

# Germany is Europe's biggest debtor

## Immediate reparations for all victims of National Socialism in Greece

Everyone is talking about the Greece's debts. We are talking about Germany's guilt and the German debts. Because in reality Germany is Europe's biggest debtor.

Nazi Germany has caused more damage and evil in twelve years than the Federal Republic of Germany would have been able to atone for in 70 years. Only a miniscule fractional amount of the payment agreed

upon in the 1946 "Paris Agreement on Reparations" has been paid to the countries that were attacked during World War II. The Federal Republic of Germany as the legal successor to the fascist German Reich has been lacking the will to pay the reparations. In April 2015, Foreign Minister Frank-Walter Steinmeier (Social Democrat) has declared the debate about reparations "politically dangerous" and added that any claims for reparations had been settled. This is a shabby



Hamburger Rathaus 2.Mai 2015 with Manolis Glesos

attitude. Germany is attempting to evade responsibility for its own history.

Until today Germany has rejected any obligation for reparation payments to the many thousands of civilian victims of the massacres committed by SS and Wehrmacht. Germany refers to state immunity for NS War Crimes. According to this legal standpoint civilian victims of NS terror do not have the right to take Germany to court in their countries for reparation payments. In those cases in which victims have filed legal claims in German courts they were told by the courts that the massacres had been part of the regular warfare and that war constitutes a criterion for exclusion from state liability.

### **Greece is legally entitled to payment of reparations and repayment of the forced loan.**

It is paradoxical. Greece needs money, but it has capital. The capital is in Germany and – as property of the German state abroad – in a number of (European) countries. For 70 years Germany has owed Greece a sum currently amounting to 278,7 billion Euros according to the Greek parliament.

On the one hand this capital stems from obligations out of the 1946 Paris Agreement in Reparations that were fixed to 7.2 billion US dollars at the time of the Agreement. The German government claims these reparations have already been paid in the context of a "global agreement" in the 1960ies. The German-Greek treaty of March 18<sup>th</sup>, 1960 stated that the Federal Republic of Germany would pay 115 Million D-Mark to "citizens affected for reasons of race, of religion or political beliefs by National Socialist persecution measures" to Greece. This payment took place because of the gruesome persecution of the Jewish population in Greece. In Thessaloniki for example more than 50.000 people of Jewish belief died of murder and deportation. The payment of the so-called "global agreement" had nothing to do with the obligation to the payment of reparations. The wording of the agreement is very clear about that.

The reparations specified in 1946 have not been paid by the German government until today. Germany also owes Greece the repayment of the so-called “forced loan”. In 1942 the Bank of Greece was forced to hand over its foreign currency reserves to the NS occupation forces. At the end of WWII the sum amounted to 476 Million Reichsmark according to the Foreign Ministry of the German Reich in April 1945 and was supposed to be paid back following the end of the war. The repayment of the forced loan does not constitute the payment of reparations, but the payment of a loan. Nothing has been paid so far.



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**The Greek victims of National Socialism are entitled to payment of damages that cannot offset entitlements to reparations.**

Independent from reparations and the forced loan, Germany owes damages for the massacres committed during the NS occupation of Greece with at least 30.000 victims, whole villages and thousands of livelihoods destroyed. The survivors and the relatives of the murder victims have not received any damages at all for these crimes.

The survivors and the relatives of the Greek villages of Distomo which has been honoring the 218 victims of the NS massacre of June 10<sup>th</sup>, 1944 ever since then, have successfully sued Germany for 28 Million Euro in damages in front of Greek courts. Since the ruling of the court on 1997 there are interests to be paid on this sum. But Germany does not pay. The creditors from Distomo are in the meantime suing for the enforcement of their titles in Italy – against the ongoing German resistance. But the Italian Constitutional Court has strengthened the position of the NS victims in a parallel lawsuit in October 2014.

**The enforcement against German state property is possible in Greece as well.**

The legally determined entitlements to damages could be enforced in Greece themselves. Almost immediately following the binding ruling in 2000 Athens-based lawyer Ionnis Stamoulis had impounded



the Goethe-Institute, the German Archeological Institute and the German schools in Athens and Thessaloniki in order to auction off the properties for the benefit of the creditors from Distomo. But the realization of the claims failed in 2001 because the then Minister of Justice in Greece declined to agree following threats from Berlin to block Greece's entry to the Euro zone. The current Greek Minister of Justice Paraskevopoulos spoke only on that specific issue in the beginning of March 2015 – and not on the question of reparations. In contrast to his predecessor he does not want to share the German position on state immunity for NS war crimes.



### **The “Two plus Four”- Treaty cannot eradicate the NS victims’ entitlements to damages**

The position of the Minister of Justice is a matter of course that Germany fears because it could serve as an example. In order to prevent that the German government now claims that the so called “Two plus Four”- Treaty has settled the reparation question for good – because it is *not* settled in the treaty (!). This line of argument is legally absurd and morally reprehensible.

German President Joachim Gauck, Foreign Minister Steinmeier and the President of the European Parliament, Martin Schulz, have travelled to the sites of the biggest NS-massacres in Oradour (France), Sant’Anna di Stazzema (Italy), Lyngiades (Greece) and have professed – sometimes in moving words - Germany’s guilt. But by claiming that the “Two Plus Four Treaty” of September 12<sup>th</sup>, 1990 serves as a treaty at the expense of Greece and eradicates the victims’ claims to damages, these pretty words prove to be pure lip-services and ridicule the victims of fascist crimes.

Apart from the fact that treaties at the expense of third parties – Greece was not a partner to the treaty – are legally void under contract law as under international contract law, the demands for damages by the victims of the NS-terror regime in Greece are individual claims and not demands for reparations. These claims can be enforced by any individual victim against the German state without being limited by international treaties.

## **To enforce the claims to damages against Germany will enhance peace**

AK Distomo is of the opinion that it is not offending Germany to announce the admission of enforcement of valid individual entitlements to damages. To the contrary, this would constitute an act of justice and serve as a warning to today's warmongers that crimes against international law and crimes against humanity cannot be declared settled with sweet words and that the wrongdoer – however powerful he might have become in the meantime – has to take responsibility for the injustice, even after 70 years.



**Immediate compensation of all victims of National Socialism!**

**No forgiveness for Nazi Crimes!**

**Remember the antifascist resistance!**

**Joint struggle against the reawaking fascism in Europe!**

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