

## **Procès du Youssef S and Mourad J.**

### **1) Reference Details**

Jurisdiction: *Tribunal Correctionnel*, Brussels, Belgium

Date of Decision: 20 October 2004

### **2) Facts**

Mr Youssef S. and Mr Mourad J. were charged with offences under Article 1 of the Law of 23 March 1995 for the repression of, negation, minimisation, justification or approval of the genocide committed by the German national-socialist regime during the Second World War.

The two accused were students of Professor David B., a teacher of French. During their first class one of the students declared that Professor B. had the 'head of a Jew'. In the second class several strangers interrupted the class and threw chairs around. In the third class the accused again asked the Professor whether he was Jewish. Youssef S. proceeded to draw a swastika on his workbook and refused to throw it away when asked to do so. He then declared "*I am Bin Laden, I am Hitler*" and "*Jews are assassins, one cannot ever trust Jews because they kill babies, the elderly and women.*"

### **3) Law**

- Article 1 of the Law of 23 March 1995 for the repression of, negation, minimisation, justification or approval of the genocide committed by the German national-socialist regime during the Second World War
- Article 1 of the Law of 30 July 1981 for the repression of certain acts inspired by racism or xenophobia
- Article 444 of the Penal Code

### **4) Legal Arguments**

The accused maintained that he did not commit an offence under the Law of 23 March 1995, in that he did not approve or minimise the genocide committed during the Second World War.

### **5) Decision**

The court agreed that the acts as related did not constitute an offence under the Law of 23 March 1995, but re-characterised the offence as a violation of Article 1 of the Law of 30 July 1981 for the repression of certain acts inspired by racism or xenophobia, incitement to discrimination, segregation, hatred or violence as committed in a public place in circumstances enumerated in article 444 of the Penal Code.

The court sentenced Youssef S. to a six month prison sentence suspended for three years, and Mourad J., who failed to appear in court, to six months imprisonment.