

The German Past between Collectives and Individuals

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The history concerning German compensation for the crimes committed during national socialism is long and disorderly. The list of treaties and other agreements addressing compensation for foreign victims alone covers three pages and a time span from 1946 until today.¹ One of the more recent decisions to compensate former Soviet prisoners of war was made in 2015.² The list appears to follow no apparent pattern. Already by scanning this list, it becomes clear that only certain groups of victims have been addressed in the past, while throughout the list certain other groups notably do not appear. Those that do not appear in treaties have attempted to make their stories heard in other fora. The former Italian military internees who suffered deportation and forced labour as well as the victims of German reprisals and hostage shootings in Italy brought their story before the Italian *Corte Costituzionale* in 2014³ and before lower courts in the trials that have followed since.⁴ As the issue is

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¹ Until 2000: *Hans Günter Hockert/Claudia Moisel/Tobias Winstel*, Beschlüsse und Abkommen zur Entschädigung ausländischer NS-Verfolgter, in: Hans Günter Hockert/Claudia Moisel/Tobias Winstel (eds.), *Grenzen der Wiedergutmachung* (2006), 837, 837–839.

² German Federal Ministry of Finance (*Bundesministerium der Finanzen*), Notice of the directive regarding a recognitional payment to former Soviet prisoners of war, 30 September 2015, *Bundesanzeiger* (BAnz) AT 14.10.2015 B1.

³ Italian Constitutional Court (*Corte Costituzionale*), Case No. 238 of 2014, Judgment of 10 October 2014, English translation available at: http://www.cortecostituzionale.it/documenti/download/doc/recent_judgments/S238_2013_en.pdf (accessed on 25 September 2017); *Anne Peters*, Let Not Triepel Triumph: How To Make the Best Out of Sentenza No. 238 of the Italian Constitutional Court for a Global Legal Order, *EJIL: Talk!*, 22 December 2014, available at: <https://www.ejiltalk.org/let-not-triepel-triumph-how-to-make-the-best-out-of-sentenza-no-238-of-the-italian-constitutional-court-for-a-global-legal-order-part-i/> (accessed on 25 September 2017); *Ricardo Pavoni*, *Simoncioni v. Germany*,