

**“THE DISTOMO SLAUGHTER: MEMORY, POLITICS AND THE STRUGGLE  
FOR CLOSURE”**

**(A WORKING DOCUMENT)**

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**NOTE:** The present document constitutes a revision of the working paper presented at the 9<sup>th</sup> European Sociological Association Conference in Lisbon, Portugal, 2-5 September 2009. Specifically the working paper was prepared for Research Network 8, “Disasters and Social Crises” and presented in the Session on “Politics and Practices of Remembering Disasters”. The revised document includes selected maps and photos, an introductory methodological note on sources and further documentation, especially with regard to the prosecution of the perpetrators of the massacre and the litigation process for compensation. The further documentation was necessary not only because of the author’s needs for scientific closure but also because of the needs of the survivors and the relatives of the victims for psychological closure. Nonetheless, some questions still remain. Comments and suggestions are welcome (N. P.)

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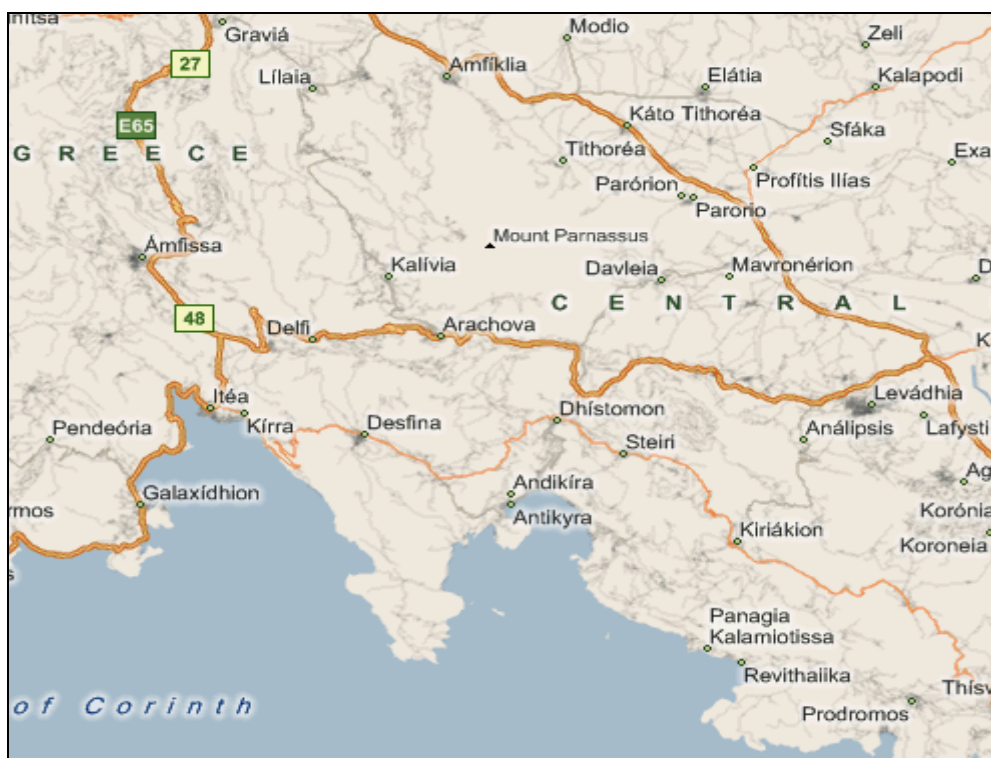
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***DEDICATION***

*This work is dedicated to the victims and survivors of the Distomo massacre as well as to the truly brave German soldiers who disobeyed the orders of their superiors.*

## I. Background, historical context and sources

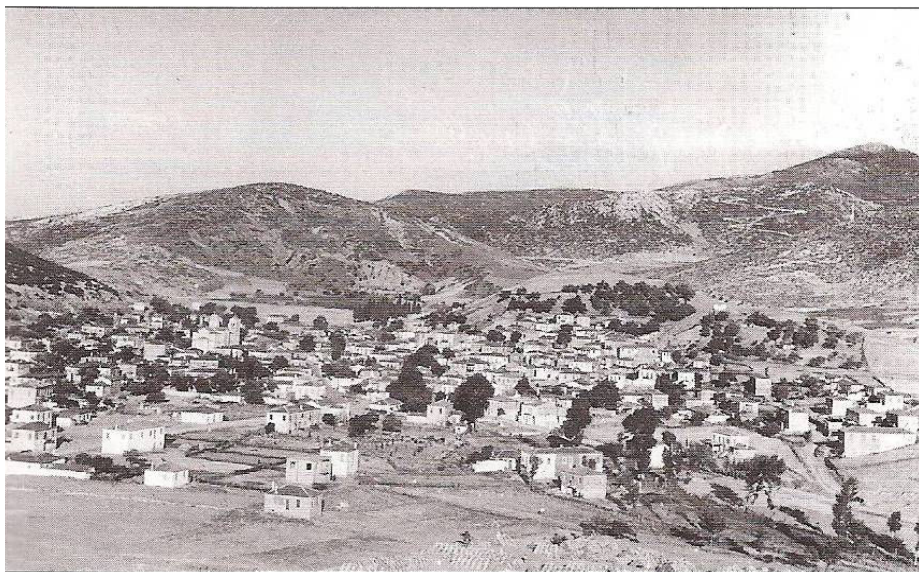
**1. Background—historical, geographical and demographic context.** Distomo is a town of 2,048 residents (2001 Census) and part of the greater Municipality of Distomo that also includes the villages of Saint Nicholas (44 residents), Distomo Beach (1258 residents) Steiri (1,010 residents) and the Monastery of Saint Loukas (8 residents), for a total Municipality population of 4,368 residents. It has an altitude of 450 m. and is situated on the feet of two mountains, Mt. Parnassus on the northwest and Mt. Elikona on the southeast. Distomo is 24 km from Livadeia, the capital of the Viotia province, 22 km from ancient Delphi and 156 km from Athens



Map of Distomo and surroundings ([www.bing.com/maps/](http://www.bing.com/maps/)).

In antiquity, the area where Distomo is located, was referred to by the historian Pausanias as “Amvrossos” but in the Homeric period it was also referred to as “Medeon”. According to Homer, the residents of Ambrossos took part in the Trojan War. Later on (480 BC), the city-state was destroyed by the Persians because they refused to go on the side of the Persians (Medes). Still later on, together with other neighboring city states the Amvrossis took part in campaigns against the Thessaly city states (holy war 356-346 B.C.). The city was later leveled by Philip B’ of Macedonia, scattering its inhabitants in various villages to be regrouped with the help of Athenians and Thebans before the battle of Cheronia (338 B.C.) where Philip and his young son Alexander won a decisive victory over the Athenians and the Thebans. During the Hellenistic-Roman period (198 B.C. – 375 A.D.), the city was destroyed by Galatian and Celtic invaders. In the early Byzantine period (ca. 400 A.D.), the

city was destroyed once again by Alarichos<sup>1</sup>, while at the same time there is evidence that two bishoprics (Amvrosia and Steirgiou) were established, testifying to the presence of Christian concentrations in the region. It was also during the Byzantine period that the city's name was changed from *Amvrossos*<sup>2</sup> to *Distomo*, possibly because of the existence of two spring sources with water spurting out of two marble lion heads east of the town or the presence of two wells in neighboring plots of property with a common underground source of water. The city was successively occupied by the Franks (1200 A.D.), the Catalans (1300 A.D.) and the Ottomans (1460); between the Franks and the Ottomans, *Distomo* became the permanent name of the city. During the Ottoman period and the Greek Revolution (1821), Distomo became a center of operation for chieftains in the Roumelis region while some of the longest and most decisive battles (e.g. 17 January to 6 February 1827) in the revolution took place in the town. In recent history, and during the occupation by the Nazis (1940-44), the contribution of the Distomo region to the resistance was reportedly very significant. A series of battles in a local canyon, during July-August 1943, between the resistance organizations in the Distomo area and the occupation forces (German and Italian troops), caused significant enemy casualties; the place where the battles took place became known as "Little Stalingrad" because of the huge enemy losses and the strategic importance of the battle. One interpretation of history has it that the contribution of Distomo to resistance during the occupation and the humiliating defeat of Germans by the partisans gave the occupation forces the pretexts for reprisals.<sup>3</sup>



*Picture of Distomo taken by Ap. Vardousiotis on 4 June 1944, one week before the slaughter (Basdekis, 1994, p. 3)*

<sup>1</sup> A Visigoth king who undertook campaigns of destruction and looting against Greece and Italy (Rome) during the reigns of the Byzantine emperors Theodosius and Arkadius ([www.livepedia.gr/](http://www.livepedia.gr/) and [www.laconia.org/files/grkversion/Kimediog.htm](http://www.laconia.org/files/grkversion/Kimediog.htm)).

<sup>2</sup> Pausanias refers to Amvrossos as a town that took its name from the hero Amvrossos which most likely means immortal (thus ambrosia as the food/drink of the gods and the immortals). Pausanias also refers to a nearby crossroads, leading to Amvrosos, Delphi and Panopea, where Oedipus murdered his father Laios (See Ioannis Basdekis, *Distomo*, 1994, pp. 9-11 and <http://www.distomo.gr>).

<sup>3</sup> For the summary of the history, see [www.distomo.gr](http://www.distomo.gr); Kate Manolopoulou, *Let's warm up the stones, in the hillsides of Distomo*. (In Greek), Vergina Publishers, Athens, 2004, pp. 11-15; and Ioannis Basdekis, *Distomo*, 1994, pp. 9-11.



*A view of modern Distomo from Kanales Hill, en route to the Memorial Grounds, 10 June 2009 (Photo: Nikos Petropoulos)*

**2. A note on main sources and caveats.** The paper used several sources, mostly secondary, for documentation. **First**, the books by people in history and literature (e.g. Takis Lappas and K. Manolopoulou) constituted important sources for the chronicle of events, the catalogues of the victims with their ages, the testimonies of survivors, the photographic materials and formal documents. **Second**, the author relied on two 50<sup>th</sup> anniversary publications, one a periodical (*Emvolimon*) and the other a book by J. Basdekis (*Distomo*). The periodical publication was cross-disciplinary work containing historical materials by Lappas and by eyewitness, narratives of survivors, documents of municipal council decisions regarding sister cities, lists of the 10/06/44 victims of the massacre, essays/commentaries on the massacre and neonazism, information on perpetrators of the massacre, photographic materials and poetry. The Basdekis book contained a chronicle of events, information on other Nazi holocausts in Greece, information on perpetrators, a more extensive lists of victims, short descriptions of partisan/Nazi battles, information on the Nuremberg trials, and photographic materials. Excerpts of the survivor narratives published were translated into English by the author of this paper. **Third**, the present paper relied on several websites. They constituted significant sources for Distomo history, massacre and geography (e. [www.distomo.gr](http://www.distomo.gr)), the actions of NGOs ([www.holocaust.gr](http://www.holocaust.gr)), information on other martyred by Nazis cities, the politics of the Nuremberg trials, and the course of the Distomo lawsuits. The Wikipedia website (<http://en.wikipedia.org>) was especially helpful. **Fourth**, the author also relied on four documentaries. The first “A Song for Argyris”, by Stefan Haupt, a biography of a survivor, his personal rehabilitation, his struggle for compensation and his humanitarian mission; the film is well documented, relying also on German sources, and provided cross-validation for the Greek sources. After viewing the film, the

author also conducted a telephone interview with the protagonist in the documentary, for further documentation of my paper. The second is the documentary film about the Distomo massacre produced by SKY-TV and broadcast by “New Files” program of Alexis Papahelas on the eve of the 65<sup>th</sup> anniversary (9/06/2009). Besides interviews of survivors, the documentary also featured interviews with local Distomo officials, lawyers of Distomo litigants, officials of German government and a German historian (D. Begemann) who has had access to the German archives and an International Red Cross official (Sture Linner) who had taken part in relief services following the massacre. The documentary gave the author a further opportunity for cross-checking his information. The third video film, “Distomo-10 June 1944-10 June 1994: 50 Years from the Massacre”, was a co-production of the Ministry of Press and Mass Communications and the Municipality of Distomo, while the fourth, “Distomo: An Offering to Peace”, was an exclusive production of the Municipality of Distomo” (1997). Both of the last two films provided useful information on the history of Distomo, the chronicle of the massacre, the memorials and the German participation in memorial activities. **Fifth**, the author also had several telephone interviews with officials of the Municipality of Distomo (Mrs. A. Kotsou) with regard to the current population, victim statistics and the content of the Museum of the Victims of Nazism. **Sixth**, the author also had interviews with the plaintiffs’ lawyers in the class-action suit (Kelly Stamouli) in Greek and Italian Courts and the family lawsuit of the Sfountouris survivors in the German courts (Martin Klingner). **Finally**, the author used the method of “participant observation,” by participating in the 65<sup>th</sup> anniversary ceremonies (10/06/2009) and in the meeting of the Executive Council of the Network of Martyred Cities and Villages on 9/06/2009 at Distomo; and by interviewing his brother’s mother-in-law (Aggeliki Malamos), a survivor who at the time of the massacre was 16 years old- for further cross-validation of information regarding German soldiers who disobeyed the massacre orders. Yet, despite these sources, some questions still remain regarding responsibility for the massacre, the punishment of those responsible, the statistics of victims either of villagers or German soldiers, and post-traumatic stress disorders among the survivors. For these reasons, the author will retain to characterization of the paper as a working document, subject to further clarification.

## **II. The chronology of events leading to the Distomo slaughter**

**1. En route to Distomo--hostages and killing spree.** Four days after the landing of the allies in Normandy (D-Day), and on Saturday, 10 June 1944, the German occupation forces in Livadeia commandeered two private Greek trucks, along with their drivers. Using these two trucks as a means for transportation, a squad of 18 soldiers from the SS battalion started at 7:30 A.M. on the road Distomo-Arachova. This vanguard of soldiers were wearing civilian clothes, camouflaged as black marketeers to throw off guard the Greek partisan forces. About half an hour later (at about 8:15 A.M), this vanguard was followed by five military trucks with 76 soldiers of the 2<sup>nd</sup> battalion, the 7<sup>th</sup> company and the 4<sup>th</sup> infantry division. The commander of this group was SS Fritz Lautenbach. Both of these groups were armed and were accompanied by officers of the Military Secret Police (GFP). Their mission was to

“liberate the road Livadeia-Arachova from the control of bandits”<sup>4</sup>. At the intersection of the road Livadeia-Arachova-Distomo (at about 8:50 AM), the two-vehicle vanguard converged with a 60 vehicle convoy of battle-ready German soldiers descending from Amfissa and Arachova. According to Lappas (2001, p. 15), commander of this company was Köpfner.<sup>5</sup> The two combined forces of German soldiers merged into a single military convoy and moved toward Distomo. On the way and before they reached Distomo, the German forces coming from Livadeia took 12 hostages, either passersby or harvesters. En route, they also engaged in a killing spree, machine-gunning two farmers working in their fields, two other farmers on a horse cart also going to the fields,<sup>6</sup> and two shepherds grazing their flocks--one of them a young shepherdess. The combined German forces from Amfisa-Arachova and Livadeia arrived in Distomo about noon<sup>7</sup>

**2. Arrival, encirclement and terror.** For the next two hours, the German forces followed standard operating procedures. Upon the initiative of their commander Fritz Lautenbach, they called upon the village president and the priest to give them information about the movements of the partisan forces in the vicinity. They were given the standard response: that they had passed there some days back but withdrew toward Mount Elikona, in the direction of village Steiri. The second thing they did was to ask the Distomians to bring them food and wine. The residents, especially the relatives of the 12 hostages, went overboard to please them hoping they would soften and release the hostages. Unfortunately, the only concession they managed to get from the Germans was the right to offer a drink of water to the hostages, who incidentally were held with their hands tied and had to be fed by others. The third move of the German forces was to deploy guards at the exits of the town, from where the residents also heard machine gun bursts for warning. These measures, according to Lappas (2001, p. 18), increased the levels of fear among the Distomians. Moreover, information from the village observers of military movements about the en route murders by the German forces had reached the village and “made all the villagers freeze and feel that Death was approaching their innocent village”. When “the relatives of these victims were going to recover their dead loved ones and while the villagers were crying and commiserating with them, the select of Hitler...and Germany continued, with guffawing and singing, their wining and dining” (Lappas, 2001, p. 18).

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<sup>4</sup> The Greek word is “symmorites”. It is a pejorative term used by the Greek right to stigmatize the Greek communist resistance forces. The disparaging term was also adopted by the Nazi occupation forces.

<sup>5</sup> According to Takis Lappas (*Chronicle of Distomo Slaughter*, Municipality of Distomo, Athens, 2001, pp. 15) the convoy from Arachova consisted of 60 vehicles from the 1<sup>st</sup> Division. Other sources ([www.fontanafilm.ch/DOKFILME/argyris/pdf/AnhangA\\_el.pdf](http://www.fontanafilm.ch/DOKFILME/argyris/pdf/AnhangA_el.pdf)), based on more recent information from the German archives, say that the German forces from Arachova consisted of two companies (10<sup>th</sup> and 11<sup>th</sup>) and belonged to the same SS Panzer-Grenadiere division (the 4<sup>th</sup>) as the forces coming from Livadeia, which means Lappas information in this regard is incorrect. In any case, if to the 60 vehicles coming from Arachova we add the 7 coming from Livadeia, we have a total of number of vehicles of 67. With regard to the size of the force, if we assume that each company has 165 men, then the total number of soldiers converging on Distomo is estimated to fluctuate between 350 and 430 men ( $165 + 165 + 76 + 18 = 424$ ).

<sup>6</sup> They also wounded the horse, which, startled from the pain, wandered for hours, here and there, dragging the cart with its macabre load (Lappas, 2001, op. cit., p. 16).

<sup>7</sup> “DISTOMO: 10 June 1944 – 10 June 1994, 50 Years from the Massacre” (DVD in Greek), Ministry of Press and Mass Media Communications – Municipality of Distomo, 1994.

**3. The partisan ambush and the reprisals.** At about 14:30, the German commander, Fritz Lautenbach, decides “to explore the area and the status of the road” (i.e. looking for partisans) leading to Steiri, the small village between Distomo and the St. Loucas Monastery, about four km from Distomo; this mission was undertaken by the 18 camouflaged German soldiers with the two commandeered Greek trucks and their Greek drivers, followed by a small convoy of German forces (four closed trucks with soldiers). In the meanwhile, an undetermined number of the German forces had withdrawn from Distomo toward Livadeia, but a large contingent of the German forces remained behind in Distomo for added reinforcement if needed. En route, and about 3 km from Distomo, the German forces moving to Steiri were ambushed by a company of Greek resistance fighters who according to Lappas had gone there for military exercises. According to a participant in the ambush, the partisans had gone there for reasons of rest and personal hygiene, repairing of shoes and mending of uniforms and were about to retreat to the surrounding heights when they became aware of the presence of German forces in Distomo and their movement toward Steiri. The battle lasted about two hours, with the partisans retreating when German reinforcements came from Distomo. During the battle, there were casualties, especially among the German forces. Lappas (pp. 19-20) refers to two survivors (a German soldier and one of the Greek drivers), the death of one of the Greek drivers and the death or wounding of the rest of the 17 Germans in the two open vehicles. Among the seriously wounded Lappas also mentioned an officer by the name of *Teo*. The partisan command (Asimakis, 1994, p. 54)<sup>8</sup>, based on observation by binoculars from a distance, put the number of German casualties at between 40-50, including a seriously wounded commander who, according to Distomians died after his transfer to Distomo, while there was only one death among the partisan forces themselves. Later on, and during the Greek trials for compensation on the regional (1995) and the Supreme Court levels (2000), the legal documents refer to 18 Germans killed in the partisan ambush.<sup>9</sup> Other sources based on post-battle reports and the German archives put the number of casualties at 8 dead and 14 wounded but make no reference to the wounding or death of the commander.<sup>10</sup>

Commenting on the German officers’ reaction after the battle, one Greek writer said: “If the German officers had an iota of a military ‘sense of shame,’ they should have committed suicide for their spectacular blunder or at least they should have sensed the humiliating defeat and have attempted to atone for it by pursuing the partisans in the mountains (Pantazis, 1994, p. 37).<sup>11</sup> Instead, they took the easy road, by taking it out against the local village populations. For that matter, there was a standing reprisal policy (the Aryan equation) of the German occupation forces, calculated to deter partisan attacks: “one German dead = 50 Greeks; 10 Germans dead=one Greek

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<sup>8</sup> Nikos L. Asimakis, “The battle of Steiri on 10 June 1944”. In *Emvolimon: 50 Years from the Distomo Massacre, 1944-1994*, Municipality of Distomo, 1994, pp. 50-55.

<sup>9</sup> (<http://tosyntagma.ant-sakkoulas.gr/nomologia/item.php?id=200>). Lawsuit of the Viotia Prefecture against Germany, Livadeia Court of First Instance, 27/11/1995.

<sup>10</sup> See <http://www.fontanafilm.ch> (*op. cit.*). Incidentally, there is a lot of mystery surrounding the man “TEO”, as regards to his post and role in the Distomo massacre. Some say that he was a double-agent for the Germans and the British; others that he was an interpreter for the Germans. Under examination is the theory that he was of Greek background” (See [www.greekholocausts.gr](http://www.greekholocausts.gr); and communication with Panagiotis Asimakis, son of the partisan Nikos Asimakis who took part in the Steiri ambush, 24/09/2009 ).

<sup>11</sup> Sotiris Pantazis, “Distomo”. In *Emvolimon*, *op.cit.*, pp. 34-40).

village.”<sup>12</sup> Finding not a soul in the nearby village of Steiri -the villagers had learned of the doings of the Germans and the partisan ambush and had taken to the hills of Elikona mountain, with their animals and valuable goods- they headed toward Distomo, gunning down three shepherds on the way: a shepherd, his 19 year old daughter and another 19 year-old shepherdess (Lappas, 2001, *op.cit.*, pp. 20-21),

The embattled Germans, with their dead and wounded, returned about 16:30 to Distomo (Adosidou, 2001, p.100).<sup>13</sup> When they came back, most of the villagers, and especially those involved in resistance organizations, had abandoned the village. According to Lappas (2001, pp. 24-25), and fortunately for the Distomo residents, the Germans had overlooked to station soldiers at the Diaskelo Pass and about half of the villagers escaped, with some taking refuge behind the heights, others descending to the seaside, others taking refuge in surrounding goat/sheep folds and still others in the surrounding caves and canyons. From the 1800 residents there were about 300 left in the village, “mostly elders, women, the ill, the handicapped or ‘law-abiding’ citizens like the priest and the justice of peace” (Pantazis, *op. cit.*, pp. 37-38). The German forces ordered whatever residents were left to shut themselves in their houses, threatening to shoot them without warning if they saw them on the streets or to burn their houses down if they were not in their house when they ‘do them the honor’ to visit them, suspecting that those who left are affiliated with the partisans (Nikolaou, 2007, p. 143)<sup>14</sup>. Some of the residents obeyed and closed themselves in their houses, monitoring from inside their windows the doings of the Germans and wondering about what to expect for themselves while others took their chances and escaped from town.

**4. Execution of the plan—the massacre of non-combatants.** The German forces started with the execution of the 12 hostages in front of the town school building, despite the resistance of one of them who was soon brutally subdued. Soon after that, and at about 17:00-17:30, one of the German officers in Distomo, some writers (Lappas, 2001, p. 23) say it was Köpfner, others say it was Hans Zabel (Basdekis, 1994) while others say it was Fritz Lautenbach (Mazower, 1994, pp. 239-240), gave the order to commence the door-to-door massacre of the residents.<sup>15</sup> The storm-troopers, each with an automatic in one hand and a grenade in the other, started the killing spree from the northeast section of the town. With few exceptions, that could be counted one one’s hand (See below), they broke open the doors, threw grenades

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<sup>12</sup> There are other versions of this macabre rule of the thumb, whose author was presumably Field Marshall Keitel (16/09/1941). One of these alternative versions says, “100 communist hostages for one dead German soldier and 50 hostages for a wounded German soldier”( See “The Holocaust”, [www.greekholocausts.gr/](http://www.greekholocausts.gr/)). According to Mark Mazower (Στην Ελλάδα του Χίτλερ: Η Εμπειρία της Κατοχής, μετ. Κ.Κουρεμένος, 2<sup>η</sup> Έκδοση, Εκδόσεις Αλεξάνδρεια, Αθήνα 1994, σ. 179) (Translated text of Mark Mazower’s *Inside Hitler’s Greece: the Experience of Occupation, 1941-1944*, 1993), Keitel, who was taking his orders directly from Hitler, the involvement of partisans (he called them brigands, gangsters) changed the conditions of warfare and obviated the application of military honor and the Geneva agreements. Thus, he gave a mandate to the German forces: “That’s why the {military} units have the permission and the mandate in this struggle to undertake whatever measures, without limitations as regards women or children, if these measures are necessary for success. {Humanitarian} reservations, whatever their kind, constitute a crime against the German nation...”.

<sup>13</sup> Elli Adosidou, “The Distomo Massacre”. In Lappas, 2001, *op. cit.*, p.100.

<sup>14</sup> Miltiadis N. Nikolaou, *Diary from the Front*, Castalia Publishers, Athens, 2007 (in Greek).

<sup>15</sup> The author is not in a position to judge what was the higher source of the command; on the level of the Distomo commanders, he lends more credence to the historian Mazower who points to Fritz Lautenbach as the local commander who gave the order for the house-to-house massacre.

and gunned down or bayoneted the villagers regardless of age, sex, health or social status. Their targets included infants as well as unborn children whose pregnant mother was disemboweled with the soldier's bayonets. The priest and the justice of the peace were not spared; in fact some say that the priest was beheaded. When the soldiers exited the houses, they marked the entrance with a cross, signifying that all inside were dead and their macabre mission was accomplished. Very few of those who stayed behind survived the onslaught, among them those that played dead, some who were shielded by the dead bodies of their loved ones, some who took refuge in cellars with camouflaged trapdoors, children hidden by their mothers and grandmothers under their skirts, others hidden in hay stocks or dry wells and, finally, some who were lucky enough to fall upon one of the few German soldiers who risked faking the whole killing process. Aside from the killing of humans, there are also reports of serial raping, necrophilia following resistance by the women, pillaging and looting of houses, burning down some 37 out of 450 houses, and killing of animals (dogs, horses, donkeys, mules, cows, turkeys, chickens and cats) (Lappas, 2001, pp. 41-42; Adosidou, 2001, op. cit., p.101). Fortunately, with the coming of dusk (accelerated by the arrival of clouds), the massacre was terminated (about 18:30-19:00), following a signal, as the Germans feared the partisan attacks at night and had to return to their operational base (Livadeia). Thus, the western side of the town was spared from the amok of the German soldiers. Within one hour, the raging German soldiers had converted Distomo into a veritable slaughterhouse, having killed 223 residents/civilians, about 10% of the then Distomo population (See Graph for age-sex distribution of victims, Lappas, 2001, pp. 59-65).<sup>16</sup>



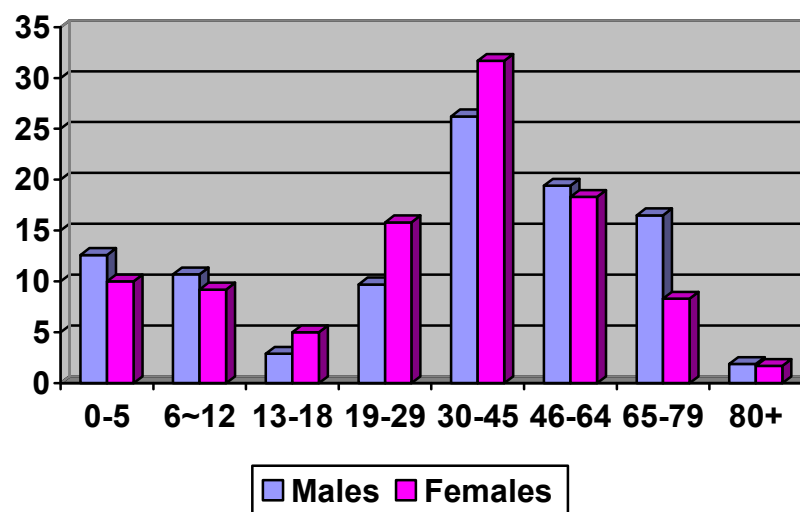
<sup>16</sup> The Lappas catalogue includes 5 more victims than the formal victims statistics (218) of the Municipality of Distomo. Most likely the Lappas list also includes some victims non-residents of Distomo. The author is of the opinion that exclusion of these 5 would not alter radically the general profile of the victims.

*The Distomo Slaughter, Woodcut by Alexander Karagianakis (Emvolimon, 1994, p. 213).*



*German soldiers at ease after an hour of intensive slaughtering and house burning on 10 June 1944, and before they return to their base in Livadeia (Photo was found on a German POW of the Greek partisans following a battle. Salvaged by P. Karakitsis and publicized by Spyros Meletzis. See **Emvolimon**, 1994, pp. 62-64 and Spyros Meletzis, *With the partisans in the mountains*, 1976, p. 37).*

**Graph 1. Age-Sex Distribution (%) of Distomo Victims (M = 103, F = 120)**



### **III. The massacre through the eyes of historians, survivors and the representatives of the International Red Cross**

**1. Introduction: “positive” and “negative” statistical cases.** Based on the accounts of survivors, Lappas (2001) gives a detailed account of the itinerary of death, from house to house. It is not the intention of the present author to be exhaustive, nor to terrorize the readers. However, in order for the readers to obtain an exact picture of the *modus operandi* of the German soldiers, to show both the brutality of the overwhelming majority of the German soldiers who followed orders and the nobility

of the minority of German soldiers who chose not to follow orders at the risk of their lives, to show the lowest and the highest qualities of human evolution, and to understand the impacts and the subsequent struggles for justice of the survivors, it would be instructive to translate two of Lappas' accounts, to quote excerpts from survivors' narratives and, lastly, to cite the observations of representatives of the International Red Cross, responsible for the region in question. The author warns the readers of "exposure" and the possible development of surrogate post-traumatic stress on the part of the readers.

**a. The Stathas household-a "positive" statistical case that challenges our concept of humanity.** *"The German soldiers found Frosini Stathas inside her house, breastfeeding her seven-month old infant. They killed her during this holy moment. The infant, not in a position either to affect them or to talk to them, continues to breastfeed from his dead mother while the murderers with a knife cut the nipple from the mother's breast, which remains in the baby's mouth, and then they strangulate it. With the bayonet, they open its belly and taking out its intestines they wrap them around its neck. The second child, Johnny, three years old, they kill him and with their boots they crushed his head. The old man, John Stathas, father-in-law of Frosini, who also happens to be with them, they cut him down dead. The oldest of the three children of Frosini Stathas., her daughter Helen, five years old, confronting this horrifying spectacle within her house and seeing her mother, her grandfather and her brothers being killed, terrified, runs to hide and to save herself. However, the blood-soaked entrails-rippers loose no time to find her and to condemn her to the same fate as her siblings. With their bayonet, they cut her belly wide open, and with her entrails out, they toss her in this condition on the street"* (Lappas, 2001, pp.29-30).

**b. The John Sfontouris (Tsolani) household: A "Negative" statistical case that reaffirms our concept of humanity.** *"About 10 women and children are gathered in John Sfontouris's house. As its turn came, a German soldier enters the house holding an automatic. Going inside, the soldier unexpectedly sees in front of him, so many victims awaiting with resignation their end. Seeing them in this condition, he remains for a while ambivalent, tightening his hands nervously around his automatic. Pensive, with his glance traveling over the quivering women and children, as if something inside is torturing him. But he loses no time, with a sweeping gesture, to make his decision. He shuts the half-open door behind him, so that no one can see him from outside, and staying inside with the about-to-die women and children, he gives a sign to them not to be afraid. He raises his automatic toward the ceiling, spending many of the bullets in a succession of fire. Dumbfounded, those shut in their house, they monitor his strange behavior. While he reloads his weapon, and speaks to them in his language, some of them realize from the word "kaput" what he wants to communicate to them. He tries to make them understand that they must now play dead, maintaining absolute silence, in order not to be heard outside. Holding with one hand his automatic, he pets with the other hand nervously for a moment, the head of a boy, who was afraid and crying softly, and then hurriedly goes out of the house, closing with one sweep the door behind him..."* (Lappas, 2001, pp. 34-35).<sup>17</sup>

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<sup>17</sup> Lappas (2001, p. 34) also adds: "Down the stairs, he encounters a dog. With two bullets, he lays him dead there in front of the house. He does this, in order to demonstrate that those inside the house shared the same fate". Nonetheless, an interview with my brother's mother-in-law, Mrs. Aggeliki Malamos, a survivor who at the time of the massacre was 16 years-old and who happened to be in this

**2. Excerpts from Survivor Narratives.** The survivor population included not only those who were in the town at the time of the attack, but also all those who escaped the town and sought refuge in caves, pens, canyons etc. or happened to be in the fields harvesting etc. To his knowledge, there has been no systematic sociological study of the survivors and the impact of the slaughter upon the course of their lives. The approach of survivors in these cases is a very sensitive matter, since the investigators do not want to force the survivors to relive the tragedy and to reactivate post-traumatic stress. Nonetheless, the author had access to already-published narratives from seven survivors, four males and three females, at various ages at that time, thanks to the work of colleagues in the field of letters:

**a. Panagoula Skouta (Malamos), female, then 13 years old (lost her father and her 7 year-old sister).** Several women and children had gone to her father's house for security. A young man wounded, and pursued by a German soldier, seeks refuge in her father's house. Her father, with her help, attempts to pacify the soldier chasing the wounded man, offering him food and wine, but he refuses and asks them to get back inside... *"As soon as we stepped in the cellar, the soldier standing in the front of the door, he turned his weapon against all of us gathered in the house and with a continuous fire, he began to spread death, shooting in all directions. The first bullets hit my father on the chest, who falling and dying let out a heart-rending cry: 'O my children. Save me.'* Then the women's bodies began to fall. Some struggled to hide behind the barrels of wine, others in olive oil tanks or oil basins. As all the bodies fell, one upon the other, the German bends and looks, prodding one by one, and growling to determine if they are dead, giving the coup de grace, if needed... My father, Spyros Malamos, 67 years old, was the first to fall. Then, Maria Labrou, 50 years old and Marietta Filippou, 30 years old. She was pregnant and together with her in her womb her child was writhing with pain. My nephew, Stathis Stathas., son of my older sister, 5 years old, his legs torn apart, carved like steaks, spilled white over the soil. Dimitra Malamos, 38 years old, with her eight year-old son John, sitting on a basin where we stored olive oil, with her skull cut as if with a blade and her brains spilled over her shoulders, like from an over-filled cup, and over her beautiful neck. Her son wounded, clasped in her arms, was moaning softly. The German shot him point-blank. All those who were alive held their breaths. I do not know, but I think that we held our breath beyond the limits of human organism..." She goes on relating the story of the pair burned alive in their house, the pillaging of their house, the discovery of her dead little sister with the help of their dog, the escape with her two sisters through the unguarded pass, and how she ended up in a Red Cross shelter with other children (*Emvolimon*, 1994, pp. 41-44).

**b. Miltiadis Kailis, 33 years-old then (survivor, lost relatives).** At the time of the massacre, Miltiadis was out of town, harvesting, together with other young men from Distomo. They had learned about the killings by the Germans en route to Distomo, the massacre in Distomo, and the death of Spyros Malamos and they decided to return to Distomo. On the way, they met many co-villagers who had taken refuge in a goats/sheeps pen. Together with two other young men by the same name (Theodosios Kailis. and Nikos Kailis.), they arrived at the outskirts of Distomo at midnight. On the

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household, revealed a slightly different version of the incident. She said that the soldier fired the shots in the air and also expressed her doubts about the killing of the dog.

“streets and the ditches” they saw “corpses of Distomians spread out like butchered sheep”. They then say: *“We moved on to the plane tree of the lower square. We saw bodies one on the top of the other, like butchered lambs. Walking, we came upon other bodies in front of the school. We reached Theodosios’ house; as soon as his mother heard us she rushed out screaming ‘Son, they killed Miltiades, Nitsa, your father and my three grandchildren..’ We left Theodosios and walked up to the upper square. We saw corpses in the street, at the turns, on the balconies, wherever we looked, butchered bodies in steaming-yet blood that looked like they were sparkling in the night. We came to Nikos’ house. At the moment that he called his mother, we saw her stark-naked, with disheveled hair, on the balcony, dragging a song, not being herself. She stood outside stark-naked with her eyes lost afar and singing like good old times. She had lost her mind. Nikos, her son, took a hold of her and brought her inside the house. I moved on to my house. I left the mare downstairs and went upstairs where I found my uncle, Loukas, without heirs, whom we kept in our house. He was crying and beating himself. I asked him where was my wife Maro and he told me ‘she took the child without pampers and left.’ She had given birth to my son Nikos about a month ago. I took to the road, to Saint Sotira church {named for a woman saint} and from inside a bush I heard the voice of a child. I run and by luck I find my wife and child...”* He goes on to say how the next day they returned to Distomo to bury their dead. (*Emvolimon*, 1994, pp. 45-46 ).

**c. Panagiotis Sfountouris, then 6 years old (Lost his parents and little brother, altogether he lost 14 immediate relatives).** He starts describing, as he saw it from a corner window in his house, the transfer of the 12 hostages, the resistance by one of them and their execution in front of the school building. He continues: *“After a while and from the other window we saw Germans entering the house of Thanasis Kastritis, next to our house. At that time, his wife Stamoula Kastriti and her mother Theofani Kokkini, were outside, baking bread in the outdoor oven. Stamoula’s father and Theofani’s husband, Aggelis Kastritis, were sitting on the stone landing of the wooden stairs. The Germans broke in and killed the woman and her daughter who were baking bread. Old-man Aggelis started to get up, to jump on them. They shot him and he fell to the ground. My grandmother, seeing them kill {Stamoula’s} father, her mother and her sister, she let out a scream that tore-up the wind. Immediately, for our good luck, they lifted the trapdoor and we took refuge in the cellar, below the ground. Me, my grandmother, my sister and my cousin Asimo {female name}... With the closing of the trapdoor, they pulled a rag over it.... After several hours in the cellar, my cousin Asimo got out first, around 17:00, close to dusk, when the sun was setting. And once she saw that there were no German vehicles on the street and no gunfire was heard, we all got out of the trapdoor...”* Panagiotis goes on to recount how he and his little sister, when they returned to their own home, found their parents and their two year-old brother dead, how with a maternal uncle they spent the next nights outside of Distomo, evading the Germans (*Emvolimon*, 1994, pp. 46-47).

**d. Panagiotis Sechremelis 11 years old at the time (Lost his older brother and his grandmother whose actions saved his life).** His parents were in Athens because his father had an operation. He recounts how he, his grandmother, his brother, and a friend, were watching from the eastern window of their house the execution of a family, when two Germans with their automatics targeting them asked them to step out. He said that his grandmother understood that they would kill them and she pulled them toward the washroom where there was also the outdoor toilet, which is a simple

basin in the ground, with two thick boards to step on. He says: *“Quickly, my grandmother pretending to do her physical need grabbed me and put me into the basin, covering my protruding head with her body. That saved me! At the same time my brother ran to the cellar and hid underneath the wine barrels. The Germans saw him, ran after him and killed him where he was hidden. My friend, Lucas Anestis, 11 years old, whose parents were out of town in the plains, also followed my grandmother but before entering the washroom took a burst of fire in the neck and they cut his head off. Then, right of way, the Nazi soldier stood at the entrance to the washroom and shot at me and my grandmother. My grandmother and the thick board on which she was standing took all the bullets. I was wounded lightly on my hand not from the burst of fire but from the bullet of the coup de grace. Fortunately, I did not speak and I remained in that position until the brave butchers of women and children had left. Then I went out and started to run in the streets of the village, seeing everywhere dead people. I heard everywhere screams and crying and saw the people to leave the village running. I followed them and I spent the night in the mountains. I stayed there until the Red Cross came and took the surviving children and the orphans to various orphanages”* (Emvolimon, 1994, p. 48).

**e. Panagiotis Pergantas, Male, 22 years old at the time (lost his sister, his sister’s two daughters and son and his sister’s father-in-law).** He starts recounting how he started out in the morning, sitting at a coffee house, how his nephew came by and gave him a sip of *ouzo*, how when he heard the “Germans were coming” he went to a location outside the village from where he observed all the movements of the Germans, and how when the Germans had withdrawn at dusk he descended into the village. *“I came to a distance of 200 meters from the first houses. My sister Frosos’ house was at the outskirts of the village. I heard a woman screaming, wailing. It was my mother. I reached my house running and what do I saw: My sister cut in pieces, raped and slaughtered. Torn clothes and flesh had become one. Blood was flowing from her thighs. Her breasts sliced, her face deformed and in all her body there were marks of a wild struggle. It seems that she had resisted before she died in order to cope with the insatiable mania of these defective beasts who are an affront even to the wildest of beasts. Next to her, lying in the crib, was her seven-month old baby girl, Zoe {“Life”}; they had disemboweled it, they had cut its throat, with its larynx hanging on its chest and coming into contact with its intestines...”* Panagiotis goes on to describe how the nephew who had sipped *ouzo* in the morning, his sister’s seven year-old daughter and his sister’s father-in-law met their deaths and how they buried them all, next day, in a mass grave in their front yard (Emvolimon, 1994, p.49).

**f. Efstathia Georgakou, 15 years-old at the time (lost all her family of orientation, her parents, her two sisters and her brother).** Efstathia recounts how, after the wounding of her brother, her mother sent her and her older sister to fetch the village doctor. With no one responding at the doctor’s house, her sister returned to the house while Efstathia persisted knocking on the door, until they opened to her. They took her to the cellar, where those in the doctor’s house were bolted in. As the cellar was filling smoke due to the burning neighboring house, she returned to her house. She related: *“I found the door open and the first thing I saw with my eyes was my brother down on the floor, full of blood. I fell on him, crying, sensing that he was dead. I started screaming and mourning. I remained there, embracing my brother, lost as if nothing else existed in the world or around me where all of mine as well as others were dead, until two neighbors came and they took me to their house, when the*

*shooting stopped. In the morning we started all together for Saint Sotira, the small church outside of the village, for fear that the Germans would come again to find us... However, I could not walk. From my pain and the terror, my legs had become paralyzed. The neighbors lifted me with their hands, and when this was not possible I crawled on my knees... The days went by and I was still not able to walk. I was asking for my mother and for my own. They were telling me that they had taken refuge in the mountains, would soon meet us and they kept watch on me so that I would not descend to the village. One day, however, I slipped away and crawled to the village. When I reached the village cemetery, I saw my father dead, lying on his back and I started screaming.”* Efstathia went on to relate how her father and her brother were killed, how her father was killed while mounted on the horse and how the wounded, terrified, horse returned by itself to the cellar. She continues: *“After this second horrifying revelation, I crawled back, moaning, to the little church and I demanded that they tell me the truth about my mother and my sisters. Unable to keep it a secret any longer, they told me that the Germans had killed them in the house and that they {i.e. the villagers} had buried them together with our brother in the church courtyard.”* Efstathia was not totally satisfied and continued her exploration as to the conditions of her mother’s and sister’s deaths. She ends up recounting her experiences with the Red Cross, the return to her house after one year and her marriage that gave her closure in her life (Manolopoulou, 2004, pp. 152-158)

**g. Nitsa Athanasiou-Kinia, 8 years-old at the time (lost her two uncles, playing friends and other relatives).** She refers to the Germans’ arrival in Distomo and their going to Steiri, how she was playing in the morning with her friends and then went home for lunch. She said they heard some peculiar commotion outside and crying. They came out and learned of the killing of a neighbor’s boy. She also related how her little sister, “blonde with blue eyes,” confronted a German soldier on the street, who however did not hurt her. Then she related how her mother with her 25 day-old child, her two other children, her grandmother, her aunt and five other women from a nearby village who had come to the town mill, were locked up in her house, upon her insistence. During the massacre, her father was away. For some reason, the Germans did not visit their house. After two hours of being locked up, they heard that the German had gone and they came out. They soon got news that one of her uncles (her father’s brother) was killed somewhere in the lower town square. Her mother, tells her to run and find out where her uncle was. En route, she comes upon her playmates: *“As I was descending, I fell upon something soft. I looked and what I saw, it was the two little girls that we were playing together in the street at noon. They had killed them! .... The Panagias {St. Mary} Street was the street that we played together every day, that we had played together a few hours earlier. It was a big shock for me. It’s one thing to hear about killing, it’s another to stumble over your dead girlfriends.”* When she arrived at the square, she found that her uncle was seriously wounded, his wife screaming and beating her chest, and taking him to their house. Nitsa wanted to follow them, but wanted to avoid viewing her two dead friends again, so she took the main avenue back to her home. Nonetheless, she said *“It was one of the same, the street full of dead people.... There they lay in different positions. I saw them and it drove me crazy. I started running, I saw everywhere dead people, I pinned my eyes on the road straight ahead not to see and I ran. As I turned at a corner (at Kalousas’ village bakery), I saw my neighbor’s daughter down in a strange position and from her mouth to come out froth, red and white, a little beyond in the yard her parents also killed. In my imagination, as a child that I was, these all had taken enormous*

*dimensions. I was afraid very much, I had not seen people killed until then, not even a dead person. And I saw them all at once, so live, so terrifying, in such a young age.”* When she returned to her home and gave her mother a report about her uncle Christos, her mother sent her now to search for her father’s other brother, John. She started but on her way she saw the macabre bodies of two young men; afraid to relive the experiences she had just had, she returned to her mother and said: *“Mother, where are you sending me; Distomo is full of dead people, I am not going anywhere.”* When she returned, her wounded uncle had died. She finished her narrative, recounting how they took to the country, how they survived in the ravines, about her time in Red Cross shelter and her revisiting Distomo afterwards (Manolopoulou, 2004, pp. 159-165).

**3. International Red Cross Observations.** As we saw in the above narratives, a number of the survivors who were underage then made a reference to the assistance given them by the {International} Red Cross. More will be said about the role of the Red Cross in another section. At this point, it would be worth citing the observations about the massacre of two International Red Cross workers, the Swiss George Wehrly who was responsible for the specific mission to Distomo and Swedish Professor Sture Linnér who was then stationed in Athens and had jurisdiction for the Distomo region. First, the testimony of Mr. Wehrly; *“...The exact number of victims is difficult to determine because many victims were still scattered in the farm fields and the streets... Everywhere, I came upon large spots of blood, mixed with women’s hair, children’s shoes, torn clothes and sheets. The soldiers, according to eyewitnesses, chased mercilessly the people from room to room and they did not spare children, women or old people. Only those who managed to flee or hide escaped the massacre. (...). Children up to five years old were found with their throats cut and strangled. Many young women were raped and then disemboweled.”*<sup>18</sup>

Prof. Linnér, now 90 years old and living in Stockholm, recently gave an interview for the special SKY-TV program “New Files”, broadcast just before the 65<sup>th</sup> anniversary of the massacre (9/06/09). Reportedly, Prof Linnér was attending his wedding reception when “a desperate telegram came from Distomo, requesting help immediately”. Without second thoughts, he and his new bride, started for Distomo, during the night, after they had collected some trucks with clothes and drugs. When they reached Distomo, the commentator said that what they saw reminded them of scenes from the Revelation. According to Prof. Linnér himself: *“They had nailed their bodies onto the trees, they had taken out their eyes, and the women’s breasts. In the sexual organs of the women and the girls they had put soil, stones, broken glasses, they had opened their bodies and had taken out their intestines. In the case of the men, they had cut their sexual organs and they had put them in their mouths. That is...”* The broadcast does not specify when Prof. Linnér received the emergency call; some sources say that IRC arrived in Distomo five days after the massacre (15 June 1944),<sup>19</sup> while others sources said 10 ten days afterwards (20 June 1944).<sup>20</sup> The latter source also adds that “they found corpses swinging from the trees along the route”,

<sup>18</sup>See website of the Marxist-Leninist Communist Party, <http://www.kkempl.gr/history/mikra/503distomo.htm> .

<sup>19</sup>I would like to thank Antonis Kontis, Professor of Economics of the University of Athens, for his contribution in the translation of the German text (Dieter Begemann, Distomo 1944 ([http://www.gleich-lesen.de/primus/geschichte/Orte\\_des\\_Grauens/content/pages39801.html](http://www.gleich-lesen.de/primus/geschichte/Orte_des_Grauens/content/pages39801.html)))

<sup>20</sup> See Axis History Forum, <http://forum.axishistory.com/viewtopic.php?f=5&t=7825>.

something also cited by Mazower (*op. cit.*, p.239). The two-volume history of the Hellenic Red Cross makes a reference to Prof. Linnér, as an inspector who first went to Volos, Thessaly (Vol. I, 1987, p. 331), but there is no specific reference to his role in Distomo<sup>21</sup> The author is in the process of further documentation.

#### IV. A brief discursion on “ideal types” and causes

**1. Introduction.** A legitimate question one can raise is the following: are there comparable precedents, **diachronically** or **synchronically**, to the Distomo massacre? The author cannot be exhaustive in providing an answer to the question, since it is not the main objective of the paper, but will refer to some comparisons made by scholars and officials from the region. **Historically**, in describing the Distomo massacre, Greek officials and writers have made comparisons with other historical massacres to demonstrate the unprecedented brutality of the Distomo massacre. One observer wrote: “Before such a spectacle, even the spectators of the Coliseum would cover their eyes from the horror; Herod or Nero themselves would be driven to madness from their jealousy, that after so many centuries there are man-brutes who not only imitated them but also surpassed them”.<sup>22</sup> A second observer, the Prefect of Viotia {province that includes Distomo), in his communication (13/06/1944) to the quisling Minister of the Interior, said “...The events in my area of jurisdiction during these two tragic days... surpass in cruelty and savagery those during St. Bartholomew’s Night and the Sicilian Vespers (Lappas, 2001, p. 70).<sup>23</sup>

In **contemporary** terms, there was a plethora of incidents, both in Greece and abroad, most of them in the context of Nazi reprisals, where quantitatively the victims were more numerous. Abroad, one can cite Lidice, of former Czechoslovakia (10 June 1942) where 340 people (192 men, 60 women and 88 children) lost their lives; Oradour-sur-Glane, France, where on the same day as Distomo (10 June 1944) 642 villagers (190 men, 245 women and 207 children) lost their lives;<sup>24</sup> and Civitella, Italy (29 June 1944) where 203 men, women and children lost their lives. Within Greece, one source cites several martyred villages with civilian victims, between the middle of 1943 and the middle of 1944, including among others Kommeno, Artas (307 residents); Vianno, Crete (226 men, women and children); Kalavryta, Achaia (700 male residents); Kastanitsa, W. Macedonia (640 residents); Kleisoura Kastorias (233 women and children).<sup>25</sup> However, in contrasting Distomo with Oradour where the

<sup>21</sup> Xenofontas Pantazidis, *The History of the Hellenic Red Cross*, Volumes I and II, Athens 1987 and 1992.

<sup>22</sup> See [http://groups.yahoo.com/group/wehrmacht\\_atrocities\\_in\\_Greece/message/294](http://groups.yahoo.com/group/wehrmacht_atrocities_in_Greece/message/294).

<sup>23</sup> Sicilian Vespers, a revolt in Palermo in 1282 against the French rulers. Beginning on the night of the Vespers, following what the historian Steven Runciman said were advances of a French soldier toward a local Sicilian woman, thousands of Sicily’s French inhabitants (men, women and children) were massacred over a period of six weeks. ( Wikipedia, [http://en.wikipedia.org/wiki/Sicilian\\_Vespers/](http://en.wikipedia.org/wiki/Sicilian_Vespers/) ).

<sup>24</sup> For Lidice, see <http://en.wikipedia.org/wiki/Lidice/> and for Oradour-sur-Glane see “The Official Story of Oradour-sur-Glane”, <http://scrapbookpages.com/Oradour-sur-Glane/Story/OfficialStory.html>. There are several versions; the author chose to focus on the official version, which comes from the publication, “The Official publication of the Remembrance Committee and the National Association of the Families of the Martyrs of Oradour-sur-Glane”.

<sup>25</sup> For Greek towns and villages, see the Greek Communist Party, “10 June 1944: The true face of national socialism”, <http://ropewalker.pblogs.gr/> For Civitella, see *Ta Nea*, 24/10/2008. For Vianno, Crete, see [www.patris.gr/articles/93839/](http://www.patris.gr/articles/93839/).

men were rounded up and executed and the women/children were rounded up in the town church and gas-burned to death, Pantazis (*Emvolimon*, 1994, p. 34) points out the differences. Without minimizing the criminality of the Oradour executions, the Oradour crime was “European, refined and high quality”, the Germans used established practice and the latest techniques in the science of crime”, whereas in the case of Distomo, “the crime contains an unbearable smell of jungle. It’s not only the brutality of the Nazis; Distomo poses agonizing questions with regard to human nature and the quality of our ‘civilization’”.<sup>26</sup>

**2. A taxonomy of German soldier reactions.** Pantazis (*Emvolimon*, 1994, pp.38-40) classifies the behavior of the German soldiers toward the Distomo population into three categories. The first category includes the “*brave cowards*” where belong most of them; these “wound-up stooges followed orders conscientiously to the letter, regardless of the irrationality or the inhumanity of their actions, entering houses and killing everyone before them without, however, proceeding to raping women or disemboweling the victims.” They marked the door with a cross, as they left the house. The second category, “*the criminals*”, also included a significant number of German soldiers; they “perhaps were not born criminals but the presence “of absolute freedom was a terrible burden on their shoulders; it intoxicated and shattered them... They had never tasted the pleasure of power and uncontrolled freedom... Confronted with these goods, which they could enjoy with impunity, and with their suppressed jungle instincts awakened, they partook of them,” proceeding to atrocious actions, raping of women and pillaging. The third category, “*the truly brave*”, included very few German soldiers (five, at most 10); they were “beautiful humans, the only truly brave amidst a gang of coward bullies...” The present author described one of these statistically negative cases and how the soldier *virtually executed* (to use the modern jargon) the people in the house, marking the door with the “macabre cross”. In another such incident (Nikolaou, 2007, p. 149), one of the survivors said: “And that’s how nine souls saved their lives, because of the actions of a normal human being”<sup>27</sup>. Argyris Sfountouris, another survivor in this category said to the author that there were more Germans who did not follow orders than Pantazis would have us believe.<sup>28</sup> According to Pantazis (*Emvolimon*, 1994, p. 40), “the risks for these soldiers was not small; if they {higher rank officers} discovered that they were behaving in a humane manner, they could be imprisoned, sent to the Russian front or even executed.”

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<sup>26</sup> It is worth citing two brief excerpts from the Official Publication of the Oradour survivors. The official publication points out that the , “...unleashing of such monstrous instincts and the obsession with atrocities such as these has no name in any language – except, however, in the German language, where the term ‘*Schadenfreude*’ has been created and which may be translated as ‘pleasure in doing evil’”. In addition, according to the author of the internet article (See footnote 24), ‘the authors of the Official Publication leave no doubt about their opinion of the SS soldiers whom they refer to as ‘The Huns’. This is a pejorative term that was first used during World War I when the German soldiers were accused of cutting off the hands of babies in Belgium”. Actually, most of the literature about the Distomo massacre also refers to the German soldiers as “The Huns”, in order to underline the bestiality of their actions.

<sup>27</sup> Helen Nikolaou lost both of her parents and two of her little sisters. She was at her home with her parents and sisters when German soldiers broke in and started beating her father who was lying on the bed. Confused, she was looking for an escape; not feasible to go through the doors guarded by the German soldier, she asked her father if she could jump from the window. Despite her father’s objection, she jumped out (2 meters) and sought refuge in the cellar of a neighbor’s house where she happened to fall upon one of the German human beings (Miltiadis Nikolaou, *Diary from the Front*, Kastalia Publishers, 2007, pp. 146-149).

<sup>28</sup> Telephone communication, 21/08/2009.

Pantazis sees the behavior of the “truly brave” as a message of hope for humanity” and “whatever happens there will always be some –even very few it does not matter– who will maintain the flame of the human essence even when all around them are raging the typhoons of war and Nazism.”

**3. Accounting for Nazi behaviors** Accounting for what seems to have been an unprecedented brutality of German soldiers in Distomo may require a multi-factor perspective, that examines factors of composition, personality dynamics, normative subculture of violence, as well as the geopolitical environment impacting on military strategy and behavior. Let’s start with the less plausible explanatory frameworks.

**a. Explanations by the Occupation Administration.** Following a general outcry both within the Greece (even among the quisling governments) and abroad, the Nazi administration in Greece attempted to justify the massacre by externalizing the blame.<sup>29</sup> In a circular entitled, “The demagoguery with regard to the Distomo atrocities,” that they published in all the Athens newspapers (9/07/1944), they described how they were ambushed by the partisans of the Greek Liberation Front, how these “partisan-bandits” took refuge in Distomo, how the Germans were forced to bombard their hideout (Distomo), how in the process they killed 250 “partisan bandits,” and how the dead women and children were among the collateral losses of this operation. They even pointed out how under comparable circumstances (i.e. Normandy invasion by the Allies) 47,000 non-combatants were killed and how the same would happen again following a potential invasion by Anglo-Americans in accordance with the wishes of Moscow and the Greek Liberation Front. The announcement also said that after occupation by German forces, the village was put to the fire, which was an exaggeration. About the only thing correct was the number of persons killed; however, these were all civilians, not partisans (See **Graph** for age-sex composition). According to Lappas (2001, pp. 83-89), the “whole announcement was a fabrication, put together by someone who had no idea of the actual events in Distomo”.

**b. Theories of composition.** To provide extenuating circumstances for the Germans, the 5<sup>th</sup> Column started to circulate the idea that the atrocities were not committed by Germans but by mercenaries (Lappas, 2001, p. 83). One wonders if the job of mercenaries also includes the disembowelment of pregnant women and the bayoneting of fetuses and infants. However, even if this far-fetched theory had any credence, one must not forget that mercenaries act according to the commands of their employers. On the other hand, some of the survivors firmly believed that the “criminals”, who committed the atrocities were genuine Germans and that the “truly brave” who faked executions were Austrians. There were eyewitnesses in support of this interpretation, but also counterarguments.<sup>30</sup> Later on, and after the war, the

<sup>29</sup> For the protest by the quisling government, see <http://www.kkempl.gr/history/mikra/503distomo.htm>.

<sup>30</sup> In recounting the events at Distomo, father Nikodimos Pergandas, a monk at the St. Lucas Monastery since 1930, said that among the SS German detachment, “there were also Austrians who were good men”. He goes on to describe how these Austrians faked the executions and how in this manner a number of residents of Distomo were saved (*Emvolimon*, 1994, p. 60). My brother’s mother-in-law, Aggeliki Malamos, a survivor of the massacre, also believes that her savior was an Austrian. On the other hand, Argyris Sfountouris, a survivor who also happened to fall on a “truly brave” soldier, maintains that the Austrian savior idea is largely a myth and that among the “truly brave” soldiers there were also many genuine German soldiers (Telephone communication, 21/08/2009). Finally, one cannot forget that the protagonists of the Kalavryta massacre were mainly Austrians (See Herman Frank

German historian Dieter Begemann, who has studied the German archives like no one else has and who has managed during his 25 year-study to meet and speak to members of the division in question, invokes an altogether different theory of composition to account for the Distomo massacre. He said that in order to compensate for the losses on the eastern front the vacancies were filled with 17 and 18 year-old Yugoslavs and Romanians of German background without any training or experience. This German minority background, combined with plenty of alcohol, led apparently to the atrocities (SKY TV, “New Files” Program, 9/06/2009, 10:13 pm). Begemann’s account reminds one of the riff-raff theory of riots and social movements. Perhaps those who committed the atrocities were predominantly Germans from Yugoslavia and Romania, i.e. German minorities having to prove their loyalty through an exhibition of super-patriotic behavior. Although this theory may have some credence, there is no way yet that this author can demonstrate it, one way or the other, without more information as to the exact composition of the Distomo detachment. In any case, as Begemann himself said: “these kids, whatever their background and training, were not responsible for the slaughter, but the higher-ranked SS soldiers (the 40-year olds) who gave the orders.”

The question of composition also brings to mind the possible participation of Greek anti-communists themselves in the atrocities, using the Germans to get back at the local partisans. As in all occupied countries, there were set up quisling governments and there were the anti-communist collaborators of the occupation forces. However, in all the literature that the author has had access to, up to now, such interpretation is absent. If there had been a selection of victims and the destruction of properties (burning, pillaging and looting) was based on ideology, this theory would have some validity. Such a target selection was not clearly evident in the operation. This of course does not preclude isolated participation or at least collaboration by anti-communist elements in the massacre. In fact, some survivors say that as they lay there, pretending to be dead, they heard perpetrators speaking Greek. In one of the narratives (Manolopoulou, 2004, p. 155), the survivor who nonetheless was not an eyewitness herself makes reference to the collaboration of a German and a Greek {gives his name} in executing the members of a household. The participation of Greeks in operations can also be inferred from the presence of Greek-sounding names among the suspects under consideration by the Munich prosecutor in 1972 (See below). However, aside from the Greeks’ possibly marginal participation in the operations, the operation was German in conception, organization and execution.

**c. Authoritarian personality-scapegoat theory.** Undoubtedly, the factors described by Adorno *et al* (1950) in their classical study of the authoritarian personality, with regard to strict German socialization process, the suppression of aggression and the psychodynamics of scapegoating against minorities etc. may have some application in the Distomo massacre.<sup>31</sup> As was said above, the Germans did not pursue the partisans; instead they returned to Distomo and took it out on the defenseless civilian population, including the animals. This displacement of aggression was no doubt exacerbated by the humiliating defeat immediately preceding the massacre as well as

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Meyer, *From Vienna to Kalavryta: The Bloodstained Trail of the 117<sup>th</sup> Jaeger-Division through Serbian and Greece*, Manheim: Peleus, 2002). I would like to thank Mr. Panos Asimakis for bringing the latter source to my attention (Phone communication, 240/09/09).

<sup>31</sup> T.W. Adorno, Else Frenkel-Brunswik, Daniel Levinson and Nevitt Sanford, *The Authoritarian Personality*, New York: Harper and Row, 1950.

by the augury of an overall defeat following the Allied Normandy invasion and the retreat of Germans on the eastern and African fronts. Furthermore, the potential inhibitions pertaining to atrocious behavior were neutralized (in the sense of techniques of neutralization in criminology), by the pre-existence of a normative Nazi war-culture legitimizing reprisals against civilian populations (See discussion above for the Aryan equation). Moreover, the reprisals were characterized by Nazi strategists as “atonement actions”. If this psycho-dynamic theory is correct, then one would expect to find differences in the socialization among the three types of Germans. As yet, the author has no idea if such retrospective critical field studies were ever done by German social scientists.

**d. Sociological and strategy factors.** In a sense, the reprisal policy involving normative expectations and the geopolitical events mentioned above as facilitative factors are principally sociological factors, though they by themselves could not account for differences of behavior in the Distomo German detachment. On the other hand, the geopolitical events and the impending defeat of Wehrmacht by the Allies, may have necessitated, from the point of view of the German administration, a strategy of exemplary terrorism in order to neutralize partisan resistance and reduce German losses during the inevitable withdrawal process. To accomplish this, the German command structured the composition of the detachment in such a way as to neutralize potential qualms of conscience. In this case, aggression was not the result of psychodynamics but of cold-blooded strategic calculation. The fact that the German troops began mass executions and rounding up of hostages before the ambush at Steiri is consistent with this strategy interpretation. Whether or not this strategy worked out for them, in terms of reducing their losses during withdrawal, is an empirical and historical question, calling for further systematic research.

## **V. The days afterwards- short-term, medium-term and long-term recovery and restoration processes**

**1. Introduction.** Here of course the author refers to the process of restoration, recovery and rehabilitation, -socioeconomic and psychosocial- following the massacre and the collective shock of Distomo survivors, especially immediately afterwards. It is not the purpose of this paper to be exhaustive, but only suggestive for further research. One must not forget that the Distomo tragedy was part of a larger tragedy- the German occupation of the country. The Nazis had withdrawn from Distomo, for the day, but the threat of returning remained stronger than ever. Therefore, the post of watchman, lookout man or observer, who would warn the villagers of military movements and when the “Germans are coming,” became more vital than ever.<sup>32</sup> For quite some time, for months in some cases, most of the survivors went back and forth between the village and their hiding places outside of town. They made forays into the village and with the sunset they returned to their hiding places. Let’s not forget, aside

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<sup>32</sup> In fact, Lappas (2001, pp. 55-58) reports that the Germans returned, two weeks later (26/6/44) but the residents had been warned and had taken to the hills, caves, pens, etc. They asked an old man who had stayed behind “where they have all gone”. When he replied to them “Why? Did you spare anyone; you made a cemetery of the village!” they broke his forehead open with the butts of their weapons. Then, they proceeded to pillaging the village, loading 10 trucks with whatever had commercial value for them, and raping serially a 50 year old blind and mentally handicapped woman.

from the threat of the Germans returning, their places of work, the fields near the village and their houses, once associated with livelihood, life and good memories, were now associated with death, destruction and dishonor. It was a classical case of strong approach-avoidance behavior on a mass scale. At one point, Adosidou (Lappas, 2001, p. 103) said that “All the harvest will be destroyed because no resident of Distomo dares to approach the village and the nearby wheat plains to do the reaping.” Nonetheless, the survivors mustered enough courage and dared to come back to the village during the next few days to do their last holy duty—to bury their loved ones.<sup>33</sup>

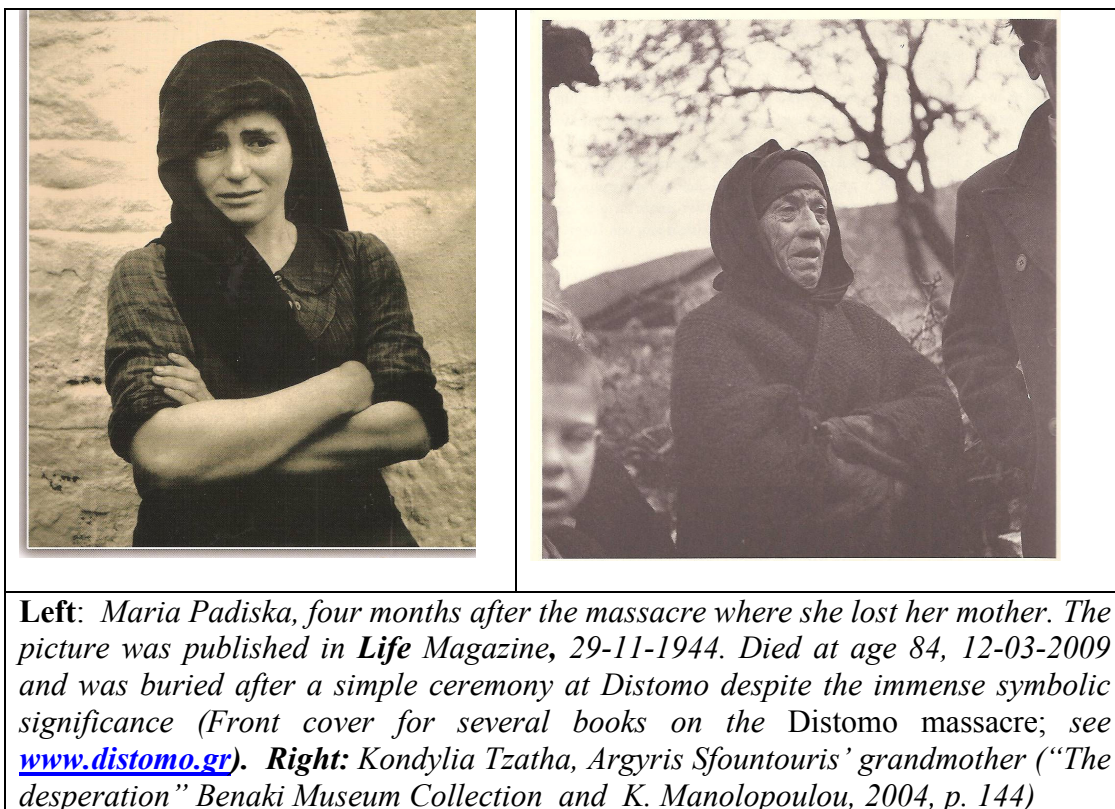
**2. Burial and grief processes.** With regard to the **burial process**, the survivors were confronted with the situation of mass deaths and burial under emergency conditions. Aside from the perpetual threat of the Germans coming back, the summer temperatures and the condition of the bodies expedited decomposition and putrefaction. The vultures and the crows were hovering over the corpses. In addition, there were no coffins available, no assistance from neighboring villages, no manpower to dig so many graves and take them to the cemetery, no way and no time to dress them, no priest to perform the last rites and bury them according to tradition. Many of the survivors, using the farm implements such as picks and shovels, dug the graves with their own hands and buried their people in mass graves, within the village, in their back or front yards. However, the watchmen/lookout men often gave false signals that the “Germans were coming”, leading the survivors to abandon burial work and run to their refuges. This, according to Lappas (2001, pp. 48-53) was responsible for the digging of superficial graves and for the stench arising from the village for some time afterwards—a situation that was exacerbated by the dead animals and the summer temperatures. There is no doubt that the improvised conditions of burial aggravated the psychosocial problems of the survivors.



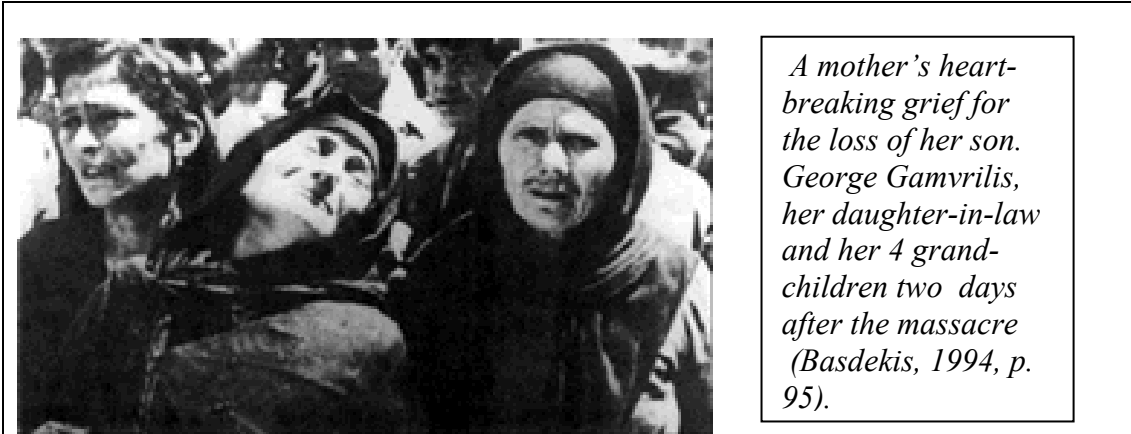
*The backyards and front-yards of houses became the graveyards for many of the victims, in a post-massacre period characterized by the fear of the “Germans are coming” (K. Manolopoulou, 2004, p. 153).*

<sup>33</sup>The newspaper *Acropolis* (12/06/1945) quotes the Metropolitan of Thebes & Livadeia, Polykarpos, who had said that two days later (12/06/1944) “the corpses were still unburied. There was not a soul in town. A dead silence. The survivors had taken to the mountains, and the work of burial and delivery of first aid became a difficult one. God helped us to bring to fruition this heavy task...”

In Greece, custom has it that after the death of a loved one, the adult women to wear black, for at most 3 years after the fateful event. They also avoid celebrating name days or attending happy events like weddings. However, with regard to dress, the mourning period varies depending upon the age of the dead person, the age of the mourning women, and the degree of relationship with the dead person, with the period increasing for first degree relatives, for the younger age of the dead person and the older age of the mourning women. In the case of the Distomo massacre, the black color was predominant for a long time afterwards and transcended all the boundaries. Thus, one woman survivor said: “The bed-sheets were black, the cloth above the chimney was black, the curtains were black, the cloth for the plate rack was black, all the house was in black” (SKY-TV Program, “New Files,” 9/06/09). The present mayor himself, who was born in this gloomy atmosphere one year after the massacre (1945), said on the SKY –TV “New Files” broadcast that when he left Distomo at age 12 (1957) he had the impression that “women wore only black, there were no women with any other color dress”. A relevant excerpt from the narrative of another woman survivor (8 years old at the time) is more comprehensive by going beyond dress symbols:



**Left:** *Maria Padiska, four months after the massacre where she lost her mother. The picture was published in **Life Magazine**, 29-11-1944. Died at age 84, 12-03-2009 and was buried after a simple ceremony at Distomo despite the immense symbolic significance (Front cover for several books on the Distomo massacre; see [www.distomo.gr](http://www.distomo.gr)). **Right:** Kondylia Tzatha, Argyris Sfountouris’ grandmother (“The desperation” Benaki Museum Collection and K. Manolopoulou, 2004, p. 144)*



*A mother's heart-breaking grief for the loss of her son. George Gamvritis, her daughter-in-law and her 4 grandchildren two days after the massacre (Basdekis, 1994, p. 95).*

*“They brought us after some time to Distomo {“They” means the Red Cross}. It was nothing like before; all had changed. The earth smelled terribly. Those killed were everywhere buried in gardens, yards, very improvised. No one was in a position to open a deep grave. At most, they just covered them and you sensed a suffocating stench. You could not sit anywhere. You saw no other dress, except for black. Seven years went by before we saw people wear another color. Even the small children who became orphans were dressed in black. Weddings and baptisms took place in the houses, in an atmosphere of muteness. There was no demonstration of happiness, there was no song heard, just lamentations. I was approximately 15 years old, {circa 1951} when I heard again songs, when people began again to live, when people stopped going about as shadows” (Manolopoulou, 2004, p. 165).*

**3. Treatment and placement of orphans.** Although, as we saw, the children were almost always indiscriminately massacred by the Germans soldiers, at the same time the massacre left many children orphans, either from one or both parents. Some of these were taken in by relatives in other cities and towns. Other orphans were handled by the International Red Cross. Besides the distribution of food and medicine and the transportation of wounded from Livadeia to Athens, the International Red Cross (IRC) also took a large number of the children (150), many directly from their temporary shelters in the mountains and caves and placed them in various institutions in Athens (Aetofolia, Kifisias, and the Convalescent Home of Zoodochos Pigis of the Patriotic Foundation) (Lappas, 2001, pp. 82-83, 103).<sup>34</sup> Four of the seven survivors whose narratives we have excerpted, ranging from 8 to 15 years-old at the time of the massacre, mentioned that they had been taken by the Red Cross (*Emvolimon*, 1994, pp. 43-44, 48; Manolopoulou, 2004, pp. 155, 164). Two of these said that they had been taken to the orphanage in Kifisia, the third to another orphanage in Erithrea (Attica), while the last one did not specify. One of the four processed by IRC also mentioned that she stayed in the Erithrea orphanage for six months and then stayed with her uncles (mother's brothers) in Athens. The one who did not specify the institution that she was hosted by said: *There {in the ravine}, with the company of*

<sup>34</sup> The figure of 150 comes from a report written by Elly Adosidou 10 days after the massacre (20/06/1944) (Lappas, 2001, p. 103). A communication with Argyris Sfountouris, one of the children-beneficiaries of IRC, said that this number of 150 is an exaggeration. According to him, the children processed by the IRC was a maximum of 30. Apparently, there is a need for more research to determine the actual statistics.

*snakes, we were sleeping for one month, until the Red Cross came and took the children. And there where they took us, we had a bad time, we were hungry, we got lice, we stayed unwashed, but at least we did not have the fear we had in the ravines....”* (Manolopoulou, 2004, p. 164).

Aside from the war orphans absorbed by Greek institutions, some children were also placed in institutions abroad. One of these was four year-old survivor, Argyris Sfountouris, who lost his parents and 30 of his relatives in the Distomo massacre. He was one of the lucky children who during the massacre fell upon one of the “truly brave” German soldiers who opted not to follow orders.<sup>35</sup> Argyris, after some time with his grandfather and in Greek orphanages, was placed (in 1949) by the International Red Cross in the Pestalozzi Children’s Village of Trogen, Switzerland, together with other war orphans from Greece and other war-torn European countries. Later on, Argyris became a Mathematician-Physicist and also a protagonist in combating hatred, working for reconciliation and seeking compensation for the survivors of the Nazi atrocities (See below, section on justice and compensation). A documentary film, “A Song for Argyris”, has been produced by Swiss film director Stefan Haupt and has been distributed in Greece, Germany, Austria, Spain and the United States.<sup>36</sup> The film has won prizes as a documentary in Film Festivals held in Thessaloniki (2007) and Los Angeles (2008).

**4. Exploratory note on Post-Traumatic Stress Disorder (PTSD) impacts.** The Distomo slaughter provided all the conditions (e.g. exposure to death, condition of the bodies, loss of immediate relatives, risk for one’s own life, loss of one’s children or parents, etc.) for the development of PTSD, which, among others, includes such symptoms as intrusive memories, sleep disturbance, nightmares, startled responses, intense guilt feelings, feelings of depression and estrangement, avoidance of activities reminding one of the traumatic events, etc. North *et al* (1999), in a comparative study of disasters and threatening situations, found higher PTSD rates among survivors in the Oklahoma terrorist attack(34%), followed by an airplane crash on hotel installations (29%), episodes of mass murders (28%) and a tornado disaster (2%).<sup>37</sup> For the case of Distomo, the author has not been able to locate a systematic study pertaining to the psycho-social impacts of the massacre. Undoubtedly, this reflects the fact that the PTSD concept is a post-Vietnam War development. Another factor has to do with the belated development of the Greek social sciences. Finally, another deterrent factor may have been the reluctance of social scientists and other students of the massacre to re-activate PTSD symptoms by their scientific interventions.<sup>38</sup>

<sup>35</sup> See Pantelis Vlasopoulos, *Eleftherotypia*, 26/01/2002 ([www.distomo.gr/war.htm](http://www.distomo.gr/war.htm)).

<sup>36</sup> See, among others, “Man of magic from Greece: A song for Argyris”, <http://www.flickr.com/photos/sibadd/1901789090/>; “A Song for Argyris”, <http://icarusfilms.com/new2008/arg.html>; “Distomo – A War Crime that has not been atoned for until Today”, <http://www.currentconcerns.ch/index.php?id=581>; and “We Should Allow Soldiers to Reject Orders that Turn a Human Being into a Brute”, <http://www.currentconcerns.ch/index.php?id=580>.

<sup>37</sup> North, Carol S. et al., “Psychiatric Disorders among survivors of the Oklahoma City bombing,” *Journal of the American Medical Association*, Vol. 282, 1999, pp. 755-762.

<sup>38</sup> Helen Nikolaou, a survivor who lost her parents and her two little sisters, was asked by the publisher to write a note that would accompany the publication of her father’s diary. After describing how her own family of procreation reduced the pain of the harsh memories, she added: “Now, however, that I am required to write these lines, I am suffering and I am thinking:. Did I actually live these horrible events?” (Nikolaou, 2007, p. 154).

Nonetheless, one can find allusions to pathology, especially at the time of the massacre, but also direct references in some of the post-massacre narratives accessible to the author. Thus, in the first category, we read such phrases as the following: “With that spectacle, all those who survived they lost their senses” (*Emvolimon*, 1994, p. 93). Another example involves the case of the mother, on the balcony and nude, singing as if nothing had happened (*Emvolimon*, 1994, p. 45). In another example, the writer says: “After the first fatal night for Distomo, the sun comes up before a horrifying spectacle: ‘lamentations, cries of pain and curses, moaning and groaning, and horrifying laughing among those who could not endure the pain.’”<sup>39</sup> In still another case, there is reference to a young woman “whose brain ‘stopped in 1944’”.<sup>40</sup> Finally, in another case, where she lost her husband (of the 12 who resisted), the writer (Manolopoulou, 2004, p. 170) describes her reaction: “She was holding 5-6 seeds {from a local wild plant} in her two stretched palms, merged to form an angle. She shook them or threw them upward like jackstones, she laid them on her knees, then she took them again, she repeated the same movements while she was praying without uttering a single word. She occupied herself with this exclusively for two full days”... until she heard that they had buried her young husband {the hostage who resisted before the mass execution}. As I said, these are allusions, not diagnoses. In addition, one could say that they represented acute stress reactions, that with time they vanished following some interventions by the “therapeutic community”.

Using narratives as a source, there are indications that the PTSD symptoms continued for a long time, if they were not permanent. Efstathia, who lost almost all her nuclear family relates: “*I returned to my house one year after the calamity. I found my house full of blood, dried and stuck on the walls and the floors, dilapidated like most makeshift houses of poor people. They gave me a small retirement allowance, I made the repairs and cleaned it up. However, I did not want to sleep there, to remind me of my misfortune and to see the ghosts of my own people...*”<sup>41</sup> (Manolopoulou, 2004, p. 156).

And here is an excerpt from the narrative of Helen Nikolaou, then 12 years old who lost her parents and her two little sisters and who returned to live in Distomo for some time. After recounting how gratified she was with her educated sons, she says: “*I must also mention that for many years, I had terrible nightmares during the night. I confused my father with my husband and my children with my sisters, how Germans*

<sup>39</sup> “Distomo: Martyred City; City of Peace.” Appendix A (in Greek). See [www.fontanafilm.ch/DOKFILME/argyris/pdf/AnhangA\\_el.pdf](http://www.fontanafilm.ch/DOKFILME/argyris/pdf/AnhangA_el.pdf).

<sup>40</sup> See “A Song for Argyris”, Athens News, <http://www.athensnews.gr>. (Note: search for the article).

<sup>41</sup> Further down the narrative Efstathia refers to their wounded horse: “Still my aunt would take our wounded horse whenever she needed it and when she was not needing it she would bring it back to me and would not let me give it away so that I can be relieved from it. It was a nightmare for me, with the wound in the neck not healing and the horse jumping and whining with the slightest of noise”(Manolopoulou, 2004, p. 156). While Efstathia was primarily concerned with reducing her own post-traumatic stress, the author would like to raise the question of PTSD in animals, especially the surviving “beasts of burden” and the house pets. As indicated earlier, many animals were killed (Lappas, 2001, pp. 41-42), perhaps to destroy the farmers’ means for subsistence but also because the animals constituted convenient ‘scapegoats’ for the Nazis. We do not know the number of wounded animal survivors, nor the population of animals to make definite conclusions.. Aside from the psychopathology of animal behavior, the literature also makes references to spontaneous altruistic behavior among surviving animals (e.g. leading survivors to their dead relatives etc.) (*Emvolimon*, 1994, p. 45). Perhaps, a sociologist/psychologist/ethologist, in the tradition of Ashley Montague and Pitirim Sorokin, can be found to do this kind of comparative research on post-disaster animal behavior.

were chasing us to kill us, and I woke up terrified, followed by relief when I realized it was only a nightmare. No one can deny that such psychical traumas which remained in our souls cannot be cured, no matter how many years go by. I have no hate against anyone anymore. I would never want to go to Germany, even though I went by chance once. Perhaps I do not hate them, though they have done to me so much bad, but I feel contempt and have an aversion towards them. And I never could imagine them as Europeans”(Nikolaou, 2007, p. 154).

Describing the condition of the widow whose husband was among the 12 hostages killed, seven years later, Manolopoulou says: “*And as seven years had gone by from that day of separation, she began to lay down in the winters as if her legs could no longer support her, to stand owl-like on the stairs of her house during the hot summer days. A black figure, without emotions, lost in her world and memories remote from the daily events, the passersby and their ongoing conversations. And the colors left from her beautiful face and the sparkle from her eyes and fate gave her a long-life, a heavy burden, that is, ‘to exist without living.’*” (Manolopoulou, 2004, p.171).

Finally, a relevant excerpt from the narrative of the 8 year-old who lost her uncles and her two playmates, which points to the permanence of PTSD condition but also to signs of growth and maturation: “*All that marked my life. Every year when this day of June is approaching, I feel very bad. I relive everything. While I had the hope that with the passage of time I would forget them, on the contrary it’s getting worse. Now I understand more things, my mother’s position and the position of grandmother Vasiliki who was carrying back and forth her grandchild until it faded away in her arms, now that I am also a mother and a grandmother and know the pain of the child and the grandchild. All these are marks/scars that make you mature suddenly and untimely and they never leave you, and I hope that no one lives these events, but unfortunately I see the trials and tribulations and the wars are going on.*” (Manolopoulou, 2004, p.165).

In the literature, the concept of PTSD has been criticized, as medicalizing and psychologizing the usual normal reactions to disasters (Quarantelli, 1985)<sup>42</sup>. In this connection, I would like to cite one last excerpt from the narrative of the woman (Efstathia) who lost almost all her family (parents and siblings) and which points clearly to the process of rehabilitation and psychological closure: “*At some time after the events, I was able to rent a little house in Athens and I lived there for almost a decade until I reached 27, when go-betweens introduced me to a young man whom I married. He was a gem, close to him I found refuge and my life changed. Now, my only desire was to have a child. However, I discovered this was difficult, if not impossible, because of the slaughter and the hardships. My companion, who was sensitive and more noble-minded than me, proposed that we adopt a child. But I, having lost so many of my loved ones, wanted to have my own child, to set up my own family, that I missed all those years. Finally, I realized my desire. With a little luck, persistence and extra care, we managed to have our own two children...*” (Manolopoulou, 2004, p.157). As Efstathia sat under the plane tree, in the lower square of the village, and before she began her narrative, she said to Manolopoulou: “I

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<sup>42</sup> E.L. Quarantelli, “An assessment of conflicting views on mental health: the consequences of traumatic events.” In C. R. Figley (Ed), *Trauma and its Wake*, New York: Bruner/Mazel, 1985, pp. 174-215; D. Summerfield, “The invention of post-traumatic stress disorder and the social usefulness of a psychiatric category,” *British Medical Journal*, Vol. 322, 13 January 2001, pp. 95-98.

*have children gems... one daughter ophthalmologist and a son general pathologist” (ibid, p.152). Another example involves the survivor, Helen Nikolaou, who at the time of the massacre was 12 years-old and had lost both of her parents and her two little sisters. After describing with pride her marriage, her two sons who became lawyers and her two grandchildren from her younger son, she adds: “Deprived of the good and so beautiful family in which I grew up but had little time to enjoy it, I gave myself with passion to my own family that I created and this way the harsh recollections were mitigated ...” (Nikolaou, 2007, p.154). It seems that having their own biological children restored the continuity that had been brutally interrupted by the massacre and contributed significantly to their personal psychological closure. In a sense, the family of procreation constituted a significant factor of the “therapeutic community” which was not especially present in this complex war disaster.*

The author of this paper does not necessarily consider the cited cases as necessarily representative of the immediate post-disaster or the more long-term psycho-social reactions. Based on secondary narratives and on those perhaps survivors who possibly were more conversant about their traumatic experiences, there is need for further exploration, using primary data from a more extensive sample of survivors. In addition, unobtrusive data from hospital records, public insurance records or records from the International/Greek Red Cross or pharmacies could possibly be explored, though Greece is not known for keeping of systematic records. Expectedly, the war situation and the politics may have also complicated the keeping of records. My hunch is that the PTSD symptomatology was more extensive and long-lasting than shown by the few narratives the author used, but that most of the survivors eventually rebounded. There is also a need to explore the role of other aspects of the “therapeutic community” besides the family of procreation (e.g. role of social services, NGOs, commemoration activities, response of governments to compensation struggles, etc) in the recovery process, especially in the context of the divisive Civil War and the reign of reactionary politics during 1944-1974. Finally, one needs also to investigate the role of “common fate” {“we are all in the same boat”) as a therapeutic factor in the recovery process.

## VI. Ways of commemorating the events of 10/06/1944

Human communities, being symbolic communities, have institutionalized countless ways to commemorate their dead, including monuments, rituals, ceremonies, and memorials. Moreover, major tragedies, whether they be the result of natural, technological or human disasters, with mass victims, usually become the object of the arts, sculpture, literature and poetry, history, the educational system, as well as scientific analysis. These forms of commemorating function, not only to honor and remember the dead and to facilitate the adjustment of the survivors, but also have deterrent function in terms of preventing a recurrence of the tragedy. I have a feeling that the production of commemorating symbols and the integration within the history of the affected community is more characteristic of human-conflict tragedies than of natural or technological disasters. The Distomo massacre is no exception in this regard, i.e. in the divergent ways of memorializing the 10/06/1944 events. The author will give descriptions of the varieties of remembering, starting with the memorials and monuments and followed by the anniversary ceremonies, the socializing, educational, and diffusion activities.

**1. Memorials for the victims of the massacre.** First, we should mention the inscriptions that the survivors themselves put on the outer walls of their houses during the immediate-post massacre phase. Since many of the victims were murdered in their houses, many survivors put an inscription on the walls. The inscriptions said, “Here were killed...”, followed by the names and the ages of the slaughtered victims. Something comparable (“Here lie the slaughtered on 10 June 1944...”), also followed by names and ages, were also inscribed on the cross above the improvised graves in the yards and gardens (Emvolimon, 1994, pp. 86-92). The remains of the victims buried in the yards and gardens were at some time, afterwards, transferred to the new cemetery and then to the new Mausoleum. The Mausoleum and the Memorial (monument) were designed by sculptor Ioannis Triandis and were built for commemorating the victims of the massacre. Situated on top of Kanales hill<sup>43</sup>, about a kilometer from the center of Distomo, they look over Distomo, other surrounding villages and the plains below, and look up to Mt. Parnassus on the northwest and Mt. Elikona on the southeast. The two structures, whose construction started in 1960s, were completed in the decade of the nineties. The Memorial monument itself has inscribed on it representations of the village and scenes from the massacre, accompanied by a Greek inscription; the inscription, translated, says: “Martyred Distomo 10-06-1944, Day of Massacre and Devastation by the Nazi Armed Forces”. The Mausoleum itself at the entrance contains the names and ages of some 230 victims engraved in the marble walls. Within the Mausoleum one can view the skulls and remains of the victims behind glass windows, accompanied again by their names and ages. Finally, on the Memorial-Mausoleum grounds, there was also built an amphitheatre for theatrical performances. On the way up to the Mausoleum and the Memorial, there are road signs in two languages (Greek and German) for the Mausoleum and in three languages (Greek, English, German) for the Memorial (“Memorial to those massacred by the Nazis on 10-6-1944”).



*Left: External view of the Memorial and Mausoleum on the top of Kanales Hill for the victims of Nazism, 10 June 1944 (source: [www.distomo.gr](http://www.distomo.gr)). Right: An inside view of sections of the Mausoleum with the skulls and bones of the victims of the massacre, along with their names and ages (Photo: NP).*

<sup>43</sup> According to Lappas (2001, p. 23), while the 12 hostages were being executed in front of the school building, three male villagers, who were beaten, tortured and maimed by German soldiers, were dragged to the top of this hill, shot and then thrown over the cliff.

**2. Anniversaries, ceremonies and related annual memory activities.** Every year on the anniversary the town organizes memorials and memory activities that last about 10 days.<sup>44</sup> The 65<sup>th</sup> anniversary activities, that the present author also attended, took place between 31/05 and 10/06. During the first days (31/05 – 8/06), the memory activities included presentation of a documentary by HS students on the survivors 65 years later, theatrical performances by local cultural associations held at the Mausoleum theatre, athletic school competitions, an honorary program for the surviving wounded victims of the massacre, presentation of local and national traditional songs and dances by the local cultural association, presentation of a “Dirge for the Massacre-Hope for Life” by the local Distomo and Steiri choirs. On the eve of the massacre (9/06), the activities included vespers at the St. Nicholas Church, a short memorial service for the dead at the Mausoleum grounds, a candlelight procession through town in memory of the victims, a conferral of medals to the mayor of an Italian sistered city that however was not a martyred city, and a concert on the grounds of the Museum for the Victims of Nazism. The day of the anniversary (10/06) included a welcoming of officials from various levels of government, a welcoming of officials from other martyred cities in Greece and abroad, a regular memorial service in St. Nicholas Church by the Greek Archbishop, a mass procession to the Mausoleum, a requiem for the victims at the Memorial, a memorial speech by the H.S. director, a roll-call of the 218 victims of the massacre,<sup>45</sup> messages of solidarity by an official from Lidice and the President of the Network of Martyred Greek Cities and Villages, the laying of wreaths at the Memorial for the victims, the observance of a minute of silence, the singing of the national anthem, a reception at a nearby restaurant and two presentations –lecture and theatrical performance- during the evening on the grounds of the Mausoleum.

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<sup>44</sup>It is not the purpose of this paper to cover all the anniversary memorials held since the massacre. Nonetheless, some words could be said about the first two anniversaries. During the first anniversary of the massacre (1945), the survivors also conducted a memorial ceremony for Franklin Delano Roosevelt, the U.S. President who, together with his wife Eleanor, reportedly had contributed to Distomo recovery and also had interceded to rename a U.S. town called Berlin as Distomo (*Emvolimon*, 1994, pp. 68, 80). The writer attempted to locate this renamed town using the internet, but was not successful. Any information would be appreciated. During the second anniversary, the communist-leaning newspaper *Machi* (12/06/1946) criticizes the government officials present in the memorial services who instead of a program of assistance for the affected population – reconstruction of their burned-down houses, clothing the naked children, caring for the 300 orphans and provision of an elementary medical assistance-they exploited the situation talking about the “crimes of the communists” and propagandizing for the return of the “natural leader of the race” {meaning the exiled king}. The author of the article writes, among other things, that “everyone believed that after two years without conquerors Distomo would have become for the official government the symbol and an immortal memorial for the martyred and unconquerable Greece, the Greece of National Resistance” (*Emvolimon*, 1994, p. 94).

<sup>45</sup> As each victim’s name was called out over the loudspeaker, another person responded with the word “present” (*paron* or *parousa*, depending upon the victim’s gender).



*1. The procession to the Memorial and the Mausoleum grounds following the memorial church services, conducted by Archbishop Ieronymos, 10 June 2009, on the 65<sup>th</sup> anniversary of the massacre (Photo: NP)*



*2. The procession started from the St. Nicholas Church, near the Upper Square, passed by the Lower Square, and its head began to make its ascent on Kanales Hill, 10 June 2009 (Photo: NP)*



*3. The procession ascending Kanales Hill, with a view of modern Distomo in the background, 10 June 2009 (Photo: NP)*



4. *Memorial Service conducted on the Memorial and Mausoleum Grounds by Archbishop Ieronymos. The ceremonies were also attended by local/provincial government officials, members of the Executive Council of the Network of Greek Martyred Cities and Villages, the Mayor of Lidice and the leader of the Opposition, Geo. Papan-dreou. Local High School Director making a memorial speech during the Memorial Services (Photo: NP)*



5. *With the flag at half mast, detachments of the armed forces, a local band, along with officials, the townspeople and visitors, on the Memorial grounds, atop Kanales Hill, paying their homage to the victims of the massacre, 10 June 2009 (Photo: NP)*



6. *Wreaths laid by local and foreign officials, members of the Network of Martyred Greek Cities and Villages, and representatives of resistance organizations at the Memorial for the victims, with sculptured representations from the massacre. (Photo: NP)*

It is noteworthy that the representations of the Memorial and the Mausoleum have also been incorporated into the town's official emblem, flag and seal, which means they have become an ingrained part of the collective identity. The image representation of the Memorial and the Mausoleum are accompanied by the Greek inscription: "10 June 1944, Martyred Town of Distomo". The Memorial and Mausoleum have been engraved in round medals, for souvenir purposes. On one side are the Memorial and the Mausoleum and on the other side are inscribed some stanzas written by Nobel Prize winner, poet, John Ritsos, encircled above and below by two olive branches. It is worth translating.<sup>46</sup>



*“Here is the bitter soil of Distomo.  
Oh, you passerby, be careful where you step.  
Here silence hurts, and the stone of every street hurts  
both from the sacrifice and the cruelty of man.  
Here a simple column, made of marble and only this column,  
with humble names and the Glory to ascend them,  
sob-by-sob, step-by-step, the highest scale of honor”.*

**3. Diffusion, socialization, educational activities.** Here one could mention various activities that not only contribute to remembering the victims and to supporting psychologically the survivors of the massacre (i.e. broadening the notion of “therapeutic community”), but especially aim to contribute to the education of other groups and the future generations in order to prevent a recurrence of the tragic event.

**a. The “Museum for the Victims of Nazism”.** The Museum was inaugurated by the President of the Republic, Carolos Papoulias, during the 61<sup>st</sup> anniversary (2005). The façade of the building features the name of the museum in red letters {only in Greek} on a grey stone background and a sculptured representation of the massacre and Greek resistance. The museum building has two levels. As one goes up the **first floor**, he/she sees a picture of the woman whose photograph was published in *Life* magazine in 1944<sup>47</sup> and became a world symbol of grief, pictures of the three German

<sup>46</sup> I would like to thank Prof. Christina Veikou, Philologist and Social Anthropologist, for checking and improving my translation.

<sup>47</sup> The picture was of Maria Pantiska-Miha, who died recently (12/03/2009) at the age of 84. She “was buried in Distomo following a modest ceremony that was incongruous with the immense symbolic

commanders responsible for the slaughter, pictures of German troops milling on the streets of Distomo (see above), and two posters (in Greek and German) with a brief historical account of the massacre. The posters have the title: “Distomo Martyred City, Distomo City of Peace”. Further in the interior, in the main museum hall, one sees lists and pictures of all the victims with their names and ages, a list of the victims with no photographs, and a mural of the skulls one finds in the Mausoleum. The **ground level** is programmed as a hall for audio-visual projects related to the massacre.



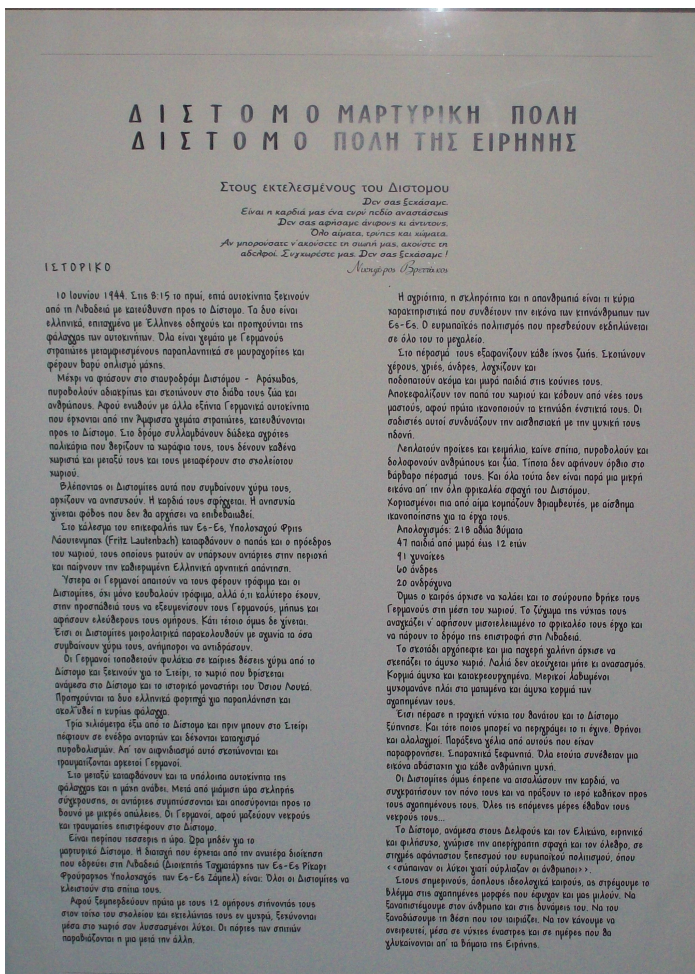
1. Museum for the Victims of Nazism (Photo: N.P.)



2. Museum for the Victims of Nazism – Photographs of the three “butchers of Distomo”, Schumers, Rickert and Lautenbach. (Photo: N. P.)

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significance of this august form who in one photograph represented the incredible pain inflicted on our region, with an enigmatic sobbing that never left her lips” (See D. Morogiannis, [www.distomo.gr](http://www.distomo.gr)) (See a photo of her, p. 24 ).



3. Museum for the Victims of Nazism – Chronicle of the massacre in Greek. The poster also exists, side by side, in German (Photo: N.P.)



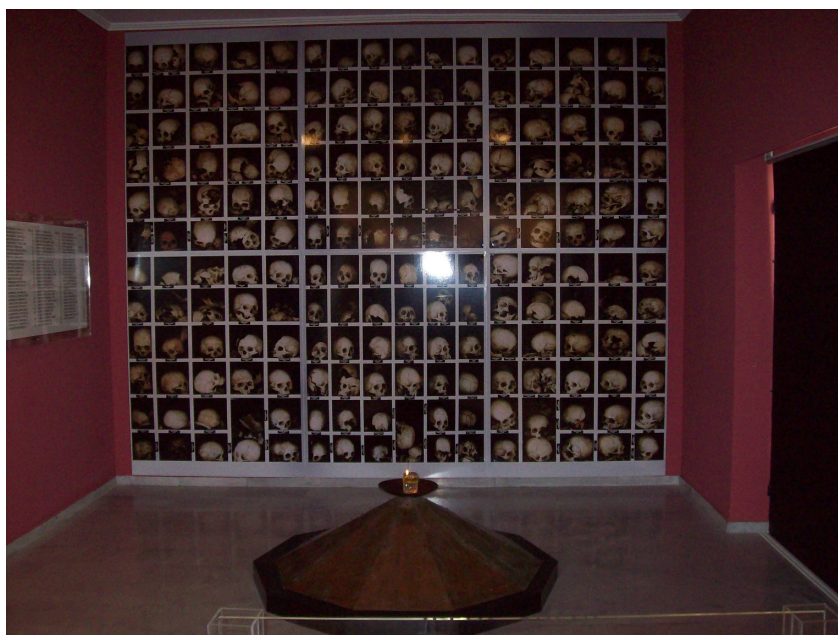
4. Museum for the Victims of Nazism – Partial list of the Victims, with their names and ages (Photo: N.P.)



*5. Museum for the Victims of Nazism. The Photographs of some of the victims (Photo: N.P.)*



*6. Museum for the Victims of Nazism - Photograph of the Geo. Gamvrilis nuclear family, all of whom lost their lives during the massacre (Photo: N. P.)*



*7. Museum for the Victims of Nazism – A photographic representation of the skulls and bones of the victims found in the Mausoleum (Photo: N. P.)*

**b. Networking with the other martyred cities within Greece and abroad.** Upon a decision of the Distomo Town Council, there have been sisterings with Oradour, France; Lidice, Czech Republic; and with Kommemo, Arta, Greece (*Emvolimon*, 1994, pp. 106-109). In addition, a Network of Martyred Greek Cities and Villages (90), including, among others, Distomo, Kalavryta, Kommemo, Kleisoura, Nea Aghialos and Kandanos, was set up on 12 December 2000 by 37 Local Governments. The purposes of the Network, besides mutual support of the survivors and remembrance of the victims, include the recognition of the contribution of Greek people to the defeat of Nazism and fascism, the recovery of archaeological treasures stolen by occupation forces, the development of the martyred cities and villages, the networking with other martyred cities and towns in the European Union, the promotion of the litigation process for compensation, the moral vindication of the victims and the education for prevention.



*A meeting of the Executive Council of the Network for Martyred Greek Cities and Villages in Distomo, 9/06/2009 (Photo: N.P.)*

**c. Diffusion of the Distomo massacre.** This category includes first the negotiation of the massacre event in the more **conventional outlets in the arts and letters**, such as the arts, literature, poetry, music, theatre and sculpture. In this sector, there has been involvement by writers, artists, poets and dramatists, of local, national and international renown (e.g. T. Lappas, K. Manolopoulou, I. Basdekis, St. Stathas, S. Pantazis, D. Dimakas,<sup>48</sup> J. Ritsos, N. Vrettakos, N. Kavadias, N. Gatsos, M. Theodorakis), although the overall preoccupation has perhaps not been commensurable to the human import of the massacre.<sup>49</sup> **Second**, a significant contribution to the diffusion process was a **congress for peace** organized by Argyris Sfountouris and the Distomo community, at the European Cultural Center of Delphi, on the occasion of the 50<sup>th</sup> anniversary (2004). The conference focused on the theme “Remembrance-Mourning-Hope” and “looked at efforts made in Germany, Greece and elsewhere as regards compensation, the combating of hate and the promotion of reconciliation”<sup>50</sup> **Third**, the diffusion of the massacre has also been accomplished to some extent through the use of the **new technologies** including the production of a documentary film (“A Song for Argyris”) that is available in DVD form; the official website [www.distomo.gr](http://www.distomo.gr), under the administration of a Distomian, Dimitris Morogianis; the website of the Network of Martyred Greek Cities and Villages ([www.greekholocausts.gr](http://www.greekholocausts.gr)); and the website of the National Council for the Claiming of the German Debts ([www.holocaust.gr](http://www.holocaust.gr)). These websites are only in Greek. The addition of an English page might help diffusion, the recruitment of other martyred towns and the promotion of their aims. **Finally**, one must also refer to the representation of the massacre in the **formal education system**—that is especially significant for future generations. Relevant materials with brief texts, tables, and photographs and referring to the atrocities committed by the occupation forces, to the martyred cities and villages and to the civilian victims, can be found at all levels of education –elementary, junior high school, senior high school and the technical-vocational education- and in books or CDs dealing with the “recent and modern Greek history.” In fact, although not all martyred towns are always referred to, there is an explicit systematic reference to the Distomo massacre in all texts.<sup>51</sup>

**4. German participation in memorial activities.** The author has no systematic information as to the first Germans who came to Distomo after the massacre with an olive branch in their hands. A letter dated 10/05/94 and sent to the magazine *Emvolimon* by Brigitte Spuller, from Nuremberg, on occasion of the 50<sup>th</sup> anniversary of the massacre, reveals that she had been visiting Distomo since 1980. At first, she felt like she was coming to a strange land, but in time she felt Distomo was like her mother country. It was “important to her that the Distomians accepted her as a German, with friendship, hospitality and with the intention to reconciliation to the

<sup>48</sup> A theatrical dramatization of the events by George D. Dimakas, *From the Abyss to Light*, Smyrniotakis, Athens 2003 (In Greek).

<sup>49</sup> The author has the impression that the Greek artists and film directors of international renown have not occupied themselves enough with this local event that challenges our notions of humanity and human progress.

<sup>50</sup> See <http://www.flickr.com/photos/sibadd/1901789090/>. Unfortunately, a communication with Argyris Sfountouris (21/08/09) revealed that the proceedings of this conference were never published, implying a reluctance on the part of policy makers, in both Greece and Germany, to give broader publicity to these traumatic events.

<sup>51</sup> The author would like to thank Dr. Anastasia Kirkini, Counsellor for History, Department of Secondary Education, Pedagogical Institute of Greece, for her systematic review of the history textbooks (17/08/2009).

point of forgetting”. She then added: “No, we must never forget the massacre events, the enormous guilt of our parents’ generation; especially, we Germans have the responsibility emanating from the history of Distomo for the future: for a peaceful world, for the reconciliation of peoples and for friendship, against all forms of racism and nationalism.”<sup>52</sup> Brigitte Spuller was apparently ahead of her government. The German government itself (through its Ambassador in Athens) participated in the 50<sup>th</sup> anniversary ceremonies by laying a wreath at the Memorial for the victims.<sup>53</sup> However, according to Argyris Sfountouris, a survivor, 50 years after the massacre, the German government had still not declared the events at Distomo a massacre. The conference organized by A. Sfountouris and the Distomo community at Delphi on the 50<sup>th</sup> anniversary (“Memory-Mourning-Hope”) was attended by speakers/scholars from Greece, Switzerland and Germany but not by the German administration.<sup>54</sup> Nonetheless, there were other grass-root initiatives besides that of Brigitte Spuller. The literature reports the presence in Distomo of a 62-member children’s choir (6-18 years of age) who performed an “apology concert” at Distomo on Friday, August 2000. Helmut Weiss, who had organized the concert, said that many of the children didn’t even know that Germany had been at war with Greece. Furthermore, he said: “the event...was aimed at raising awareness among Germany’s youth about Nazi crimes committed during World War II.” On his part, the Mayor of Distomo L. Papachristou said: “the {children} saw what happened with their own eyes and that is important for us.”<sup>55</sup>

A more active participation on the part of the German government took place in 2004, during the 60<sup>th</sup> anniversary of the massacre, when the German Ambassador in Athens attended the annual commemoration ceremonies. Sources report that the German Ambassador found himself in a diplomatically awkward situation; he gave a brief speech in Greek that also included a “sorry”, while protesters stood behind him “holding signs demanding war reparations.”<sup>56</sup> Apparently, the presence of the German administration in 2004 broke the ice and set the pace for more organized visits by German groups to the annual commemorations. Other sources suggest visits during four successive annual commemorations (2005, 2006, 2007 and 2008) of anti-fascist youths, with the visiting groups co-organized by progressive German parties and the German branch of the Greek NGO, “National Council for Claiming the German Debts) (See below). In one of these visits (October 2008), Gesine Letzsch, a German parliamentary deputy of the Left party said: {German } pupils in their school excursions visit the concentration camps of the Third Reich, and they learn about

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<sup>52</sup> Brigitte Spuller, “A letter from Nuremberg”, *Emvolimon* 21-22, 50 Years from the Distomo Massacre, 1944 - 1994, Publication of the Municipality of Distomo, 1994, pp. 155-156.

<sup>53</sup> “Distomo, 10 June 1944 – 10 June 1994: 50 Years from the Massacre,” A video documentary, co-production of the Ministry of Press and the Media of Communications and the Municipality of Distomo, 1994 (Scenarios: Stefanos Sigalas and Film Direction: Giannis Gazis).

<sup>54</sup> Angelike Contis, “A Song for Argyris”, *Athens News* ( [www.athensnews.gr](http://www.athensnews.gr) ). Current Concerns, “Distomo - A War Crime that has not been atoned for until Today” 19 Feb 2009 ([www.currentconcerns.ch/index.php?id=581](http://www.currentconcerns.ch/index.php?id=581) ).

<sup>55</sup> Macedonian Press Agency, “Apology Concert in Distomo by German Choir,” 6 August 2000, <http://www.hri.org/news/greek/mpab/2000/00-08-06.mpab.html>.

<sup>56</sup> Angelike Contis, *ibid*.

them but they are not informed about the holocausts in Greece, like those in Kalavryta and Distomo.”<sup>57</sup>

Of course visits to Distomo by German (or other children) may require preparation, as they may generate guilt feelings, self-hatreds, and surrogate PTSD syndromes, despite self-protective defense mechanisms. Their didactic, preventive, humanitarian purposes should be stressed, not the generation of collective guilt. The children should be seen as little missionaries, following the tracks and exhortations of Argyris Sfountouris, then 4 years old, who happened to fall upon a good German: “...First of all, we should enable the soldier, who is also a citizen and a human being, to retain his human dignity and humanness. We should allow soldiers to reject orders that turn a human being into a brute. This must become a human right for the soldier, proclaimed by the UN; and any training for soldiers must consider this principle”.<sup>58</sup> Knowing what has been happening even in recent history -in Africa, the Balkans and the Middle East-, with regard to the violation of humanitarian rights, the children have a lot of work ahead of them.

## VII. Victim Vindication – Punishment of the perpetrators and the marathon struggle for the compensation of survivors and their relatives

**1. Crime and punishment.** The process of assigning responsibility for the slaughter has shown discontinuity over time. A first indictment by the “special council of the greek office for war crimes” (sic) charges six German war criminals (Rickert, military commander in Livadeia; Zabel, SS lieutenant and garrison commander in Livadeia; SS captain Köpfner; 2<sup>nd</sup> lieutenant Karl Paar, secretary of Gestapo; sergeant major Willy Jiannis of GFP in Livadeia and interpreter Johannas) with various crimes, which the indictment bill lists.<sup>59</sup> The indictment calls for their arrest and court-martial. This indictment was published in the newspaper, *Free Greece* (8/06/1946), an organ of the resistance and had no official backing by the new Greek government. It is noteworthy that the name of the “council” is printed in lower case letters. Another indictment against the same suspects was published the next day in the newspaper *Machi* (9/06/46), this time with the name of the “Special Council” and “National Office for War Crimes” in capital letters, also accuses the above six with war crimes and requests of the “International Office of War Crimes” in London to arrest them and surrender them to Greek Justice” (See *Emvolimon*, 1994, pp. 91-93). Both of these indictments were most probably the spontaneous initiative of communist resistance, not official documents; the author has no information whether there was a response from the London office or whether these indictments had any impact. Most likely,

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<sup>57</sup> See D. Vagena, “The Germans are not learning about Distomo and Kalavryta”, *Eleftherotypia*, 29/10/2008 and the website of the National Council for Claiming the German Debts. <http://www.holocausts.gr>.

<sup>58</sup> *Current Concerns*, “We Should Allow Soldiers to Reject Orders that Turn a Human Being into a Brute.” An interview with Argyris Sfountouris, <http://www.currentconcerns.ch/index.php?id=580/>.

<sup>59</sup> The names of the accused are written in Greek. In addition, the same names show variation in spelling from source to source. Not conversant in German, the author feels insecure about the German version of these names, and begs the forgiveness of his German colleagues for possible errors.

they had none due to the conservative political atmosphere and the allying of the formal British governments with the conservative Greek political forces.

Lappas (2001, p. 89), reacting to the German administration's allegations that the perpetrators of the massacre were "mercenaries", said that the "the executioners were the hand-picked children of Germany, of the SS battalions" and specifically, captain Köpfner as the commander; Major L. Rickert, the military commander of Livadeia; and Lieutenant Zabel, the Livadeia garrison commander. Thus, Lappas gives a shorter list of suspects, leaving out the Gestapo, Secret Military Police officers (GFP) and the interpreters from the list of the accused war criminals. Finally, the three perpetrators whose photographs appear in the entrance to the Museum of the Victims of Nazism are: Kurt Rickert, the military commander in Livadeia; Karl Schumers, the regiment commander; and Fritz Lautenbach, one of the company commanders at Distomo. The Museum list excludes both Köpfner and Zabel and adds two new culprits: Fritz Lautenbach and Karl Schümers. The exclusiveness or inclusiveness of the list of suspects constitutes an important research question for historians and other social scientists.

Finally, and according to more recent information from historians who have relied more on the German archives regarding the activities of the 4<sup>th</sup> Division, the man who gave the order for the Distomo massacre was Lieutenant Fritz Lautenbach. This came out of an investigation, following the operation. Specifically, Mazower (*op. cit.*, pp. 238-240) said that what led to an investigation by a Wehrmacht military tribunal was the receipt of two contradictory reports by the German command, the one by Fritz Lautenbach, which said that "his men had been the target of mortar, machine-gun and rifle fire from the direction of Distomo" and the other by the Military Secret Police agent, George Koh, who had accompanied the German forces to Distomo and which said that Lautenbach's account was a lie. According to Koh "what actually happened was that the German unit ran into an ambush several miles outside of Distomo and when the 'bandits' retreated successfully to the mountains the 2<sup>nd</sup> company did an about face, returned to Distomo and killed anyone in their way."

During the investigation headed by Special Envoy Neubacher,<sup>60</sup> Lautenbach admitted that he had overstepped the customary commands and rationalized it as follows: "I was occupied in my mind with the dead and the wounded of my company, and consciously I made the decision to follow the spirit and not the letter of the commands that determine the reprisals. I know that my orders could be interpreted as a formal violation of orders, but I believed that they would be approved retroactively on the basis of military and humanistic criteria". Lautenbach further believed that there had been collaboration between the villagers and the partisans who ambushed them and that the measures he took {i.e. the massacre} were calculated to prevent further losses. According to Mazower, Greek victims were never summoned as witnesses during this preliminary hearing; moreover, the military tribunal found extenuating circumstances for Lautenbach, including (a) the possibility of measures against him by the German Command for "negligent release of prisoners of war" (b) the recognition that the violation of commands was motivated by a sense of responsibility for his men and not by negligence and (c) an interpretation of his behavior as comprehensible in a situation where one cannot separate the non-

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<sup>60</sup> See <http://forum.axishistory.com/viewtopic.php?f=5&t=7825/>.

combatants from partisan forces. Mazower (*op.cit.*, p. 240) concludes: “The commander of the 7<sup>th</sup> regiment, Karl Schumers, requested of the military tribunal to turn Lautenbach over to him to punish him himself with disciplinary measures. His superiors of Wehrmacht allowed tacitly the closing of the case.”<sup>61</sup> Essentially, the inquiry and further prosecution ceased because the massacre was judged as a ‘military necessity’ due to the presumed collaboration between the guerrillas and the Distomo villagers. As mentioned earlier (Section IV), the massacres committed in the context of reprisals were viewed by Wehrmacht as “expiatory measures” or “atonement actions”.<sup>62</sup> Within this war-culture context, the outcome of the investigation was inevitable. Actually, Lautenbach was transferred to the eastern front, where he was killed in action.<sup>63</sup>

One wonders if any of the other local commanders (H. Zabel), their superiors in Livadeia (e.g. K. Rickert), the regiment commanders (e.g. K. Schümers) or the Generals/Field Marshals in the region (e.g. Helmut Felmy) etc., were ever prosecuted for war crimes. The regiment commander, Karl Schümers, who according to Mazower, undertook to “punish Lautenback with disciplinary measures” and whose photograph is found in the Museum for Nazi Victims, was also killed in action (KIA) on 18 August 1944<sup>64</sup> and was thus beyond prosecution. A number of high-ranking German officers who had assignments in SE Europe (Balkans, Yugoslavia and Greece) were prosecuted at the Nuremberg trials. According to Prof. Norman Paech, 12 Generals were brought to trial, accountable for the killing of hostages and the mass murders committed within their areas of jurisdiction. The trials of the high-ranking officers were held during August 1947. Greece was represented by two higher court judges, a brigadier general and an “eyewitnesses” for the mass executions in Athens and the massacres in Kalavryta, Kommeno and Distomo. For some reason, the prosecution witness for Distomo was a lawyer from Livadeia who was not actually an eyewitness to the massacre in Distomo. When his turn to testify came, he was excluded because he was not an eyewitness; nonetheless, Basdekis said that the Court accepted as admissible evidence Takis Lappas’ “Chronicles of the Distomo Massacre” which he had taken with him<sup>65</sup>. Out of the 12 Generals-defendants, eight were convicted, but none of them was sentenced to death, presumably because the U.S who was the protagonist in the Nuremberg trials had meanwhile changed its foreign politics. Among the 8 convicted, one was Wilhelm Speidel, the military commander for Greece who was sentenced to 20 years imprisonment and the other was Helmut Felmy, the military commander for Southern Greece that included Distomo and Kalavryta, who was sentenced to 15 years imprisonment. However, according to Prof. Paech, after the McCloy amnesty in 1951, all those sentenced were released after two years imprisonment.<sup>66</sup>

<sup>61</sup> Mark Mazower, *Inside Hitler's Greece: The Experience of Occupation, 1941-1944*, Yale University Press, New Haven and London, 1995, pp. 212-2124).

<sup>62</sup> See “Distomo-a War Crime that has not been atoned for until Today”, [www.currentconcerns.ch/index.php?id=581](http://www.currentconcerns.ch/index.php?id=581).

<sup>63</sup> See <http://forum.axishistory.com/viewtopic.php?f=5&t=7825>.

<sup>64</sup> <http://forum.axishistory.com/viewtopic.php?f=5&t=7825>.

<sup>65</sup> John Basdekis, *Distomo*, 1994, pp. 122-124.

<sup>66</sup> On 31 January 1951, the U.S. High Commissioner for Germany, John J. McCloy and the Chief of the U.S. European Command Gen. Thomas T. Handy...commuted 21 death sentences, reduced the sentences of 69 other individuals and released 33 war criminals, including Alfred Krupp the former head of the Krupp munitions works...” (Source: Correspondence of Telford Taylor with Mrs. Eleanor Roosevelt, 19 June 1951, [http://library.law.columbia.edu/tp/photo\\_er1.htm](http://library.law.columbia.edu/tp/photo_er1.htm)). Telford Taylor was Chief

Paech adds that “the amnesty -and not the convictions- constituted later on for the German justice system the pretext for not implementing with scrupulousness and judiciousness the strict criminal prosecution, that was necessary for atonement of other crimes”<sup>67</sup> In short, the McCloy clemency conveyed to the German judges the wrong signals. This atmosphere, undoubtedly enhanced by the fact that a large number of the German judiciary was still part of the Nazi-judiciary system- perhaps led to non-persecution of lower-rank suspected perpetrators who managed to survive from the war fronts. A decision by the Munich Attorney General in 1972 suspended prosecution against four of the six (Janis, Köpfner, Paar and Frl. Johanna) who were charged with war crimes by the Greek “Special Council of the National Office of War Crimes” using as a rationale the statute of limitations and the argument that an investigation had already been conducted in 1944 and the case was closed. The other two (Kurt Rickert and Hans Zabel), for whom investigation was suspended in 1958 by the prosecutor in Konstanz, were referred to the prosecutor in Konstanz for further consideration following new information submitted by Greece.<sup>68</sup> Although there is a need for further documentation with regard to Rickert and Zabel, there is strong probability that there was no further prosecution.<sup>69</sup> The SKY-TV “New Files” program (9 June 2009) characterized the Munich Attorney Generals’ action as a disgrace to German justice as none of the six suspects had been prosecuted in a criminal court system. Thus, for the Distomo survivors, none of those immediately responsible for the massacre were brought to justice, either because they were killed in action (e.g. Lautenbach and Schümers) or because there was no prosecution by the German court system. At least in this domain, fate and post-war geopolitics conspired against psychological closure by the Distomo survivors.

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Counsel for the Prosecution in the 12 “Subsequent Nuremberg Trials” that also included “the Hostages” trial pertaining to SE Europe (Greece & Yugoslavia). Later on, Taylor wrote a book, *Nuremberg and Vietnam: An American Tragedy*, where he compares U.S. conduct in Vietnam to Nazism. According to Wikipedia, Speidel was indeed released in 1951; however, Felmy was not released but had his sentence reduced to 10 years ([http://en.wikipedia.org/wiki/Hostages\\_Trial/](http://en.wikipedia.org/wiki/Hostages_Trial/)). Analysts suggest the McCloy’s amnesty/clemency was the natural sequel of the US need for an ally against Russian communism during the Cold War (See S. Jonathan Wiesen, *West German Industry and the Challenge of the Nazi Past: 1945-1955*, Chapel Hill: University of North Carolina Press, 2001, p. 203). The demands of the Cold War also guaranteed the non-prosecution of the Italian military commanders who had committed war crimes in Greece (See documentary film, *Mussolini’s Dirty War*, by Lydia Santarelli, broadcast by ET1, 21:05, 28/10/2009).

<sup>67</sup> From a paper presented by Prof. Norman Paech at the Convention of the Economic University of Athens, “German Debts to Greece”, 2/12/2005-4/12/2005 (See also [www.holocaust.gr](http://www.holocaust.gr)).

<sup>68</sup> The author would like to thank Martin Klingner for sending him the Munich Prosecutor’s order (*Staatsarchiv Munchen, StanW 22669/4* (28/11/1972)) that suspended prosecution not only for the four mentioned but also for 15 other suspects charged with atrocities in other Greek towns (Böckel, Daflu, Fräser, Hilbig, Hösel, Hollmann, Kraus, Magers, Mittelhuber, Paulus, Rasche, Rode, Rungel, Walter, and Wendl). He also would like to thank Annette Vosswinkel, the German Language Counsellor of the Pedagogical Institute of Greece, for her assistance in translation. See also “German Court Rejects Greek Reparation claim for Nazi Massacre”, *Deutsche Welle*, 27/06/2003 and [www.dw-world.de/dw/article/0,,902592,00.html](http://www.dw-world.de/dw/article/0,,902592,00.html).

<sup>69</sup> The Greek literature makes detailed reference to the prosecution of Hans Zabel. According to Basdekis (1994 ,p.125), Zabel, one of the commanders of the German forces in Distomo, was arrested in the Greek-Bulgarian borders and was held by the French who turned him over to the Greek government. Zabel was detained in Greek prisons, waiting trial; but while in Greek jails, the W. German Government requested his return to Germany for parallel investigation. The request was granted and according to information, he was never prosecuted, but remained free. See also <http://www.distomo.gr/newsite/el/2009-06-05-18-40-56/2009-06-08-13-52-25>

There is no doubt that the laxity in the German court system, following the McCloy amnesty, dictated by the new geopolitics, was a factor in the further prosecution of lower-rank officers who had survived the war; however, there is a need to also assess the impact of Greek politics immediately after WW II. The preoccupation with reconstruction, the onset of a divisive Civil War immediately following the termination of WW II and the consolidation of reactionary Greek governments for the next 30 years (1944-1974) may have also acted to truncate the due process of law for the survivors and victims of the Distomo massacre. The “therapeutic community” that usually emerges in “natural” disasters and helps in the rehabilitation process of victims was largely absent for the survivors of the Distomo massacre —the result of a violent social conflict. The author wonders if psychological closure for the survivors of Distomo can be approximately attained in a surrogate manner by a campaign to locate the veteran soldiers and/or their descendants -German, Austrian or of whatever nationality- and reward them for going against the war-culture and not following Lautenbach’s orders.

**2. Litigation for compensation: class-action and family lawsuits.** The paper will first cover the class-action lawsuit and then the lawsuit filed by the Sfountouris family. Essentially, both of these lawsuits are lawsuits by individuals against Germany, in contrast to lawsuits by one state party against another (e.g. Greece against Germany). However, they will be discussed separately, since they followed different routes, with the class-action lawsuits being filed in courts outside Germany and the Sfountouris family lawsuit in German Courts.

**a. The class-action lawsuit.** With regard to the **class-action** lawsuit, the legal process can be described in three phases. During the **first phase** that started in 1995, a class action lawsuit was filed in the Regional Court of First Instance Livadeia by attorney John Stamoulis, the Prefect of Viotia province, on behalf of 296 litigants (survivors, relatives and descendants of the victims) and against the Federal Republic of Germany {successor to the Third Reich}.<sup>70</sup> The lawsuit also makes a reference to the six perpetrators of the war crimes, who were included in the indictment against them by the “Special Council of the National Office for War Crimes.” The class-action lawsuit was based on the 1907 Hague Convention IV (article 3), regarding the violation of the laws and customs of war by armed forces and the right to seek corresponding compensation,<sup>71</sup> as well as on the 1945 Charter of the Nuremberg Court (article 6) provisions concerning “crimes against peace”, “war crimes” and “crimes against humanity”. In addition, the plaintiffs’ attorney invoked a series of both international and domestic legal instruments, mostly post-war developments, that

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<sup>70</sup> See *Eleftherotypia*, 17/07/2001 and the World Socialist Web ([www.wsw.org/](http://www.wsw.org/)). Decision 137/1997 of the Regional Court of Livadeia. The number of actual litigants does not necessarily correspond with the potential number of litigants since for various reasons (e.g. out-migration, lack of information, pessimism, avoidance of trauma, etc) not all survivors, descendants and relatives of victims took part in the class-action suit.

<sup>71</sup> According to Rau (pp. 704-705), the plaintiffs relied on article 3 of the 1907 Hague Convention IV which says «A belligerent party which violates the provisions of the said Regulations {Laws and Customs of War on Land} shall, if the case demands, be liable to pay compensation. It shall be responsible for all acts committed by persons forming part of its armed forces.” See Markus Rau, “State Liability for Violations of International Humanitarian Law – The Distomo Case Before the German Federal Constitutional Court”, *The German Law Journal*, 2005, Vol. 07, No. 07, pp. 701-720).

document the rights of individuals to make claims against other states.<sup>72</sup> The plaintiffs sought moral vindication and material compensation for the destruction/loss of their properties and for the psychic pain afflicted upon them due to the death of family members. Based on the Brussels Convention that established unitary jurisdiction with the European Union and on fact that the actions of the German soldiers constituted serious violations of human rights (*ius cogens*), the Regional Court of Livadeia rejected the classification of Distomo war crimes as *acta jure imperii* that would have prevented adjudication in another country's courts.<sup>73</sup> In its 1997 decision (137/1997), and despite the objections of the FRG legal representative who claimed sovereign immunity, the Regional Court of Livadeia gave a verdict in favor of the *survivors and relatives of the victims (SRVs)*, awarding them 9,5 billion Drachmas (57 million DMs or €28 million). The court brief was delivered (June 2000) to the President of the Berlin Justice of Peace, though we have no information if there was a formal acknowledgment of receipt. In any case, the German government, through its legal representatives in Greece, appealed the verdict, claiming sovereign immunity from prosecution by individuals in other states.

The Greek Supreme Court (*Areos Pagos*), in a plenary session, and with a 16 to 4 decision (5 May 2000), upheld the Livadeia Court decision, rejected the sovereign immunity claims of Germany and called upon Germany to pay the compensation to the survivors and relatives. Following the refusal of Germany to pay the compensation, the plaintiffs' lawyers started the procedures for the compulsory auctioning of German property and specifically the building that houses the Goethe Institute and the German Archaeological School - to compensate the survivors and relatives of the victims.<sup>74</sup> Fearing precedents, there were protest telephone calls by Chancellor Schroeder to Prime Minister Simitis and protest notes to the Greek Ambassador in Berlin, "stating boldly that the actions of the Greek authorities could "disrupt years of good Greco-German relations"<sup>75</sup>. However, Germany also had

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<sup>72</sup> The 10/12/1948 UN Declaration for Human Rights (articles 8 and 10), the 4/11/1950 Council of Europe Convention of Rome for Human Rights (article 6), the 27/8/1991 Decision of the European Court for Human Rights and the 18/03/1960 bilateral agreement between Greece and Germany. In the latter case, there is an implicit rejection of the idea that only the Greek state could be a legitimate plaintiff and a corresponding acceptance of the right of individual claimants. (See Lawsuit filed in Regional Court of Livadeia by Viotia Prefect against Germany, 27/11/1995)

<sup>73</sup> See Lawsuit filed in Regional Court of Livadeia by Viotia Prefect against Germany, 27/11/1995 and Veronika Görtner, "The Brussels Convention and Reparations – Remarks on the Judgment of the European Court of Justice in Lechouritou and others vs. the State of the Federal Republic of Germany", *German Law Journal* No. 4 (April 2007) for various restrictions on "state immunity".

<sup>74</sup> For the majority and minority arguments in the plenary decision, see <http://tosyntagma.ant-sakkoulas.gr/nomologia/item.php?id=200/>. This decision was in turn challenged by Greece's Special Supreme Court. The Special Supreme Court, that usually convenes when two high courts disagree on a legal question, while recognizing the validity of the plaintiffs' claims against Germany, said that the Livadeia decision could not be enforced because of the principle of jurisdictional immunity. However, according to the plaintiffs' lawyer (John Stamoulis) the decision of the Special Supreme Court was unconstitutional because of the absence of a fundamental precondition (dispute between two high Greek Courts) (Stefan Kirchner, "Compensation and Immunity: Germany vs. Italy at the ICJ", *Forum of the Jurist: Legal News and Research*, University of Pittsburgh School of Law, 9 January 2009.

<sup>75</sup> See Andy Niklaus, "Greek victims of Nazi rule win lawsuit against Berlin", *World Socialist Web Site*, 8/08/2000, <http://www.wsws.org/>. A day after the Greek Supreme Court ruling, "German Chancellor Gerhard Schroeder told the German parliament that the issue of war reparations –which under the German Government's rationale, includes the indemnities to the victims of the Nazi atrocities in Greece- was definitely closed" (<http://www.greekembassy.org/Embassy/Content/en/Article.aspx?office=2&folder=289&article=4885/>). (See below for 1960s bilateral agreement with Greece).

recourse to the Greek courts and managed to suspend the execution of the compulsory auctioning of German property on the grounds that the confiscation of foreign property had to have first the approval of the Greek Minister of Justice (Such a legal provision was indeed in effect since the Metaxas dictatorship, 1936-1940). This stipulation demonstrates that the Greek justice system was not genuinely independent from the executive powers. Regardless of the ideology of Greek governments (Socialist or Conservative), none was willing to jeopardize foreign relations with Germany—a fact that Germany exploited in order to put a stop on compensation claims. The plaintiffs felt somewhat betrayed by their own governments.<sup>76</sup> Although Greek governments did not relinquish their claims for German compensations, they excluded compulsory auctioning and confiscation of German property as strategies for seeking compensation.

During the **second** phase, John Stamoulis, the lawyer of the Distomo survivors, decided to transfer the class-action lawsuit to the Italian courts, where the courts were more independent since the execution of their decisions, even for confiscation of foreign property, was not contingent upon ratification by the executive branch (e.g. Minister of Justice), though a provision like the one Greece had also existed in Italy before 1992, but was judged as unconstitutional by the Italian Constitutional Court. In addition, a 1992 decision by the Italian Constitutional Courts allowed cases involving crimes against humanity, even if committed in other countries, to be tried in Italy. Moreover, the lawyers took advantage of the European Community legal system, where the court decision of one member-country could be enforceable in another member country. In 2003, the class-action suit was transferred to the Appellate courts in Florence, Italy, where Germany also had significant property.

Following a rejection by the Italian Supreme Annulment Court (*Corte di Cassazione*) of Germany's claims of sovereign immunity (on 4/06/08)<sup>77</sup> and upon a decision (25/11/2008), the Florence Appellate Court concluded that the decisions of the Livadeia Regional Court and the Greek Supreme Court were enforceable within all the European Union countries and ordered Germany to compensate the Distomo claimants with the amount of €33 million, including interest since 1997.

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Nonetheless, there are also reports (<http://www.distomo.gr/war.htm>) that the then President of the Republic, Johannes Rau, during his visit to Athens (late April 2000) expressed the view (“as a simple citizen”) that Germany could possibly make a “symbolic gesture” for the moral vindication of the victims, adding at the same time that he “does not know if the German government will actually do it”.

<sup>76</sup> Attempts by the then Foreign Minister George Papandreou to persuade Joska Fisher (Minister of Foreign Affairs of Germany) to undertake an initiative and break the impasse on the issue of compensation had no result. Following the 1995 rejection by the Helmut Kohl-Klaus Kinkel government of a relevant diplomatic note with which the Greek government requested the commencement of a dialogue firstly on the compulsory loan and secondly on war reparations-, the “redgreen” government of Gerhard Schroeder-Joska Fisher maintained the same stance, refusing to talk about it (See <http://www.distomo.gr/war.htm>).

<sup>77</sup> For the Italian justice system, the Distomo and Civitella massacres constituted serious violations of international humanitarian law (crimes against humanity) ; in these cases, human rights take priority and the doctrine of sovereign immunity has restricted application (Communication with Martin Klinger, lawyer for Sfountouris case, 13/10/2009). For further documentation on the second phase see Ta Nea 24/10/2008 and 27/11/2008; A. Vei, German compensation for Distomo via Italy (in Greek), <http://www.enet.gr>; S. Kirchner, “Compensation and Immunity: Germany v. Italy at the ICJ, Forum of The Jurist: Legal News and Research, University of Pittsburgh School of Law, 9 January 2009; and “Justice 64 Years after the Distomo Massacre” (in Greek), <http://www.makthes.gr/index.php?name=News&file=article&sid=29059>.

Simultaneously, the Florence Court ordered the preventive confiscation {“partial mortgaging”} of Villa Vigoni in the Lake Como Region, that houses an International Law Studies Center in case Germany failed to compensate the survivors and relatives of the victims. Although the Appellate Court decision will have to be ratified by the *Corte di Cassazione* before the auctioning takes place, Joachim Laou, the advocate for the SRVs in the Italian courts said after the decision: “The judges of Florence proved with their ruling that there is no kind of asylum for cases concerning crimes against humanity”.

The Greek advocates of the SRVs (Kelly Stamoulis) said: “After 10 years of very hard struggle, fortunately there was the Italian judicial system to mete out justice to the relatives of the victims of the Third Reich...”<sup>78</sup> The current mayor of the martyred town, Mr. A. Panourgias, also welcomed the decision of the Florence Appellate Court, as a “vindication of their more than 10 years of struggle” and expressed his utmost admiration for the Italian judges for their historical decision and who despite inevitable interventions and pressures by Italian and German governments stood their ground; at the same time, the mayor expressed his admiration for the Greek judges who also stood their ground (*Areos Pagos*), but could not say the same for the Greek governments who with their stance blocked compensation of the Distomo survivors and relatives of the victims.

Although the lawyers of the plaintiffs, both abroad and in Greece, as well as the Mayor of Distomo, saw the Florence decision as a major step in a continuing judicial struggle, they expected that Germany would challenge the Florence decision by recourse to the International Court of Justice in Hague, Netherlands. To block the compulsory execution of the Italian Appellate Court for compensation, Germany has indeed filed a suit against Italy in the International Court of Justice at Hague. This represents the **third phase** in the class-suit litigation against Germany. Germany seeks to demonstrate that the Italian courts are not mandated to try cases like the Distomo massacre and that the decisions of the Italian courts constitute a violation of Germany’s sovereign rights. During a recent interview (SKY “New Files” Program, 9/06/09), when the press representative of the Minister of Foreign Affairs was asked if Germany uses its political power to avoid paying compensation, the representative said: “If we were so powerful, we would not have taken our case to the International Court of Justice... However, I am convinced that what we do is ethically correct and that we should find a way that would allow us to go forward peacefully,” suggesting that “the claims of the victims endanger the peace.” On the other hand, the Hamburg Task Group for Distomo (12/06/09), an anti-fascist political group working particularly for the compensation of Nazi victims and the prosecution of the Nazis and also supporting the class-action and individual lawsuits of the Distomo SRVs said: “This is nothing but shameless rhetoric, where Germany assumes the role of victim, thinking that in this way it will escape its responsibility. Actually, with the recourse to the Hague, Germany requests to be exempted from the obligation to compensate

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<sup>78</sup> See <http://www.dw-world.de/dw/article/0,2144,3826619,00.html> . John Stamoulis, the attorney for the class action lawsuit, died on 3/12/2007, almost a year before the Florence Appellate Court delivered its favorable verdict with regard to the Livadeia decision. The case was taken over by his daughters Kelly and Christina Stamoulis, also lawyers by profession. The author would like to thank them for their assistance regarding the course and documentation of the class-action lawsuit.

victims not only for the past but also for future war crimes.”<sup>79</sup> A lawyer-member of the Task Force further adds that aside from “humiliating the victims of the Nazis”, Germany’s recourse to the ICJ constitutes an intervention in the autonomy of the Italian courts and simultaneously a blow to the growth of European democracy.<sup>80</sup>

While the German argument of sovereignty and immunity for another state’s jurisdiction has been a main argument of Germany against the compensation claims of survivors and relatives of victims, several other counterarguments have been used by Germany to deny the legitimacy of the SRV claims. We can obtain a better idea of these legal arguments and counterarguments, and perhaps, the arguments that Germany will use in both the European Court for Human Rights (for the Sfountouris case) and in the International Court of Justice at the Hague (for the class-action suit), by focusing on the course of the Sfountouris litigation.

**b. The Sfountouris family lawsuit for damages and compensation.** Parallel with the class-action lawsuit, Argyris Sfountouris, who, as we said above, lost his parents and 30 of his relatives (about 15% of the total deaths), together with his three surviving sisters, filed a lawsuit for compensation against the Federal Government of Germany in 1995, “for psychic damages as well as for disadvantages regarding their personal and professional advancement”. The actual material claims were symbolic (20,000 DM) since this was not a priority consideration for the Sfountouris litigants. In contrast to the class-action lawsuit, the Sfountouris survivors filed their lawsuit within Germany and used German lawyers,<sup>81</sup> beginning with the Regional Court (LG) in Bonn. The Regional Court dismissed the lawsuit and the litigants then lodged an appeal with the Higher Regional Court (OLG) of Cologne. The Higher Regional Court upheld the lower court’s decision.

In turn, the plaintiffs filed an appeal with the Federal Court of Justice (BGH) in Karlsruhe. The Court first took into consideration two previous agreements/decisions: the court decision of the Regional Court of Livadeia and the “two plus four” September 12, 1990 multilateral agreement. In its decision of 26 June 2003, the Federal Court of Justice “found that it could not give enforceable recognition to the judgment of the District Court of Livadeia because the acts at issue had been sovereign or public acts (*acta jure imperi*) for which Germany was immune from another state’s jurisdiction” (Rau, 2005, pp. 703). With regard to the “two plus four” multilateral agreement, in which Greece itself was not a party, the settlement involved a transaction on the state level and did not preclude litigation for individual claims.<sup>82</sup> Nonetheless, BHG rejected the plaintiffs’ application “arguing that neither

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<sup>79</sup> From a leaflet distributed by the Hamburg Task Force Group for Distomo during its protest demonstration in front of the Goethe Institute in Athens on 12/06/09 (See section below).

<sup>80</sup> E-mail communication from Martin Klingner, 13/10/2009.

<sup>81</sup> The author would like to thank Mr. Martin Klingner, the head of the Sfountouris legal team, for briefing him with regard to the status of the two lawsuits (Meeting at Distomo, 9/06/2009).

<sup>82</sup> Cold War pressures led to the signing of the 1953 London Debt Agreement (between the Federal Republic of Germany and several other countries, including Greece) that put a moratorium on claims against Germany determined during the 1946 Paris Peace Conference, until a final peace agreement was concluded. Meanwhile and based on the 1953 London Agreement, Germany and Greece signed a bilateral agreement (18/03/1960), providing for a lump sum grant of 115 million deutsch marks to Greece, for compensating Greek citizens persecuted because of race, religion or ideology. On the basis of this agreement, Germany paid to Greece DM115 million (about €67 million) for the victims of Nazi persecution. There are indications (See Lawsuit filed in Regional Court of Livadeia by Viotia Prefect

international law nor domestic state liability, *as of 1944* (italics added), provided a basis for the plaintiffs' claims." (Rau, 2005, p. 703). More specifically, the existent **international law** (The 1907 VI Hague Convention), that was in effect at the time of the 1944 Distomo massacre, allowed litigation between state parties but not lawsuits filed by individuals. During the period 1943-1945 only "states were entitled to make claims for breaches of international law" (Rau, 2005, pp. 719-720). Only "states or parties to war could claim compensation" (Pitroff, 2004, pp. 20-21).<sup>83</sup> According to Pitroff, this held even for "severe cases of human rights infringement." With regard to **domestic liability** (violation of German Civil Code), although the Distomo massacre constituted a breach of official duty (according to the Hague Convention IV), the Court "reasoned that during a state of war large parts of the domestic legal order are suspended and are replaced by the *ius in bello*." Furthermore, "it was the general understanding at the time that war constituted an exceptional relationship between belligerent states which excluded liability under domestic law for actions committed by the armed forces of one state toward individuals of the other". In this sense, the Court rejected the appellants' proposition that the massacre was not a belligerent act but a 'police operation'" which did not preclude state liability.<sup>84</sup>

On the other hand, the lawyers for the Sfountouris family have maintained that the German Federal Court of Justice has totally ignored the meaning of the Hague Convention whose intent was to strengthen the rights of civilians. In fact, it was the German delegation in Hague that advocated the rights of individuals for compensation in case of violation of the Hague Convention. In regard to domestic liability, the lawyers point out that there is no law-book in Germany which says that state liability (the civil code) is suspended at times of war.<sup>85</sup> According to Argyris Sfountouris,

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against Germany, 27/11/1995) that the 115 million deutsch marks were distributed primarily to the surviving Greek Jews in accordance with the provisions of the bilateral agreement. Aside from that, there was an explicit reservation in the bilateral agreement by Greece that the group settlement did not preclude claims by other affected Greek citizens. In fact, the Federal Court of Justice of Germany itself "...found that the 1960 bilateral agreement on reparation payments in favor of Greek citizens who endured Nazi prosecution... does not preclude legal claims by individual citizens"(American Society of International Law, <http://www.asil.org/ilib0613.cfm#j2>). Moreover, as Markus Rau (2005, pp. 719-720) noted: "While it is true that Germany, for instance in the years of 1952 to 1964, agreed upon payment of (inter-state) reparations for Nazi oppression through multilateral and bilateral agreements, such lump sum payments cannot bring about individual justice in each and every case of violations of international humanitarian law." Following the reunification of Germany, a final agreement on 12/09/1990 between the four WWII victorious powers (US, France, England and Russia) and the two former German States (2 + 4), which established the sovereignty of the unified Germany, secured the resignation of the four "great powers" from further claims against Germany. Although the 1990 Agreement rendered the 1953 London Debt Agreement "obsolete", it did not settle Germany's war debts to countries not a party to the 2 + 4 Agreement. Countries not parties to the 2 + 4 Agreement, which were not content with the provisions of the bilateral agreements, could make claims on Germany for war reparations and compensation.

<sup>83</sup> Sabine Pittrof, "Compensation Claims for Human Rights Breaches Committed by the German Armed Forces Abroad During the Second World War: Federal Court of Justice Hands Down Decision in the Distomo Case", *German Law Journal*, Vol. 5, No. 1, 204, pp. 19-20.

<sup>84</sup> Center for German Legal Information, "BGHZ 155, 279 – Compensation for Distomo Massacre" ([http://www.cgerli.org/fileadmin/user\\_upload/interne\\_Dokumente/Judgements/bghz155279.htm](http://www.cgerli.org/fileadmin/user_upload/interne_Dokumente/Judgements/bghz155279.htm)). For a good summary of the BGH (26 June 2003) decision, see also 'German Supreme Court Distomo Massacre Case, BGH –III ZR 245/98 (June 26,2003)', *International Law in Brief*, The American Society of International Law, 25 July 2003 (<http://www.asil.org/ilib0613.cfm#j2>).

<sup>85</sup> This suggests that there is a reconstruction and selective interpretation of domestic and international law by German courts to conform to state expectations and directives: "we cannot compensate everyone, so better not compensate anyone." Martin Klingner, e-mail communication, 13/10/2009.

himself, the Federal Court of Justice acknowledged that the actions associated with the Distomo massacre constituted war crimes, but that Germany had no legislative framework comparable to that for the Auschwitz victims to compensate the Distomo litigants.

The plaintiffs then took their case to Germany's Federal Constitutional Court (BverfBG) arguing that the decisions of the ordinary courts violated certain basic rights, including the freedom of property, equal treatment clauses, and the right to a lawful judge. The opinion of the Constitutional Court, essentially upheld the decision of the Federal Court of Justice regarding immunity from another state's jurisdiction and the 1944 legal framework that only allowed parties to sue for compensation,<sup>86</sup> rejecting at the same time charges about discrimination or violation of due process. The Constitutional Court further reasoned that post-war conventions on human rights (e.g. European Convention on Human Rights), that allowed individuals to sue offending states for compensation, were irrelevant and could not be invoked by the individual plaintiffs. In addition, the Constitutional Court used another argument with regard to domestic liability based on the German Civil Code. The Court invoked provisions of the Imperial Law on the Liability for Civil Servants (1910) and the Weimar Constitution (1919), which excluded state liability unless there had been liability reciprocity agreements between the two states. In the case of Greece, liability-reciprocity agreements were guaranteed in 1957, after the Distomo massacre (Rau, pp. 710-712). Finding no vindication for their efforts by recourse to the Federal Constitutional Court, and having exhausted all the legal channels within Germany, the claimants-survivors took their case to the European Court of Human Rights, where it is now pending. After a legal marathon of 14 years, *Current Concerns* had this to say about Argyris Sfountouris' feelings: "Above all Sfountouris is indignant about the fact that the German government called the massacre of Distomo a 'measure in the context of war' (*ius in bello*), although it was a war crime without any doubt. Now he hopes for the decision from Strasbourg"<sup>87</sup>. However, Argyris' odyssey is not certain that it will take him to "Ithaca." The German side could use the same arguments, regarding the inability of plaintiffs {as individuals} to use retroactive application of current human rights legislation, as well as claiming immunity from another's state jurisdiction. Although cases have their particularities, Görtner cites cases/precedents of the European Court of Human Rights where the principle of "sovereign immunity" (*acta jure imperii*) was upheld, despite the fact that there had been a serious violation of human rights.<sup>88</sup>

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<sup>86</sup> Markus Rau, "State Liability for Violations of International Humanitarian Law – The Distomo Case Before the German Constitutional Court", *German Law Journal*, Vol. 07, No. 07, pp. 701-720). Nonetheless, Rau also cites the work of Frits Kalshoven who challenges the "parties" interpretation of the 1907 Hague Convention IV. Rau said "Fritz Kalshoven has argued that the *travaux préparatoires* of Article 3 of the Hague Convention IV prove that the provision had originally been intended to establish an individual right to compensation". Further down, Rau said: "While the BverfG, citing Kalshoven, accepted that Article 3 of the Hague Convention IV was ultimately aimed at benefiting the individual, it did not go any further into that debate..." (Rau, 2005, p. 709). Kalshoven's observations constitute documentation for the Sfountouris lawyers.

<sup>87</sup> See <http://www.currentconcerns.ch/index.php?id=581/>

<sup>88</sup> Veronika Görtner, "The Brussels Convention and Reparations – Remarks on the Judgment of the European Court of Justice in Lechouritou and others vs. the State of the Federal Republic of Germany", *German Law Journal* No. 4 (April 2007).

**c. Litigation outcomes and prospects.** Although qualitatively, with regard to the level of inhumanity, the Distomo massacre is unprecedented in the annals of modern Western history, the lawsuits involving some 300 SRVs statistically constitute only two of the population of cases against the Federal Republic of Germany, as a legal successor to the Third Reich. One source<sup>89</sup> puts the number of pending lawsuits by SRVs against Germany at 10,000, a second source<sup>90</sup> at “some 60,000” and a third source<sup>91</sup> at “some 100,000”. According to the Niklaus, the success of the compulsory auction of German property would encourage Eastern European SRVs to also pursue litigation. This possibility led the German Finance Minister to warn “Eastern European states against supporting further compensation claims.” While success in Greek or Italian litigation cases could indeed lead to mass claims in other victimized countries, there is a need to check the nature, the currency and the accuracy of these statistics and whether they apply only to Greece or to all victimized countries, in order to reduce alarm and mitigate panic on the part of the German governments.<sup>92</sup>

Seeing Court bailiffs outside of Goethe Institute of Athens appraising the building for sale to compensate the claimants of Distomo, the then German ambassador to Greece, Dr. Karl Henz Kuhna, said that the German government has already paid war reparations. He continued, “If we start such actions, Europe will be in great danger.. This will also probably lead to counter-claims on the part of Germans, let’s say out of the disaster, the heavy-bombing attack against Dresden... If we open this Pandora’s box again this might be the end of a United Europe”.<sup>93</sup> In a way, as the Hamburg for Distomo Task Group observed, the threat of disunity and chaos is a convenient mechanism for converting the victims into victimizers, for absolving the legal successors of the Third Reich from responsibility, and for discouraging future claims for compensation by SRVs. Moreover, and as indicated above (See footnote 82), the 1960s bilateral agreements do not preclude litigation by individual claimants.

The legal obstacles, together with the potential of congestion, of the German court system with individual lawsuits, has led some German legal scholars to propose alternative channels for compensation. In this regard, it is worth mentioning Markus Rau’s proposal: “For this reason, the Committee on Compensation for Victims of War, which was established by the International Law Association (ILA) in May 2003, has as one of its goals to draft model rules for *ad hoc* compensation commissions as an alternative method of post-conflict justice. In fact, such *ad hoc* compensation commissions, which must pay due regard to the specificities of the conflicts for which they are established, may be the most adequate means of bringing justice to victims of international humanitarian law violations”(Rau, 2005, p. 720). While proposals such as these may have some practical advantages, the author does not yet know of the progress made in this direction. More to the point, he wonders if such mechanisms would be psychologically satisfactory (from the view point of psychological closure)

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<sup>89</sup> Professor Norman Paech, Dept. of International Law, Hamburg, University, See <http://www.greekembassy.org/> (requires further search).

<sup>90</sup> See “German Court Rejects Greek Reparation Claim for Nazi Massacre”, *Deutsche Welle*, 27/06/2003, <http://www.dw-world.de/dw/article/0,,902592,00.html>.

<sup>91</sup> See, Andy Niklaus, “Greek victims of Nazi rule win lawsuit against Berlin”, 8/08/2008, World Socialist Web Site, <http://www.wsws.org/articles/2000/aug2000/gree-a08.shtml>.

<sup>92</sup> It needs to be clarified if the numbers refer to class-action or individual lawsuits.

<sup>93</sup> See Paul Wood, Athens BBC correspondent in Athens, “Greek bailiffs size up German property”, <http://news.bbc.co.uk/1/hi/world/europe/872532.stm>. However, as indicated already (Rau, 2005, pp. 719-720.), the 1960s bilateral agreements between parties does not preclude individual lawsuits.

to the victims and the survivors of humanitarian violations, **unless of course the state responsible is required to make the biggest contribution to compensation funds.**

## VIII. The Greek and German Non-Governmental Organizations: their role in commemorations and the struggle for compensation.

**1. Greek NGOs.** Two Greek NGOs have been active, promoting memory activities as well as activities pertaining to compensation. The author has already described the **Network of Martyred Greek Cities and Villages**, whose goals are not restricted to memory and mutual solidarity activities but also include the recognition of the contribution of the resistance to the defeat of Nazism, community development, prevention of future martyred cities and recruitment of other martyred cities, towns and villages within the European Union. The author participated as an observer in a recent meeting (9/06/2009) of the Executive Council of the Network that was held in Distomo on the eve of the 65<sup>th</sup> anniversary. The meeting included, among others, a briefing on the course of the two trials—the class-action law suit and the Sfountouris case—by the lawyers (Christina Stamouli and Martin Klingner, respectively), a discussion of a €215 million EU program for martyred cities and villages in Greece, the consideration of a proposal to convert the island of Makronisos<sup>94</sup> into a Museum against Torture, a discussion of the obstacles that other martyred cities and villages confront after the Livadeia Regional Court decision, and a consideration of modes of intervention in the memorial activities, such as conferral of awards and the submission of a memo with their demands to the leader of the opposition who was expected to attend the 65th annual ceremonies. The German lawyers also recommended NGO intervention at the Hague, since in the International Court the litigants are only legal bodies (countries, organizations) and not individuals. During a previous historic meeting (15 August 2007) of the Executive Council of the Network in one of martyred towns (Kommeno, Artas), the Council decided to include among the martyred cities, Salonica because of the extermination of the Hebrew community, as well as the German cities destroyed during WW II by allied bombing. In addition, the Council decided to promote the establishment of Holocaust Museums and Libraries in all the Martyred Cities/Towns/Villages.<sup>95</sup> The Network has a website ([www.greekholocausts.gr](http://www.greekholocausts.gr)), but unfortunately only in Greek. If it wants to reach out to other martyred towns in the European Union, it ought to also have German, French, and English pages that would cover in summary form their principal activities.

The second major NGO within Greece is the “**National Council for the Claiming of the German Debts**” (NCCGD). The NCCGD was founded in 1995 (in Salonica) following a joint proposal by the resistance fighters, representatives of local governments and representatives of the Salonica Chambers of Commerce. Among the

<sup>94</sup> An island in the Aegean (the Greek Alcatraz), near Athens, not for hardcore criminals, murderers and thugs but for communists and other anti-establishment dissidents who were exiled there for “rehabilitation”, especially during the post WW II days and the dictatorship (1967-1974) ([www.greektravel.com/greekislands/makronisos/](http://www.greektravel.com/greekislands/makronisos/)).

<sup>95</sup> See the *Information Bulletin* of the National Council for the Claiming of the German Debts, (NCCGD) *Memory and Debt*, (translated title), Issue 1 (75), January 2008. The proposals to also include the German cities and to build Holocaust Museums were made by Manolis Glezos, President of the NCCGD who was participating in the Network’s Executive Council meeting.

365 founding members were representatives of martyred towns and villages, trade-unionists, dignitaries of the Greek society, parliamentary deputies, university officials and professors, former presidents of Bar Associations, scholars, artists and representatives of the local Greek Jewish community. President of the NCCGD was and remains Manolis Glezos, a “Left Alliance” parliamentary deputy, who as a young man (in May 1941), together with a friend, dared to climb up the Acropolis and take down the Nazi flag (Swastika). Aside from memorial and educational activities, calculated to prevent a revival of fascism, the principal mission of this NGO is the claiming of the war reparations from Germany, not only the compensation for the Distomo survivors, but compensation for all the victims of Nazism, the war reparations of \$7.1 billion allocated to Greece in the 1946 Paris conference and the return of the compulsory loan of \$3.5 billion to the occupation forces, as well as the recovery of archeological objects stolen by the German armies during the occupation of Greece.<sup>96</sup> In a memorial speech at one of the martyred towns (Aetos, Messinias, in the Peloponnese), Mr. Glezos said: “The German reparations claimed by Greece and the compensation of the victims of Nazism will never be cancelled, will not be subject to statutes of limitation, and will never be forgotten. The demand that Germany should pay them in full remains”.<sup>97</sup> The NCCGD council has branches within Greece but also abroad in Germany. The means the NGO uses to achieve its goals, besides participation in memorial activities in martyred towns and villages and the publication of an information bulletin, include the application of pressures on Greek and German governments to start dialogue on reparations and compensation, the organization of conferences both in Greece and Germany for compensation and the combating of neo-Nazism, the publication of books, the organization of German visits to the Greek martyred towns/villages, symbolic blockades of the German embassy, demonstrations in front of European Court for Human Rights supporting litigant survivors and protest demonstrations in Bavaria against veterans of the SS division responsible for massacres in Greece.<sup>98</sup> The NCCGD also has a website in Greek ([www.holocaust.gr](http://www.holocaust.gr)) that often translates German materials.



M. Glezos (Pres. of NCCGD), E. Mahairas (Sec. of NCCGD) and Gesine Letzsch (parliamentary deputy of the “Left” party) during a press interview on Germany’s war debts to Greece (*Eleftherotypia*, 29/10/2008).

<sup>96</sup> See footnote 82 above for a brief history of German war reparations pertaining to Greece.

<sup>97</sup> *Memory and Debt*, Vol. 1, January 2008. For Glezos, the Nazi war crimes, are crimes against humanity and are beyond the statutes of limitation.

<sup>98</sup> See *Eleftherotypia*, 29/10/2008; <http://www.holocaust.gr>.

**2. German NGOs and other group/individual initiatives.** This section will constitute a brief overview of the activities of German scholars, political parties, anti-fascist-extra-parliamentary groups, and lawyers who have supported the survivors of Nazi massacres, and especially the survivors of Distomo massacre, in their struggles for justice and compensation. Finally, a brief summary will be given of a relevant discussion organized by the Democratic Greek Community and German left organizations in Berlin.

**a. German scholar for compensation of Nazi victims.** Professor Norman Paech, Professor of International Law at Hamburg University and an advisor to the survivors and relatives of the Distomo massacre, said in an interview to Stern magazine that Germany “must reconcile itself with the idea” that the verdict of the Greek courts with regard to compensation for Nazi atrocities in Distomo “will have substantial consequences” since about 10,000 lawsuits are pending {from all martyred towns}, with total compensation amounting to tens of billions of deutschemarks. In the interview, Professor Paech underlined the moral dimension of war reparations and criticized all German governments, regardless of political party {Social Democrats, Christian Democrats, etc.}, for their “arrogant stance” and for their refusal to discuss the reparation issues with Greece.<sup>99</sup>

**b. Progressive party actions and positions.** The Socialist Party of Germany and its successor, the Left Party, have supported the Greek cause for reparations and compensation. During her visit to Greece in May 2001, following an invitation by the “Left Alliance Party,” the President of the German Socialist Party (which then had 36 seats in the German Parliament and 6 in the European Parliament) declared her support for the Greek demands for war reparations and also brought the issue to the German parliament. She also proposed the establishment of a Fund for the Distomo and the Kalavryta massacres, like the one that had been set up for the hostages in forced labor camps.<sup>100</sup> The successor of the Socialist Party, the German Left Party (**Die Linke**), has also been an advocate of compensation for the Nazi victims and survivors.<sup>101</sup> A delegation of the Left Party, consisting of the parliamentary deputy Gesine Letzsch, two counselors and 14 young people from all over Germany, visited on October 2008 four martyred Greek cities/towns (Kokinnia, Kaisariani, Kalavryta and Distomo), laid wreaths at the memorials, heard testimony of survivors and relatives and declared publicly its support for Greek compensation demands. During a meeting with the Mayor of Distomo, Gesine Letzsch said: “The purpose of our presence in Greece is to visit the martyred cities destroyed by the Nazi storm-troopers, to declare our support for the Greek demands for war reparations and to achieve reconciliation between Greek and German youth... We are aware of the indescribable pain brought upon the civilian population by the German fascists, and we have been struggling for many years for the economic compensation of the victims, although we are also aware that such actions on our part do not reduce the slightest either the pain

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<sup>99</sup>“Eminent German scholar says Germany must pay war reparations to Greece”, Embassy of Greece, Consulate General, New York, N.Y., 27 April 2000. See <http://www.greekembassy.org/> (A further search is needed).

<sup>100</sup> G. Dama, “German Socialists for Compensation”, *Eleftherotypia*, 2/05/2001.

<sup>101</sup> The Left (Die Linke) is not only a successor of the “Socialist Unity Party of Germany” (SED) but also of the “Party of Democratic Socialism” (PDS) and the “Labour and Social Justice Electoral Alternative” (WASG). In the Sept. 2009 elections it won 76 out of 622 seats, making it the fourth largest party in the Bundestag. Oskar Lafontaine is leader of the party ([http://en.wikipedia.org/wiki/The\\_Left\\_\(Germany\)](http://en.wikipedia.org/wiki/The_Left_(Germany))).

or the guilt". The delegation promised to continue its struggle in Germany, either as members of parties and organizations, or as active citizens, for the just demands of the Greek people.<sup>102</sup>



*Left: Deputy of the German “Left” party, Gesine Letzsch, during her visit to the Museum for the Nazi Victims, 30/10/2008. Damanios Vasileiadis, Coordinator of German branch of the National Council for the Claiming of German Debts (on her right) and the Mayor of Distomo, Athanassios Panourgias (on her left). Right: German Anti-fascist youth, with members of Distomo municipal council, during the formers’ visit to the Museum for Nazi Victims, 30/10/2008 (Photo: National Council for the Claiming of the German Debts).*

**c. Anti-fascist and extra-parliamentary German groups.** Following the categorical refusal of the German government to compensate the victims of Nazis, two German youth activist groups in Berlin reacted with protests. In the **first of these**, that occurred in June 2002, “fifty activists pretending to be tourists entered the Pergamos Museum in Berlin, where one can admire the ancient Greek arts, and unfolded a banner with the following exhortations/demands: “Enjoy the arts but don’t forget the crimes. Immediate compensation” and “The Distomo massacre is only one of the some 60 unknown massacres that were the work of the German army in Greece...Compensation for the victims. We do not forget”.<sup>103</sup> The **second** involved a collective protest against the negative verdict of the Federal Court of Justice in Karlsruhe in the Sfountouris lawsuit (28/08/2003). A group of activists, identified as belonging to the extra-parliamentary Antifascist Left of Berlin (ALB) organized a symbolic occupation of the building sheltering the Goethe Institute. The source (*Eleftherotypia*, 26/08/2003) indicated that the operation “lightning” was terminated and the occupation force withdrew once they had managed to hang a banner with the demand: “Immediate compensation for all the victims of Nazism”.

**d. A public discussion in Berlin.** A round-table discussion was organized, on January 2002, by the Democratic Greek Community with the cooperation of German left organizations in Berlin. The author mentions it because of the interesting panel composition and the comparative aspects of the conclusions. Argyris Sfountouris, a

<sup>102</sup> See D. Vagena, *Eleftherotypia*, 29/10/2008; [www.holocaust.gr](http://www.holocaust.gr); and [www.distomo.gr/files2008/episkepsi30-10.htm](http://www.distomo.gr/files2008/episkepsi30-10.htm).

<sup>103</sup> Christiana Loupa, “Distomo: the Odyssey of the German Compensation Continues”, See <http://www.greeknewsonline.com/modules.php?name=News&File=article&sid=6831>.

**survivor** recounted his experiences and how he escaped the massacre falling upon a German soldier who disobeyed the orders of his superiors. Martin Seckendorf, a **historian**, said that compared to her population, Greece was fourth in line, after Russia, Poland and Yugoslavia, as regards the victims of Nazism. However, it remains to be clarified if Prof. Seckendorf had only non-combatant/civilian victims in mind or referred to the total war casualties. The **journalist** Eberhart Rondholz said that for many Germans the story of the German occupation of Greece remains an unknown. He added: “Every body knows about the Lidice massacre in the Czech Republic, but in Greece there were many Lidices which still remain unknown, with the exception perhaps of the Kalavryta and Distomo massacres. Sigrid Skarpelis-Sperck, **Social-Democrat parliamentary deputy** and Chair of the Greek-German Parliamentary Committee, said that “She did not believe there will be a German Parliament that will consent to the level of compensations demanded by Greece, since Russia, Poland and Yugoslavia have priority”. She characterized as “mistaken the practice of confiscating the property of German cultural institutions” but was criticized by other Germans in the audience who were in favor of the compensations”. Finally, Damianos Vasileiadis, the **representative of the “National Council for Claiming the German Debts”** in Germany, gave details for German war reparations owed to Greece, as well as for the Distomo demands, and concluded: “that the Greco-German friendship will be strengthened even more, if justice is meted out for the crimes of the Nazis, otherwise there will not be a genuine friendship and the trauma will remain.”<sup>104</sup>

**e. Sidewalk demonstration in Athens by the Hamburg “Task Group for Distomo”.** The demonstration was organized by the Hamburg “Task Group for Distomo”, and was held on 12 June 2009, on the sidewalk in front of the Goethe Institute—the building that theoretically should have been auctioned and the proceeds distributed to the Distomo survivors and relatives of the victims of Nazism. The demonstrators included lawyer-members<sup>105</sup> of the Hamburg “Task Group for Distomo,” Argyris Sfountouris himself, two young German girls working on a relevant school project and the author; they passed out to the passersby and the drivers/passengers who stopped for the red light a bilingual pamphlet (Greek and German) which presented an overview of the lawsuits against Germany. The pamphlet concludes: “The refusal {on the part of Germany} to pay the compensation does not signify anything else but the denial of responsibility for the crimes of Germany. This denial constitutes one more injustice on the top of the injustice of the massacre”. In sociological terms, the procedures take the character of a “secondary disaster” and a source of secondary trauma. The demonstration was also accompanied by a banner protesting the claims of sovereign immunity by Germany, that does not recognize the court decisions of trials conducted in other countries. The demonstration ended successfully, with the passersby showing overwhelming response to the cause of the demonstrators.

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<sup>104</sup>Pantelis Vlasopoulos, «Public Discussion in Germany for the Compensations», *Eleftherotypia*, 26/21/2002.

<sup>105</sup> Martin Klingner and his associates have been legal advocates for the Sfountouris family and had just returned from the commemoration activities in Distomo.



*A protest organized by the Hamburg “Distomo Task Group” “against Germany’s claims of sovereign immunity for the Nazi war crimes”, in front of the Goethe Institute of Athens, 11/06/2009. Argyris Sfountouris chats with the lawyers and distributes leaflets to passersby (Photos: N.P.).*

The above, principally journalistic accounts regarding German actions and attitudes, are necessarily indicative and suggestive. The author would be interested in surveys of the general German population regarding their perceptions of German occupations in various countries, the matters concerning collective guilt for Nazi crimes and their attitudes toward war reparations and compensation for the victims and survivors. Are there generational, class, party-affiliation differences? I am almost certain that German social scientists have undertaken such studies.

## IX. Some conclusions and recommendations for a resolution

In the present paper, the author attempted to demonstrate the comparative differences between the Distomo massacre and other cases of Nazi massacres, not so much on a quantitative, but on a qualitative basis, i.e. with regard to levels of brutality and how this type of Nazi behavior toward civilians/non-combatants challenged our concepts of humanity. It is not his intention to provoke an antagonism between the martyred cities and towns, with regard to levels of brutality of the occupation forces. His hope is that Distomo and comparable cases, within Greece and abroad, should have priority for the policy considerations of the governments regarding moral rectification, psychological restitution and material compensation.

Reviewing the literature with regard to the punitive prosecution of the perpetrators of the massacre, we discovered that those responsible in the eyes of the survivors and relatives of the victims were not brought to justice, either because of the *realpolitik* of the then victorious great powers and the laxity of post-war German courts and governments following the McCloy Amnesty or because of the indifference, incompetence, and collusion of the successive reactionary Greek governments during

the years 1944-1974 and the death (KIA) of the perpetrators themselves. Whatever the reason, for the Distomo survivors and relatives of the victims of the massacre the results were depressingly the same: their sense of punitive justice remained unfulfilled, and psychological closure was never achieved in this central domain of human life.

Proceeding, in turn, to matters of material compensation for psychological pain, the adverse impacts on one's occupational career and property destruction (house burning, pillaging, etc), the author described how the survivors and relatives of the victims of the 1944 Nazi massacre were mobilized either through class-action or individual lawsuits for compensation against the Federal Republic of Germany, the legal successor of the Third Reich. Fourteen years after the commencement of litigation in 1995 (19 since the German re-unification and 65 since the commission of the war crimes), there is no resolution in sight either for the class-action lawsuit of the 295 survivors/relatives or the lawsuit of the Sfountouris survivors. Once again, the *realpolitik* of German-Greek relations within the context of the European Union, the gaps, the complexities and ambiguities in the international legal system, and the structural contradictions within the Greek legal system have blocked a favorable verdict for the survivors and relatives of the victims of the Distomo massacre. Thus, psychological closure is pending even in the material domain of life. In the meanwhile, the number of survivors is shrinking and the biological solution lurks on the horizon.

So, what is the solution? The author believes that the problem is primarily political, secondarily judicial, and lastly economic. First, we must understand that in the world of *realpolitik*, Greece has limited options and cannot undertake initiatives, e.g. changing the law blocking the auctioning of German property. The initiative has to be taken unilaterally by the German government, the Great Power within the European Union and, specifically by the mainstream parties (the Christian Democrats and the Social Democrats). The course of action should consist of the immediate withdrawal by Germany of her appeal in the International Court of the Hague, the development of a five-year compensation program for the martyred cities and towns that have not yet been compensated, giving priority to cities, towns, and villages like Distomo, where the infringement of humanitarian law was most blatant. Perhaps, with the consensus of the communities themselves, restitution can be made either through individual compensation or developmental projects for the benefit of the entire community in the name of victims. I would also suggest that the five-year program should be code-named in the honor of those German soldiers who chose not to follow orders during the Distomo massacre. The completion of this program would, I believe, constitute the most appropriate atonement action for the German government, the legal successors of the Third Reich. The action would signalize a clear break from the past and would demonstrate that modern Germany is not only a Great Power in the domains of politics, economy, science and technology, but also in the sector of ethics. No doubt, the program would also constitute a just vindication and an optimal resolution for psychological closure on the part of the survivors and relatives of victims.

The above proposal does not preclude a consideration of multilateral alternatives, including the idea of *ad hoc* compensation commissions proposed by German legal scholars for the martyred cities, such as Distomo and Kalavryta, and the establishment

of a Victim Compensation Fund. These alternative mechanisms may reduce the economic burdens on the country responsible, but assume collective responsibility in humanitarian law violations. They are second-choice policy alternatives since they do not constitute the best approach for accountability nor the best deterrent to recidivism. Perhaps the validity of these counterarguments will be reduced, if there is a stipulation in the multilateral agreements that the legally responsible country would make the biggest economic contribution the Victim Compensation Fund.

I would like to conclude my presentation with a pedagogical proposal that pertains to socialization of young generations. We often use punishment and deterrence as methods for learning new behaviors. In the case of Distomo we observed that neither punitive nor economic justice have yet been accomplished for the survivors and the relatives of the victims. Punitive justice is probably unattainable, since many of the perpetrators are no longer living. On the other hand, economic justice is still pending. No doubt, the survivors and the relatives of the victims will persist in their litigation for compensation, not only for economic justice but also for the purposes of deterrence. Nonetheless, I suggest that learning of humanitarian behavior can also be achieved by the **rewarding of the German soldiers who elected not to follow orders during the Distomo massacre**. The rewarding does not have to be material, but symbolic in form. The symbolic recognition can be accomplished in various ways. First, it can be incorporated in the annual commemoration ceremonies of martyred cities. Together with the calling out of the names of the victims, perhaps the names of these truly brave soldiers could also be called out. Second, their names may also be incorporated in the Museum for the Victims of the Nazis, in the form photographs, a plaque or a monument with their inscribed names. Undoubtedly, the logistics of locating these exceptional soldiers may present problems; this means that the martyred cities and villages will require the cooperation of the German armed services, historians to search archives, and the German communities themselves where these veteran soldiers lived and worked after the war. In case it is not feasible to locate and identify them, they should be memorialized as “unknown humanitarian soldiers”, both in the annual ceremonies and the Museum. I am sure this would not only constitute a good method for modeling humanitarian behavior in the young generations, but also give more substance to the claims of Distomo as a City of Peace and Reconciliation and further contribute to the psychological closure for the survivors and victims of the massacre.

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