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## Greece intervene at the ICJ on the case Germany against Italy

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The AK Distomo has *greatest understanding*<sup>\*1</sup> for the decision of the Greek government under Prime Minister Jorgos Papandreou to intervene on the case concerning the legality of claims for compensation for the victims of Distomo and other Nazi victims at the International Court of Justice in The Hague. We welcome this step sincerely.<sup>\*2</sup>

Only in this way, the participation of the really affected persons on the proceedings at the ICJ can be ensured. Now the Greek government can carry out its democratic duty to give the victims of Distomo the possibility to be heard in the court. The German government wanted to keep the victims of Nazi crimes and their relatives away from the proceedings to circumvent valid judgements of other states by dealing this case only between governments.

The German Minister of foreign affairs Guido Westerwelle conceals in his “*no understanding*” statement that the massacres as in Distomo on 10 June 1944 were heaviest war crimes of German troops. For this the sovereign immunity as a state is not valid. The case does not concern the German awareness of “the particular suffering” or “responsibility for history”. Also the Nazi perpetrators e.g. in the 'Amt' at the Werderscher Markt<sup>\*3</sup> in 1944 used both phrases in their way of thinking. But:

### **It concerns legal obligations to the victims!**

War crimes and crimes against the mankind need to be outlawed. Perpetrators need to be prosecuted and victims need to be compensated. These needs have to become secured by legal measures. The community of states must not be immune in relation to such crimes. Someone who does not want to speak of war and war crime protects the perpetrators and endangers the peace. This is valid for the Second World War and, in addition, for today.

Contrary to German government representatives, we will discuss with the survivors of the SS-massacre and their relatives how to achieve their compensation by the Federal Republic of Germany as the legal successor of the German Reich, and we will fight for that. The AK Distomo will also participate in this year's commemoration ceremonies in the municipality Distomo in June.

AK Distomo demands once more:

- the immediate fulfillment of the claims for compensation in the case of Distomo,
- the withdrawal of the action before the International Court of Justice in The Hague,
- the prompt compensation for all victims of the Nazi-Crimes by the German government.

Hamburg, 13<sup>th</sup> of January 2011

AK Distomo

For more information, see <http://www.nadir.org/nadir/initiativ/ak-distomo/>

\*2: *New Year Message of AK Distomo 2011 – The Year of the Decision for the compensation of Nazi-Crimes?*

\*1: Citation Guido Westerwelle, press release 13<sup>th</sup> Januar 2011:

*"Ich habe kein Verständnis für die Entscheidung der griechischen Regierung. In Deutschland wissen wir um unsere Verantwortung für unsere Geschichte. Und wir wissen auch um das besondere Leid der griechischen Bevölkerung im Zweiten Weltkrieg. Wir bleiben aber nachdrücklich bei unserer Haltung und sind zuversichtlich, dass sich unsere Rechtsauffassung vor Gericht durchsetzen wird.*

*Was Klagen gegen die Bundesrepublik betrifft, erwarten wir, dass international anerkannte Rechtsgrundsätze und insbesondere Deutschlands Immunität als Staat respektiert werden. Wird dieser Grundsatz ausgehöhlt, droht der Staatengemeinschaft insgesamt Rechtsunsicherheit."* Source [http://www.auswaertiges-amt.de/DE/Infoservice/Presse/Meldungen/2011/110113-GRC\\_IGH.html](http://www.auswaertiges-amt.de/DE/Infoservice/Presse/Meldungen/2011/110113-GRC_IGH.html)

\*3: address of the German office of foreign affairs while WWII and nowadays (see new book “Das Amt und die Vergangenheit”)