[AT] OGH Demands Special Care with Information Sources on National Socialist Crimes

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It was reported by Walter Egon Glöckel in the Vienna-based online magazine *muenchnernotizen.info* that the *DIZ Dokumentations- und Informationszentrum München* (Munich Documentation and Information Centre) was selling to the media pictures recreating scenes from the Auschwitz concentration camp without pointing out that the images were not genuine. The magazine also criticised the *DIZ* for selling photos of concentration camps, describing it as “an irresponsible profiteer” which made money out of both “genuine and fake photographs of the Holocaust” out of “greed for profit”.

The *DIZ* applied for an injunction against Mr Glöckel following his remarks. In the interim proceedings, the lower courts found that some of the pictures were in fact fake. Concerning the accusations of profiteering, the *Oberste Gerichtshof* (Supreme Court - *OGH*), ruled that these did not take into account the *DIZ*'*s* claim that it had not known that the photographs it was selling were not genuine. However, in view of the established facts, it did not consider these accusations to be unlawful. The use of dubious sources played right into the hands of people who denied or played down the crimes of the National Socialists by referring to cases such as this. The *OGH* ruled as follows: “The authenticity of sources on the crimes of National Socialism is therefore a matter of the utmost importance to society. For this reason, high standards of care should be met by all parties involved, including providers of archive services. This is particularly true in light of the fact that even the sale of genuine sources for profit can justifiably be considered morally questionable, especially if - as in this case - they graphically portray victims' suffering. These factors justify clear criticism if - as here - objectively questionable sources are being sold for money. [...] On this basis, the use of disputed terms such as “profiteering” and “greed for profit” is not excessive.”

Urteil des OGH vom 20. Juni 2006 (4 Ob 71/06d)

http://www.muenchnernotizen.info/Medien/DIZ/2/Urteil/OGH-4_Ob_71-06d.pdf

Judgment of the OGH, 20 June 2006 (4 Ob 71/06d)

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