

Appendix C – Appeals to the European Court of Human Rights in Strasburg

Hamburg, June 7, 2006

Victims of Distomo have lodged claims with the European Court of Human Rights – Compensation for Greek victims of National Socialism

On this day, the legal attorney of four Greek victims of a massacre committed in the Greek village of Distomo by members of the Waffen-SS on June 10, 1944, filed an appeal with the European Court of Human Rights in Strasburg. The human rights appeal is directed against the former decisions of the Federal Government and German courts, according to which the individual claim for damages or compensation by the plaintiffs against the German Federal Republic was dismissed. The German Federal Constitutional Court had finally not reached a decision on a constitutional claim.

The four Sfountouris brothers and sisters are requesting the declaration that the Federal Government and German courts with their negative decisions contravened the European Human Rights Convention. They are also demanding the determination of a compensatory sum through the European Court of Human Rights.

The parents of the Sfountouris brothers and sisters were murdered during the course of the 1944 massacre, and the parents' house with all its contents was burnt down. The Distomo massacre was one of the cruellest committed by the German troops during the occupation of Greece during World War II. On this occasion, 218 people were murdered, including babies and elderly people.

Since 1995 the Sfountouris brothers and sisters have been struggling before the German courts to receive compensation for the suffering they endured. The German government was not, and is not, prepared to grant compensation voluntarily to the plaintiffs and also to the other surviving victims of this massacre and their surviving dependents. Indisputably, the plaintiffs have claims for compensation. The Distomo massacre was a crime under international law that, according to the Hague Convention of 1907, imperatively involved a duty to compensate by the German Reich and therefore by the Federal Republic of Germany as its successor. In its decision, the Federal Constitutional Court had wrongfully accepted that damages or compensation for the victims of such a crime could not be asserted, except possibly through their native country. The argument employed by the Federal Constitutional Court was disgraceful, in that it characterised the massacre in Distomo as an unauthorised "excess" of a retaliatory measure that was in itself inadmissible. Consequently, the Federal Constitutional Court had viewed the murder of the persons as an everyday war occurrence, and the historical truth was in this way disavowed and minimised. The massive killing of civilians was no ordinary war happening, but an expression of National Socialist desire for annihilation. In view of the crime by the German occupier of Greece, based upon a "bandit hunting" order by Hitler in which 30,000 civilians were murdered by the so-called retaliatory measures, this argument was a rebuff to all Greek victims. The four plaintiffs are hoping that, more than 62 years after the crime, the Court in Strasburg will at last seek justice.

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