



## STATEMENT BY BÜRGERBEWEGUNG PAX EUROPA

### OSCE Human Dimension Implementation Meeting

#### Working Session 1 Fundamental Freedoms I Freedom of Expression

Warsaw, September 24, 2012

#### The Right to be Silenced?

BPE refers to a statement made by the International Civil Liberties Alliance at the HDIM 2009 with respect to freedom of expression. At the time, ICLA noted that “new challenges to freedom of expression emerged, not least from non-state actors. Under the guise of “religious sensitivity”, they [continue to] advocate finding some “compromise” between religion and our right to say, draw and print whatever we consider important. [...] In particular, organizations of a fundamentalist religious viewpoint seek to block and ban expressions contrary to their worldview or potentially damaging to their status.”

We note in this context that even before latest riots both in the Muslim world and in OSCE participating States, the situation concerning freedom of expression had deteriorated markedly. There are clear signs that participating States, especially west of Vienna, are toying with the idea of limiting freedom of expression, for instance by adding dangerous wording such as “there can be no limitless freedom of expression” or “freedom of expression comes with responsibility”, thereby shifting the blame for rioting and deaths onto the messenger rather than leaving it where it belongs, on the perpetrator. We consider this unacceptable and strongly condemn this course of action. Instead, we reiterate the recommendation made by ICLA in 2009 that

- in order to protect freedom of expression, all blasphemy and hate speech laws be repealed and instead ordinary criminal law deal with criminal offenses; and
- participating States reassert the right of their citizens to exercise their freedom of expression, that they act more pro-actively to protect this right, in particular by effectively countering any attempt to stifle it.

BPE, along with ICLA, continues to be of the firm conviction that no compromise on freedom of expression is desirable or even possible. Freedom of expression is a fundamental feature of a free

society. We therefore call on the governments of the participating States to defend this, and not to enter into meaningless compromises. We also remind OSCE and participating States that freedom of expression means freedom to utter statements which others may despise, and freedom to express even the most despicable views. It thus follows that governments cannot and must not pick and choose which expressions to authorize and which to prevent. They must remain neutral towards the content of expression.

In the wake of the current riots after a movie became public, one wonders whether there were certain interests at the root of these protests. It appears that there are groups who have an open interest in the curtailing of freedom of expression while hiding behind the veil of freedom of religion. We remind participating States that it is freedom of expression that makes freedom of religion possible.

Deeply concerning in this regard is the statement made by an imam from one of the largest mosques in New Jersey, who has declared that anyone criticizing Islam is a direct threat to the United States national security. He [believes](#) that “**America should disregard its First Amendment...and instead act in accordance with sharia law for the ultimate ‘good’ of society**”.<sup>1</sup>

Individuals, says Alan M. Dershowitz in a commentary, have the right to pick and choose which expressions to condemn, which to praise and which to say nothing about. The international community – in this case, the ODIHR – must use its collective power to apprehend and punish anyone who commits violence in reaction to expressions with which they disagree. Being offended by freedom of speech should *never* be regarded as a justification for violence.<sup>2</sup>

- BPE rejects the marginalization of freedom of speech by depicting it as a form of religious intolerance.
- BPE will continue to actively defend freedom of expression because we genuinely believe in it.
- BPE reiterates that there is no need for any restriction on freedom of expression. It is sufficient for ideas to be defeated in the marketplace of ideas. Truth does not need censorship to defend it.
- BPE believes that no discussion, however frank or honest, can be considered an attack against individual adherents of a faith.
- BPE deplores the use of “peer pressure and shaming” (the phrase used by US Secretary of State Hillary Clinton, when speaking about ways to curb “denigration of a religion”). Sounding a lot like intimidation, this is not language befitting any representative of a government.<sup>3</sup>

### **Recommendation to ODIHR**

- BPE has repeatedly asked for clarification of terms. In this context, we once again look forward to a **concise legal explanation** of the difference between “anti-Muslim discourse” and criticism of Islam as well as a **definition** of the term “Islamophobia”.
- Is there any evidence that member states of the OIC, which according to its statutes considers itself the collective voice of the Muslim world, including OSCE participating State Turkey, show any tolerance towards other religious groups? We recommend that ODIHR look into this as a matter of urgency.

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1 <http://www.theblaze.com/stories/free-speech-that-mocks-islam-is-national-security-threat-for-u-s-prominent-nj-imam-tells-theblaze/>

2 <http://www.gatestoneinstitute.org/3355/radical-imams-freedom-of-speech>

3 <http://www.washingtontimes.com/blog/watercooler/2012/sep/14/picket-sec-clinton-keeps-2011-un-pledge-shame-and/>



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#### Which human rights?

We support dialogue. This is especially true since it was this very concept of dialogue that at the height of the confrontation between East and West began an honest discussion about human rights, ushering in the end of unfree regimes. However, in an honest dialogue the partners use the same definition of a concepts, in our case the concept of human rights. When one side uses the Universal Declaration of Human Rights and the other side the Cairo Declaration of Human Rights in Islam, and the two declarations are diametrically opposed, then any dialogue becomes moot.

How do ODIHR and participating States reconcile the fact that there are two different sets of human rights which not only exist alongside each other, but are used actively in all deliberations at an international level?

We urge ODIHR and participating States to return to the concept of **universal** human rights. To accept or even to apply two separate understandings of human rights betrays the spirit in which the OSCE was established and the OSCE's achievements in the field of human rights, especially east of Vienna.

We call upon the OSCE and participating States to endorse the "2012 Brussels Declaration to Safeguard Individual Liberties and Human Rights" and incorporate it into their policy-making processes. To do so would show their commitment to supporting freedom of expression and freedom of religion within the OSCE area. The Declaration recognizes the fact that it is freedom of expression that guarantees freedom of religion and not the other way around, and as such any efforts to undermine it are direct attacks on religious freedom.



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#### **Freedom of expression only for you or also for me?**

At the HDIM in 2009 we expressed our concern about the increasing use of intimidation to curb the exercise of civil liberties in the OSCE area. This covers fundamental liberties: freedom of movement, freedom of assembly and – most importantly – freedom of expression. All of the preceding liberties are included in the human dimension sphere of the OSCE. We therefore present an overview of recent cases in the OSCE area in which these liberties were curtailed. None of these cases should have occurred in liberal democracies.

The German national Ralf Mayer has received a penalty order for €1,800 from the German authorities for publishing an article about US pastor Terry Jones and the Islamic prophet Mohammed. A team of lawyers are currently trying to prove the truth in Mayer' statements.

<http://www.pi-news.net/2012/07/staatsschutz-ermittelt-gegen-islamkritiker/>  
<http://michael-mannheimer.info/2012/09/15/wieder-ein-strafbefehl-gegen-deutschen-islamkritiker/#more-15071>

A German police officer has been suspended from his post because he supported the German political party Pro-NRW by running for a political office. This was deemed unacceptable by the police authorities in Aachen. The police officer has been stripped of his right to join a political party. He is now dependent on government help to pay his bills and support his family.

<http://www.pi-news.net/2012/05/aachen-berufsverbot-fur-islamkritischen-polizist/>

Michael Mannheimer, another German national, received a penalty order for €2,500 on February

14, 2012, for incitement and “demonizing, falsifying and distorting Islam”. He is currently fighting the charges by presenting the truth to the court.

<http://www.pi-news.net/2012/03/strafbefehl-gegen-michael-mannheimer/>

Elisabeth Sabaditsch-Wolff, an Austrian national and housewife, was fined €480 (120 day fines) by an Austrian court for making remarks about the Islamic prophet Mohammed. The case is currently pending at the European Court for Human Rights.

<http://www.dianawest.net/Home/tabid/36/EntryId/1986/A-New-Silent-Night-Descends-on-Austria.aspx>

Fazil Say, a Turkish artist, pianist and composer and former European Union culture ambassador, is accused of “publicly insulting religious values that are adopted by a part of the nation.” He poked fun at an Islamic vision of afterlife via Twitter and is scheduled to appear in court in Turkey on October 18, 2012.

[http://www.nytimes.com/2012/06/02/world/europe/turkey-charges-pianist-fazil-say-over-twitter-posts.html?\\_r=0](http://www.nytimes.com/2012/06/02/world/europe/turkey-charges-pianist-fazil-say-over-twitter-posts.html?_r=0)

In July 2010, a former local politician from the Austrian Freedom Party was fined €1.200 for hate speech and denigration of religious teachings. He had posted his comments on an internet platform and was reported to the authorities by a rival Greens politician.

<http://www.vol.at/ex-freiheitlicher-verurteilt/news-20100712-11152875>

On 2 August, Christopher Knowles was summarily dismissed from his job in the Council’s Children’s Services Department. This follows a seven month “investigation” and suspension of Mr. Knowles, initiated in December 2011 by a denunciation to the Leeds Council by the Sunday Times about Mr Knowles’ “political activities.”

<http://www.libertiesalliance.org/2012/08/06/icla-member-chris-knowles-dismissed-by-leeds-city-council-without-due-process/>

United Kingdom: Members of a girl gang who kicked a woman in the head while yelling ‘kill the white slag’ were freed after judge hears ‘they weren’t used to drinking because they’re Muslims’

<http://www.dailymail.co.uk/news/article-2070562/Muslim-girl-gang-kicked-Rhea-Page-head-yelling-kill-white-slag-FREED.html#ixzz27MXEj8vv>

When Jacqueline Woodhouse, 42 launched into a racist tirade on a London subway, the video, in which she was clearly drunk, went viral around the world. Woodhouse clearly did not endear herself to other passengers on the train with her profanity-laden rant, which because of its racial component

was upgraded from simply disturbing the peace to Britain's equivalent of a racial crime.

In another, less publicised video, four members of a girl gang set upon a female victim, beating her, kicking her and pulling out handfuls of her hair. During the attack, they hurled racial epithets (Kill the white slag) at her. All four defendants walked away with suspended sentences.

What is the difference between the two attacks, in which one perpetrator just ran her mouth, and another in which four gang members seriously injured their victim, who has lost her job since the attack? Did the four female gang members luck out with a soft judge? Did Jacqueline Woodhouse strike out with a tough judge?

Or did the fact that the four female gang members were Somali Muslims account for the grotesque disparity in sentencing? It is stories like these that feed the anger of British voters as politically correct judges enforce a manifestly unfair double standard in their courtrooms.

<http://globetribune.info/2012/05/30/london-race-ranter-gets-21-weeks-and-muslim-girl-gang-dodges-jail-after-brutal-attack-videos-with-violence-language-advisory/>

**BPE calls on participating States to implement the commitments in the human dimension sphere, particularly as concerns freedom of expression.**

**BPE calls on participating States to ensure that there is no disparity in sentencing by the judiciary.**



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#### Freedom of expression – Silencing intellectuals

We bring to the attention of the participating States, in particular the German delegation, the case of German professor Armin Geus who a year ago wrote a book called *Die Krankheit des Propheten* (“The Illness of the Prophet”) and who has been reported to the German authorities in the city of Marburg for “Incitement to hatred against peoples” and “Insulting faiths, religious communities and philosophical associations”. It is obvious that apart from the so-called “political correctness”, there is a campaign to establish “scientific correctness”, which is aimed at stifling the constitutional right to freedom of scientific inquiry, especially when aimed at the foundation of Islam.<sup>1</sup>

BPE urges Germany not to give in to intimidation and as a result stifle free thought as well as scientific study.

BPE reminds ODIHR of its commitments: “...guaranteeing the freedom of artistic creation [...] form[s] part of the human dimension of the CSCE. They consider that **independent intellectual [...] life is crucial for the maintenance of free societies and democratic institutions.**” (Moscow 1991).

BPE encourages ODIHR to implement its commitments regarding these fundamental freedoms.

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<sup>1</sup> <http://gatesofvienna.blogspot.com/2012/09/raising-ante.html>, <http://www.pi-news.net/2012/09/ermittlungsverfahren-gegen-medizinhistoriker/>