[DE] Deutsche Telekom blocks access to nazi propaganda on the Internet

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Deutsche Telekom AG's online service has blocked access to a specific WWW address on the Internet. This address belongs to an online-provider operating from Santa-Cruz in Canada. In addition to information on a woman singer and a club, material provided by a Canadian-German neo-nazi in Toronto is available from this address.

Deutsche Telekom AG considers that this material constitutes incitement to hatred within the meaning of Article 130 of the Criminal Code.

The standard terms and conditions of T-Online and the Telecommunications Decree (TKV) offer no explicit means of preventing the dissemination of such material through a general block on access. As the operator of T-Online, Deutsche Telekom AG bases its action on the general rule, laid down in Articles 134 and 138 of the Civil Code, that any legal transaction which violates a legal prohibition or offends against morality is invalid. It argues from these general principles that it is under no obligation to make the network available for the dissemination of unlawful material.

The question of the online operator's criminal liability as an accessory in incitement to hatred (Articles 27, 130 of the Criminal Code) remains open, as the main offence was committed in another country, specifically Canada, and offences under Article 130 of the Criminal Code are not among the international offences defined in Article 6 of the Code. (Wolfgang Cloß, Institut für Europäisches Medienrecht - EMR)

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