

*Making Peace with the Past: Federal Republic of
Germany's Accountability for WWII Massacres before
the Italian Supreme Court*

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ACCOUNTABILITY FOR WORLD WAR II MASSACRES BEFORE THE ITALIAN SUPREME
COURT**

ABSTRACT

During World War II, the *Hermann Göring* German command settled in Civitella in Val di Chiana, a small village on the mountainsides of Tuscany in Italy. Partisan groups also surrounded the area. On June 18, 1944, four German soldiers entered the community center of Civitella to drink a glass of wine. Among the customers were some partisans who suddenly opened fire on the soldiers. Two of them died instantly, whereas a third passed away after a few hours of agony. The German command threatened to retaliate against the local population within 24 hours if they did not reveal the name of the partisans. Most of the inhabitants of Civitella and the nearby fractions of Cornea and San Pancrazio hastily left their homes fearing reprisal. On June 19, Wilhelm Schmalz, chief of the German command, invited civilians to return to their houses assuring them that no retaliation would follow. However, on June 29--the Saint Peter and Paul public holiday-- three German squadrons suddenly stormed the crowded Civitella church, attacking the worshippers who had come from the nearby countryside to attend the Mass celebration. The death toll reached 244 civilians, including many women and children. The massacres of Civitella, Cornea and San Pancrazio as well as their victims were forgotten for decades except for acknowledgment of the co-responsibility of Italy with Germany for World War II. Only on October 10, 2006, did the Italian military court of La Spezia convict Max Josef Milde, a sergeant from the *Hermann Göring* command, for his role in the massacre. Finally, in October 2008, the Italian Supreme Court ruled that the Federal Republic of Germany must pay one million dollars as reparations to the families of the victims. This article examines the untold story of the Civitella, Cornea and San Pancrazio massacres via the testimony of survivors as well as

the relatives of the victims. The article also provides a detailed analysis of the much anticipated war trial before both the Italian military court of La Spezia and the Italian Supreme Court, acknowledging, for the first time, the Federal Republic of Germany's accountability for the killing of civilians, despite any war agreements between Italy and Germany during the World War II.