant authorities and can form the basis for the immediate dissolution of the assembly.

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291. <https://notesfrompoland.com/2021/10/31/warsaws-nationalist-independence-march-in-doubt-after-courts-give-anti-fascist-event-precedence/>



### **Kohti vapautta and 612-march, Finland**

The reactions of the relevant authorities towards the *Kohti vapautta and 612-marches* in Finland seem to be an example of a proper legal reaction, also in accordance with the international human rights protection standards. The presence of neo-Nazi and antisemitic, as well as white supremacist elements, were rightful grounds for banning the assembly, as well as the organization responsible for the events.

### **Imia March, Greece**

The direct links to neo-Nazi ideology, to the *Golden Dawn* party, as well as the fact that during the marches, as noted, “neo-Nazi symbols are ubiquitous” and national repeatedly expressed, seem to give sufficient basis for legally banning this event. From the descriptions of these marches, it is clear that they meet the criteria of introducing into society the elements of intimidation and hostility that allowed the *ECtHR* in the *Vona v. Hungary* judgment to reach its conclusion as to the right of national authorities to initiate legal action against further development of dangerous tendencies observed in the activities of a neo-Nazi organization. This is particularly the case after the 2020 events when the leadership of *Golden Dawn* was convicted by the Greek courts for engagement in criminal activities, including murder, and the party was qualified as a “criminal organization.” Even though the Greek constitution does not allow for a total de-legalization of *Golden Dawn*, as the result of the 2020 judgment, it has been banned from running in parliamentary elections.



# Conclusion to Part II

Both international and European-national legal frameworks already include proper instruments for banning assemblies that promote totalitarian ideologies, racial or religious hatred, genocide denial, or incite to violence. It is also possible (and sometimes obligatory), for the relevant national authorities to dissolve any assembly that becomes illegal due to the activities or contents that emerge during the duration of such assemblies.

However, the specific character of the limitations to this freedom (that can be sometimes compared to the preventive censorship in case of written contents) and the fact that they are sometimes implicit during the marches (or other forms of assemblies) taking place, makes the proper implementation of legal measures more difficult and demanding. Still, the *ECtHR* has repeatedly confirmed that in case of Nazi propaganda, Holocaust denial or racist, xenophobic hate speech and hate crime, national authorities are allowed to restrict the rights and freedoms of those who seek to abuse the guarantees of the *European Convention*.

It should also be noted that on the basis of various international human rights law treaties and other instruments, including the *Framework Decision*, national authorities of the EU Member States are not only allowed, but obliged to take various actions and steps (including legislative ones) in order to criminalize particular forms of spreading hatred and promoting totalitarian regimes and ideologies.

The proper implementation of the relevant European (and broader: universal) human rights protection frameworks on the national level should be considered the most decisive element for effectively countering *MGNF*. This is well illustrated by the examples from Poland, where the proper implementation and application of relevant standards is very often missing.<sup>[292]</sup>

One such case concerned the public incitement to nationalistic and ethnic hatred and promotion of a fascist system during the *Third March to Commemorate the Cursed Soldiers* (members of the post-war anti-Communist resistance) held on 24 February 2018 in Hajnówka, Poland. On 17 September 2018, the District Prosecutor in Białystok approved the discontinuation of an investigation into the actions of the organizers and participants of the March who displayed Celtic crosses, *Totenkopf* (skull-and-crossbones) badges with the acronym *ŚWO* standing for “*Death to Enemies of the Fatherland*.” The prosecutor found no evidence that any of the crimes set out in Article 256 §1 and 257 of the Penal Code were committed. The skull-and-crossbones badge, although a faithful reproduction of the Nazi SS *Totenkopf* symbol, was interpreted as an entirely different historical artifact, namely an honorary badge created in December 1945 by the *Nationalist Military Union (NSW)*, an underground anti-communist organization operating in Poland in the decade following World War II, although the prosecutor himself admitted that no graphic representation of this badge survives. The prosecutor also concluded that public displays of the Celtic cross may not be interpreted in terms of racism, hate speech, or promotion of totalitarian systems and made no references whatsoever to the slogans and chants uttered during the March.

Another example: during celebrations of the 82<sup>nd</sup> anniversary of the foundation of the *NSW*, anti-Muslim and antisemitic slogans were chanted during a march that went through the city of Białystok on 16 April 2016. The Regional Prosecutor in Białystok discontinued the investigation, claiming to have found no evidence of the participants chanting the antisemitic rhyming slogan: “*Zionists will be hanging from trees instead of leaves*,” although the slogan

292. The examples come from the 2019 Report of the Polish Ombudsman, Adam Bodnar, on cases of prosecutors' decisions raising doubts as to their merits: <https://bip.brpo.gov.pl/pl/content/30-przykladow-mowy-nienawisci-w-ktorych-dzialania-prokuratury-budza-watpliwosci-RPO>

was reported in the police documentation provided to the Prosecutor's Office and recorded by the media.

Another conclusion to be stressed is that in case of *MGNF* taking place in many EU Member States, Holocaust distortion is one of the most frequent accompanying elements. Unlike direct Holocaust denial, it is much more difficult to be considered as legitimate legal grounds for banning an assembly or its dissolution. Still, careful consideration of all instances of the distortion taking place during *MGNF* is needed.

Lastly, it should be stressed that the case-law of the *ECtHR* opens the way for legal steps to be undertaken by members of (most often minority and vulnerable) groups directly affected by *MGNF*, without the need of such individuals (or groups) being present and personally confronted with such assemblies. Many elements, like the contents publicly disseminated during such assemblies, the threatening atmosphere they create, and the level of harm caused should be considered in cases where state authorities have failed to properly react to *MGNF*.

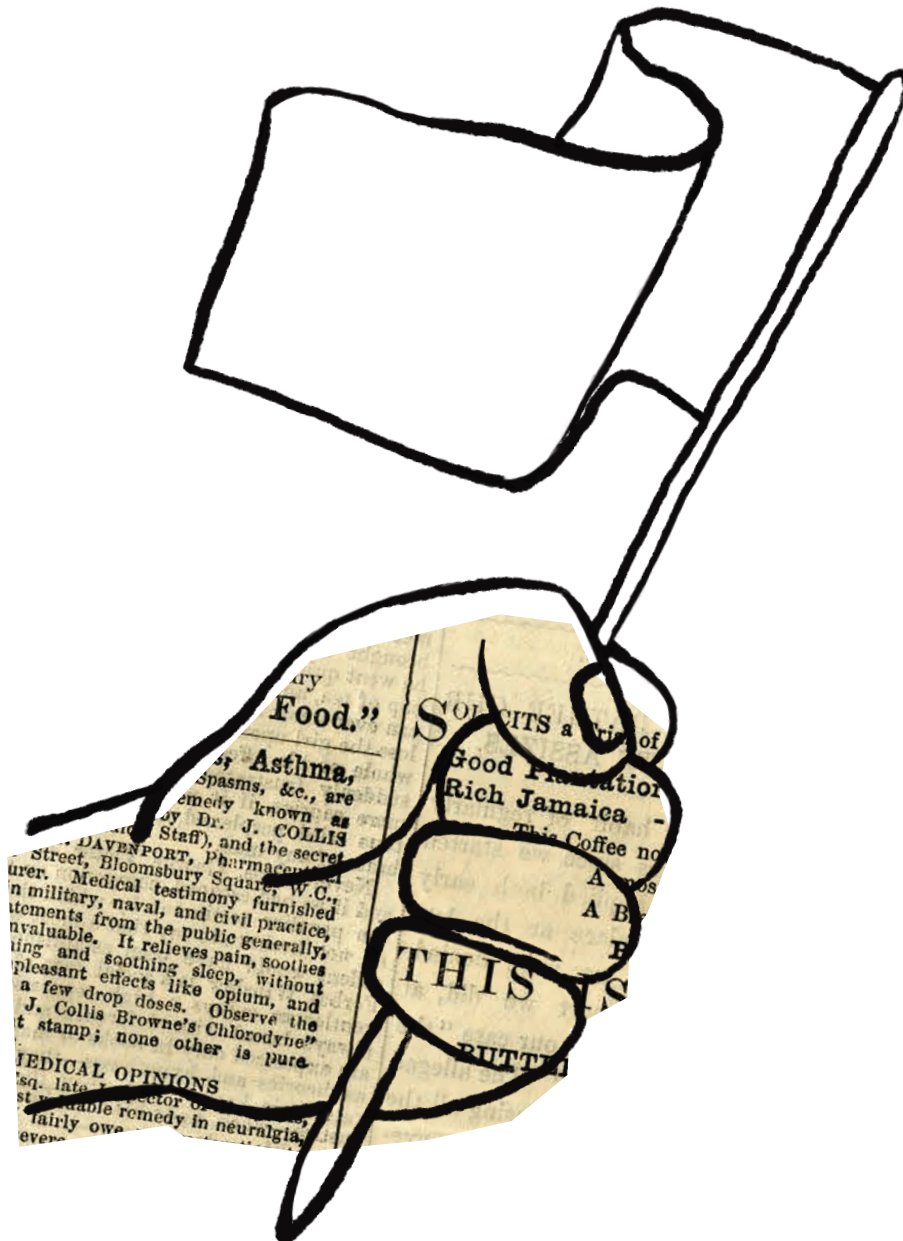
## PART III – Recommendations

A concerted effort against marches glorifying Nazism and fascism (hereafter: MGNF) can have a lasting positive impact and ensure a sense of security for Europe's Jewish communities, for other marginalized groups such as the Muslim, Roma and LGBTQI+ communities, and society as a whole. The persistent nature of these marches is not a *fait accompli*. Through legislation, enforcement, public pressure and education, these displays of hatred on Europe's streets can be curbed. There is not one single measure that will achieve this goal, but the recommendations below constitute a holistic approach to the challenge at hand:

- Ensure bans issued by relevant authorities are implemented properly by other branches of the authorities and the judiciary. Lack of implementation and respect for existing bans contributes to the weakening of legal protections against MGNF;
- Urge national authorities to closely monitor transnational networks of far-right extremist groups and their organized assemblies, especially at MGNF, in cooperation with EUROPOL;
- Develop and institute training programs and capacity-building activities for justice and law enforcement professionals to address the legal implications of MGNF, including hate crime and discrimination, and Holocaust denial and distortion;
- Ensure that no EU funds received by EU Member States' authorities are misallocated to support extremist organizations and their events, including MGNF;
- Conduct an official, EU-sponsored overview of existing regulations, national case law, and policies concerning assemblies that can be considered to be MGNF taking place in EU Member States;
- Compile best practices concerning effective bans of MGNF and dissolution orders in the EU;
- Urge the EU to ban the sale of Nazi-related symbols, memorabilia, and literature in the EU;
- Urge Member States to impose exit bans on nationals travelling abroad to MGNF, and to apply the exception of public security to deny entry to incoming transnational participants to MGNF from other EU Member States, whenever justified;
- Monitor further progress in the full implementation by EU Member States of the *Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law*, with special emphasis on the regulations concerning Holocaust denial and distortion;
- Ensure that victims of criminal incidents happening during or connected to MGNF have access to specialist support services and protection measures, corresponding to their individual needs, in line with the Victims' Rights Directive;



- Strengthen citizenship education in schools to include rights awareness education; upstander education that encourages civil courage, standing up for vulnerable individuals or groups, as well as information about actions that constitute illegal behavior in the context of *MGNF*;
- Consider strategic litigation against the organizers of *MGNF*;
- Encourage civil society organizations to report on *MGNF* taking place in a given EU member state and the state authorities' actions or attitudes (including legal responses) towards them to the relevant human rights protection monitoring bodies (ECRI, UPR, CERD Committee);
- Encourage civil society at the grassroots level to raise awareness of *MGNF* through local actions.







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