

Federal Social Court

Judgment of 12 September 2019 - B 9 V 2/18 R

Radiation exposure due to nuclear weapon tests in the former Soviet Union can also substantiate a claim for compensation for those German nationals, who were only exposed to the radiation in the subsequent detention after their internment.

The Plaintiff entered the Federal Republic of Germany in 1979 as a late repatriate from the former Soviet Union. The time in the Soviet Union is recognised as time of political detention. The parents of the Plaintiff moved to the German Empire, at the time, as German nationals in 1944 and received German citizenship. At the end of 1945 they were abducted from there to Siberia and placed under military command supervision until 1956. After this ended the family moved to the region of Semipalatinsk/Kazakhstan. The nuclear weapon test site of the Soviet Union was located there, where nuclear bomb tests were carried out from 1949 until 1991. The sued state recognised an illness of the thyroid gland as a result of increased radiation exposure as a consequence of damages. The legal action for recognition of further physical and mental suffering was also unsuccessful before the Federal Social Court.

The radiation contamination through the nuclear weapon tests carried out in the Soviet nuclear weapon test site Semipalatinsk principally constitutes a damaging event that is essentially connected with political detention. According to the binding findings of the previous case the asserted (further) radiation damages are however not proven with the necessary probability.