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THE CIVIL REPRESSIVE APPARATUS OF THE SECOND YUGOSLAVIA AND ITS PERCEPTION AMONG THE SLOVENIAN PUBLIC

“**R**epression is an old expression denoting measures that are arising from legislation or are justified by a state of emergency (reprisals), meaning “to crush” or “restrain”. In the 1960s, the term was used by Marcuse⁶⁸⁶ who used it to denote all kinds of national, public and private control, and by the late 1960s, “repression” had become the general term for all types of oppression or suppression of the people.” This definition opens the report on the project

686 Herbert Marcuse (1898–1979), German philosopher, sociologist and political theorist.

entitled *Javno mnenje in represija* (*Public Opinion and Repression*) authored by Katja Vodopivec and published in the *Revija za kriminalistiko in kriminologijo* magazine in 1991. The subject framework of the term “repression” namely encompasses a number of different concepts, with the modern understanding including a situation that is stressful to the individual and drives them towards the margins of the society by attacking them, their property and freedom, their opportunities to work and be creative, their national affiliation and their social status.⁶⁸⁷ However, the broad spectrum implied by this definition is usually limited to various forms of state repression, the common belief regarding which is that the Slovenian society became truly aware of them in the 1980s, during the time of democratization and the initial phases of Slovenia’s breakaway from the “greater repressive homeland”.⁶⁸⁸ *“In Slovenia, the last three years of the 1980s were defined by the anticipation of a transformation of the social system. This was a period when Slovenes worked to reduce political repression, a time when we were increasingly raising our voices against repression of any kind. We were claiming to be the least repressive nation of Yugoslavia. It made sense to verify these claims and beliefs.”*⁶⁸⁹

*“And who should establish order? Most of the survey respondents believed that this was the responsibility of the state.”*⁶⁹⁰ The dilemmas faced by Slovenes in the 1980s regarding the perception of the operation of the “rule of law” were not significantly different from the ones we face today.⁶⁹¹ *“However, people increasingly think that it should not be the responsibility of the military (in 1982: 10 %; in 1988: 18 %; in 1989: 42 %), but rather that order within the country should be kept by the police. More and more people believe that Slovenia is paying too much for the armament and maintenance of the Yugoslav People’s Army (JLA) (1989: 64 %). However, as late as 1989/1990, the share of people agreeing that the military system should protect the political system and order in the country was equal (42 %) to the share of those who disagreed with this thought.”* The Slovenes had a much better opinion of the police, with as much as two thirds of respondents supporting its work, although the percentage of those who believed that the Militia was on the side of the government rather than on the side of the people was a bit higher. According to the survey results, people were generally unaware of the

687 Katja Vodopivec: *Javno mnenje in represija* [Public Opinion and Repression]. *Revija za kriminalistiko in kriminologijo*, 1991, No. 42, p. 206.

688 The term “repression” has a negative connotation, and, over the last few decades, state repression, which has remained ubiquitous even to this day, was often confused with political repression. It is a fact, however, that both forms of repression did exist in a kind of symbiosis in former Yugoslavia.

689 *Ibid.*, p. 206.

690 *Ibid.*, p. 207.

691 For a definition of value systems in Slovenia, see: Blaž Babič: *Politična tranzicija in vprašanje vrednostnih sistemov pri Slovencih po letu 1990* [Political Transition and the Question of the Value Systems of Slovenians after 1990]. *Prispevki za novejšo zgodovino*, 2011, No. 1, pp. 354–357.

infringement of individuals' rights and liberties as one third of the respondents were quite happy to acquiesce to telephone tapping and one quarter of them agreed with the police arresting and questioning their compatriots on the basis of anonymous reports. Surprisingly, the replies thus show a tendency towards increasingly harsh punishments, with opposition to the punishment of verbal offences against the political system⁶⁹² and opposition to the death penalty being two significant exceptions. The two exceptions were almost surely the result of an extensive media campaign⁶⁹³ in the late 1980s in addition to the people also becoming increasingly critical of who the punishment was meted out to. The attitude of the Slovenian society towards the death penalty was also quite unique. If the first six years after the war, a time when politics ruled over the law, over 200 death sentences were passed, mostly in political trials,⁶⁹⁴ but such sentences were no longer pronounced after 1951 (in Yugoslavia after 1954), exclusively for political reasons. Until the formal abolishment of the death penalty that followed the constitutional changes of 1989 (when the last death sentence in Yugoslavia was executed in Titograd), the death sentence was pronounced 12 more times – of course only for serious criminal offences – and the last person was executed in 1959. The public opinion turned against capital punishment as early as 1963, when such sentence was the subject of a series of articles written by Slovenian intellectuals and published by the *Perspektive* magazine. The intellectuals were upset by a death sentence given to a Bosnian worker for manslaughter as most other cases, with Slovenian defendants, would never conclude with such a harsh punishment. However, just like today, not everybody was convinced, and a survey carried out by the *7D* weekly in 1975 showed that 5 out of 7 respondents would have preferred to keep the death penalty in the Penal Code.⁶⁹⁵ After 1980, the public opinion was increasingly shaped by accessible literature, both scientific and fictional, which treated the impact of the illegal acts occurring in the first few years of the Yugoslavian state. Over one half of all respondents of a survey conducted in the late 1980s believed that human rights were adequately protected

692 Pursuant to the provisions of Article 133 of the Penal Code of SFRJ. See: *Uradni list SFRJ*, No. 44/76; No. 34/84; No. 74/87; No. 57/89; No. 3/90; No. 38/90.

693 A group of Slovenian intellectuals made a public appeal to the Federal Assembly to abolish the death penalty as early as 1983, and an avalanche of similar demands broke out after the initiative was published by the *Mladina* magazine. Formally, the death penalty was abolished with the constitutional changes of 1989. See: Blaž Vurnik: *Med Marxom in punkom. Vloga Zveze socialistične mladine Slovenije pri demokratizaciji Slovenije* [Between Marx and Punk Music. Role of the Socialist Youth League of Slovenia in the Democratisation of Slovenia]. Ljubljana, 2005, p. 31.

694 218, to be precise. See: Spisek obsojenih oseb, nad katerimi je bila izvršena smrtna kazen v času od 1945 do 31. Decembar 1952. Digitalized document from the Archives of the Republic of Slovenia, SI AS 1931. Available at: http://www.arhiv.gov.si/fileadmin/arhiv.gov.si/pageuploads/SDV_2014/Spisek_obsojeni/AS_1931_1067_Obsojeni.pdf.

695 Andrej Studen: *Rabljev zamah* [Executioner's Blow]. Ljubljana, 2004, pp. 120–122.

in Yugoslavia, but nevertheless thought that the courts were not impartial. The respondents even believed that political dissidents should be allowed to publish articles in newspapers (61 %), organize public gatherings (57 %), publish books expressing their views (56 %) and establish political parties (46 %).⁶⁹⁶ According to these findings, the Slovenian experiences with the repressive apparatus of the second Yugoslavia were mixed, and this paper attempts to trace them based on a review of the operation of some parts of the apparatus of state repression. It is clear that general modernization of the society should also be included among reasons for the declining aggressiveness of the country's repressive apparatus towards its citizens. The latter were in continuous contact with the repressive apparatus, even if only through the contact with a policeman directing the traffic.

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As the state apparatus is repressive by its very nature, the category of repressive bodies operating in Slovenia during the second Yugoslavian state needs to be delineated within a broader conception. Since some of the constituent parts of state administration have a much more repressive character, this paper focuses on them. The topic is thus broken down into three segments, which were analysed in detail, namely the judiciary, intelligence and security services and police bodies. In light of the definition given above and considering today's understanding of the period in question, however, the category could be expanded to include other services as well. And if I had mentioned that my wish is to understand the context inhabited by ordinary citizens, it should also be pointed out that I was, unfortunately, unable to pay due attention to the one repressive body of the state that probably caused the most undue stress among the citizens of socialist Slovenia. The body in question was not controlled by the government of the republic but was rather under federal control, and reactions to it were similar to today's reactions to any reference made to the Tax Administration. I'm referring to the Customs Administration, which was encountered by most citizens at least a few times per year as they were travelling abroad with their meagre handfuls of foreign currency they managed to save.

In light of the structure and constitutional changes effected in the second Yugoslavia, the operation of these bodies must always be considered with respect to their connections with those the federal level. Although the decentralization process that was being carried out for most of the time during the second Yugoslavia resulted in a gradually increasing independence of all these bodies, federal legislation in these areas had a profound impact on the newly drafted

696 Vodopivec, *Javno mnenje in represija*, pp. 207–208.

legislations at the level of individual republics, inhibiting the development of notable particularities. Nevertheless, at the time of severe constitutional changes and increasingly liberal tendencies emerging in the governments of respective republics, the Yugoslav leadership always clearly maintained that certain sectors had to remain under federal control.⁶⁹⁷ In his response to Tito's speech entitled *Unity of the Federation Requires the Creation of an Authoritative Body (Enotnost federacije terja ustanovitev avtoritativnega telesa)*, which he held in Zagreb in 1970, Milentije Popović had the following to say at the October 1970 session of the Executive Bureau of the Presidium of the League of Communists of Yugoslavia (ZKJ): "I agree that the system has to develop from the bottom up, starting with the commune, as had been explained. I will not repeat this. Let me just list the things I believe should be resolved by the same Act, by the Constitution. First of all, the relations between the federation and the republics, i.e. the **responsibilities of the federation and the federation – republics relations**. Although I am stating this as two items, as these two things are and are not the same, it remains of the utmost importance to clearly determine the responsibilities of the federation. In this regard, we have to be perfectly clear on the concepts we are using and determine these with the Constitution, starting from the issues indicated by comrade Kardelj and proceeding in accordance with agreements we had actually already come to at some of our previous sessions. First of all, it has to be clear what the federation's responsibilities are regarding national defence, and particularly how these responsibilities are to be fulfilled. I am saying this as it is clear that, when we speak of these matters, we are fixing them for the time when comrade Tito will no longer be the President of the Republic or our supreme commander. With regard to some things that seem perfectly clear today as they were shaped by our revolutionary history, we will have to agree on the relations that would be used in these areas in the future of the collective presidency."⁶⁹⁸ In this framework, the state repression has to be contextualized with regard to the governmental structures of the time as it used to be controlled and managed differently from what we are used to today. From local to federal authorities, the Communist Party was the highest arbitrator.

697 "I have to say that I do not agree with the regional communist inclinations. No matter who is doing what and where, we communists all have to remain united in order to preserve our community in its current form." – Josip Broz Tito: *Enotnost federacije terja ustanovitev avtoritativnega telesa*. Govor pred političnim aktivom v Zagrebu 21. septembra 1970 [The Unity of the Federation Calls for the Establishment of an Authority Body: a speech in front of the political working group in Zagreb on 31 September 1970]. In: *Reforma našega političnega sistema* [The Reform of Our Political System]. Ljubljana, 1970, p. 8.

698 Seja Izvršnega biroja Predsedstva ZKJ, ki je bila 4. oktobra letos [Session of the Executive Bureau of the Presidency of the League of Communists of Yugoslavia of 4 October this year]. In: *Reforma našega političnega sistema*, p. 41.

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The role of repressive bodies and their independence at the level of individual republics was changed via frequent constitutional amendments that were frequently adopted in Yugoslavia as the country tried to establish a new social order that would follow the general ground rules typical of socialist countries while at the same time trying to distance itself from such rules, seeking conceptual support in the forms that were alleged to inspire the original Marxist ideology⁶⁹⁹ and thus to justify its internal policy. The process of decentralization culminated in the 1974 constitution that gave the republics as well as autonomous provinces a large degree of independence along with the hope that the Yugoslav national question would finally be taken off the agenda once and for all. Accordingly, the role of the governments of individual republics became more important as these bodies played a decisive role in various areas, while others remained the responsibility of the federal government. Nevertheless, centralist tendencies remained present in the background, and although they suffered a serious blow after 1966, they recovered in the mid-1980s, particularly in Serbia, which significantly contributed to the popularity of the Slovenian policy which defended what had been, in terms of decentralization, obtained in the past and bolstered it even further, and which ultimately, in combination with other circumstances, resulted in Slovenia declaring its independence. By transferring a relatively major part of the jurisdiction over various repressive bodies to the governments of individual republics, these achieved a higher level of sovereignty which was, towards the end of the period in question, particularly pronounced in Slovenia due to its specific political and economic development as well as its ethnic homogeneity. The creation of the Territorial Defence thus allowed the Slovenian Armed Forces to be established relatively quickly, despite various complications due to the attempts by federal and military authorities to interfere just prior to the break up of Yugoslavia, while independent police and intelligence apparatuses allowed the country to control its borders and territory. The broad jurisdiction of the republic in this area thus allowed for a result that would probably have been impossible in a federation with a more centralist structure as the whole repressive apparatus, except for most of the armed forces, was controlled by the republic.

699 Zdenko Čepič: Načela in počela socialistične demokracije [Principles and Origins of Socialist Democracy]. *Prispevki za novejšo zgodovino*, 2011, No. 1, p. 282.

PUBLIC SECURITY

In the area of public security, the powers of individual republics significantly expanded over time. If the initial phases of development of the Yugoslav government system saw the public security to be dictated by Belgrade, then notwithstanding the fact that such bodies formally existed in all republics, the influence of the republics greatly increased with time and was an important factor in the 1980s with the political upheavals. The People's Militia, consolidated into a single organization in 1946,⁷⁰⁰ was the most ubiquitous public security service, which operated by the Soviet example and retained a number of military features that were gradually phased out after 1956, as the Militia turned to Western models and formed connections with people and local environments. Although an act passed in 1956 put the Militia under a unified internal affairs administration, it also placed significant emphasis on the municipal bodies, so that the institutions of local self-government played an important part in the provision of public security in its territories. Prior to 1956, the public order was, in addition to the general People's Militia, also kept by specialized firemen's, forest, traffic and ancillary militias.⁷⁰¹ A significant new feature was introduced by the Internal Affairs Service Act from 1964, which stipulated that the operation of public security services was to be public, as it remains today. After 1967, almost entire control over the internal affairs authorities passed to individual republics, while, formally and legally, the transfer was made final by the republics' internal affairs act of 1973. However, the most important advance in the sovereignty of individual republics was the transfer of jurisdiction from the border police working at all types of border crossings, even the international ones, to individual republics. This affected about a third of all militiamen, who were subsequently trained at the Tacen academy. The national border surveillance remained under the jurisdiction of federal authorities since it was the responsibility of the military, as was also the case with the customs service. Among other things, the act of 1967 formally greatly limited the use of physical violence and particularly of firearms in police work, allowing militiamen the use of firearms against fleeing suspects only if the minimum sentence for the criminal offence a suspect had allegedly committed was longer than 15 years. In spite of the decreasingly repressive character of internal affairs authorities, the data from crime statistics allow us to conclude that the ominous headlines that accompanied it (*After Some Years,*

700 By that time, the Militia operated in accordance with »the Slovenian experience«. – Pavle Čelik: Povezanost postaj naših varnostnih sil z lokalnimi skupnostmi (1850–2010) [Connections between the Stations of our Security Forces with the Local Communities (1850–2010)]. *Revija za kriminologijo in kriminalistiko*, 2010, No. 2, p. 209.

701 If needed, the ancillary militia could be drafted from amongst military conscripts. – *Ibid.*, p. 209.

Criminal Offences on the Increase in Slovenia etc.) did not reflect the facts. From 1958 to 1979, the number of recorded criminal offences thus fluctuated between approx. 18,000 and 28,000, and the drastic changes were usually the result of amendments to criminal laws and general shifts in the society. One such shift occurred in the openness of state borders for travellers or individuals working abroad. Starting with the amending act of 1959, which limited the prosecution of criminal offences under Article 303 (illegal crossing of state borders; formerly every such crossing, changed to violent crossings only), commentators note a drastic decrease in the number of such offences, from thousands recorded in the 1950s to a couple of hundreds, and the decrease is further supported by, e.g., the elimination of criminal complaints due to injuries sustained in fistfights, which were subsequently generally resolved in civil proceedings. Furthermore, these changes resulted in a significant decrease in the use of detention on remand, which was gradually excluded from the conventional investigation procedure. Additionally, in the mid-1950s, slightly more than half of all individuals detained infringed the Article 303. The somewhat incomplete statistics (1951 and 1952 are missing) tell us that 77,778 individuals were apprehended at the Slovenian state border between 1947 and 1962.⁷⁰² Naturally, the social development determined which reports would fill the crime statistics much the same as they do today, and we can see a gradual increase of criminal offences against property, which were, at the same time, among the least frequently resolved cases. From 25 % to 30 % of all criminal cases, mostly thefts, remained unsolved, and the number of sex crimes was on a sharp increase as well; two reasons stated by analysts are the “*isolation of foreign labourers in segregated neighbourhoods and the women’s intention to obtain the legal right to have an abortion*”, but the increase was probably also the result of greater awareness raised among the population. While the comparatively low numbers of criminal offences (taking into account the specifics of the time: the homosexual population was prosecuted, abortions were illegal etc.) could be attributed to the ubiquity of the state repressive apparatus, it is more probable that it was also the reflection of the Slovenian social situation.⁷⁰³ Furthermore, the

702 Pavle Čelik: *Stražarji državne meje v Sloveniji (1918–2013)* [State Border Guard in Slovenia (1918–2013)]. Ljubljana, 2013, p. 223.

703 Martin Vrančič: *Kriminaliteta v Sloveniji v letu 1969* [Criminality in Slovenia in 1969]. *Revija za kriminalistiko in kriminologijo*, 1970, No. 2, pp. 105–113. Martin Vrančič: *Kriminaliteta v Sloveniji v letu 1968* [Criminality in Slovenia in 1968]. *Revija za kriminalistiko in kriminologijo*, 1969, No. 2, pp. 85–93. Dimitrij Ivanov: *Podatki organov za notranje zadeve o kriminaliteti v Sloveniji v letu 1965* [Information of the Internal Affairs Bodies about Criminality in Slovenia in 1965]. *Revija za kriminalistiko in kriminologijo*, 1966, No. 4, pp. 198–205. Dimitrij Ivanov: *Podatki organov za notranje zadeve o kriminaliteti v Sloveniji v letu 1964* [Information of the Internal Affairs Bodies about Criminality in Slovenia in 1964]. *Revija za kriminalistiko in kriminologijo*, 1965, No. 2/3, pp. 72–80. Dimitrij Ivanov: *Podatki organov za notranje zadeve o kriminaliteti v Sloveniji v letu 1963* [Information of the Internal Affairs Bodies about Criminality in Slovenia in 1963]. *Revija*

crime statistics reveal the following: out of 28,998 criminal offences handled by the internal affairs authorities under unique security and political circumstances and in the state of readiness due to Tito's death in 1980, only 675, i.e. 2.3 %, were prosecutable under the Criminal Code of the SFRJ, thus belonging to the most incriminated category.⁷⁰⁴ The percentage remained roughly the same in the following years as well.⁷⁰⁵

STATE SECURITY

Today, the operation and misuse of intelligence and security services is considered the most questionable aspect of state repression. The existence and operation of security and intelligence services represents a fundamental aspect of state repressive bodies and a significant element of the state's security system. In its essence, the aim of intelligence and security services was to collect, process and analyse data pertinent to state security and the country's economic and political relations with other countries. However, from the fundamental objectives delineated above, i.e. from operating against other countries,⁷⁰⁶ intelligence activities soon developed and started being carried out on domestic territory as well, initially as counter-intelligence operations against foreign intelligence services, but then also as the broad network typical of socialist or rather single-party/totalitarian countries and used to control internal opposition. The Yugoslav security-intelligence system originated from the Soviet system of intelligence services, which were intertwined with all areas of life⁷⁰⁷ and had close

za kriminalistiko in kriminologijo, 1964, No. 3, pp. 110–118. Dimitrij Ivanov: Podatki organov za notranje zadeve o kriminaliteti v Sloveniji v letu 1962 [Information of the Internal Affairs Bodies about Criminality in Slovenia in 1962]. *Revija za kriminalistiko in kriminologijo*, 1963, No. 3/4, pp. 137–145. Dimitrij Ivanov: Podatki organov za notranje zadeve o kriminaliteti v Sloveniji v letu 1961 [Information of the Internal Affairs Bodies about Criminality in Slovenia in 1961]. *Revija za kriminalistiko in kriminologijo*, 1962, No. 2/3, pp. 99–107. Janez Pečar: Oris kriminalitete v Sloveniji v letu 1960 [Outline of Criminality in Slovenia in 1960]. *Revija za kriminalistiko in kriminologijo*, 1961, No. 2, pp. 81–101. Janez Pečar: Po nekaj letih so kazniva dejanja v Sloveniji zopet narasla [After a few years, criminal offences in Slovenia once again became more common]. *Revija za kriminalistiko in kriminologijo*, 1960, No. 2, pp. 73–103. Janez Pečar: Kljub porastu klasičnega kriminala so kazniva dejanja na splošno zopet upadla [Despite the increase in classic crime, the number of criminal offences in general once again decreased]. *Revija za kriminalistiko in kriminologijo*, 1959, No. 2, pp. 1–23.

704 Pavle Čelik: Kriminaliteta v Sloveniji leta 1980 [Criminality in Slovenia in 1980]. *Revija za kriminalistiko in kriminologijo*, 1981, No. 2, p. 100.

705 SI AS 1931, A-13-19, Poročilo 1986. Available at: http://www.arhiv.gov.si/fileadmin/arhiv.gov.si/pageuploads/SDV_2014/Letna_porocila_RSNZ/A_13_19_P_1986.pdf.

706 For details on this aspect of Yugoslav security operations, see: Antun Duhaček: *Ispovest obaveštajca – Uspori i pad jugoslovenske obaveštajne službe*. Belgrade, 1992.

707 The considerable penetration of the security apparatus can be well illustrated by the special consolidated records of the National Internal Affairs Secretariat of the Socialist Republic of Slovenia,

connections with the rest of the repressive apparatus. In socialist countries, it was common for the security and intelligence services to have their own security forces, either a military or a police one. Initially, this was the case in Yugoslavia too; however, the reach of security and intelligence services, which radically increased after World War II, was later subject to significant limitations. Despite the obvious extensiveness of the security-intelligence network, it can be said that the operation of security and intelligence services progressed in accordance with the somewhat more liberal approach to the social system typical of Yugoslavia, when compared to other countries of what was, at the time, the Eastern Bloc. In democratically organized social systems, the operation of security and intelligence services is controlled by the government and the parliament; however, this is simply not possible in single-party political systems, and so in the Yugoslav case, the state security services were part of this system and thus under the jurisdiction of the Communist Party, i.e. the political leaders of the country. As put succinctly by Peter Volasko during the time of the second Yugoslavia, an assessment of the totalitarianism among the security services is obstructed by the temporal and spatial reality of the Yugoslav experiment: *“Every phenomenon carries contradictions and opposites, and this is true of socialism in the SFRJ as well. However, we must first decide whether to study it ‘per se’ or in constellation with other, related and unrelated systems.”*⁷⁰⁸

The creation of a unified Yugoslav intelligence service was based on events that occurred during World War II. As early as 1941, the Slovenian resistance movement established the Security-Intelligence Service of the Liberation Front (VOS OF), which then underwent a slight reorganization based on the 1942 orders from the Supreme Command of the National Liberation Army and the Partisan Detachments of Yugoslavia (NOV and POJ) and was thus coordinated within the policies of the pan-Yugoslav resistance movement. A fully unified and centrally controlled security and intelligence service was established with the creation of the Department for the Protection of the People (Serbian: Odeljenje za zaštitu naroda, resulting in the OZNA acronym) on 13 May 1944 as part of the Yugoslav Army. The OZNA comprised four sections: Section 1 was in charge of intelligence data from abroad, Section 2 carried out intelligence operations in the occupied territory, Section 3 carried out counter-intelligence in the Army, and Section 4 took care of records and statistics.⁷⁰⁹ The OZNA was initially headed by

which has been published on the web and contains data collected by the state and public security services on over a million of SFRJ citizens and foreigners who were monitored by these agencies. Available at: www.cae.udba.net/.

708 Peter Volasko: Ordine nuovo. *Telex*, 5 January 1989, pp. 10–11.

709 Ljuba Dornik Šubelj: Varnostno-obveščevalna služba [Security Intelligence Service]. In: *Enciklopedija Slovenije* [Encyclopedia of Slovenia], 14. Ljubljana, 2000, p. 141.

one of Tito's closest colleagues, Aleksandar Ranković – Marko, who remained at the helm of the Yugoslav repressive apparatus until 1966. In August of the same year, People's Defence Corps of Yugoslavia was established (Serbian: Korpus narodne odbrane Jugoslavije – KNOJ), an independent security-intelligence body in liberated parts of Yugoslavia that also functioned as the executive body of OZNA.⁷¹⁰ By the end of World War II, OZNA was part of the military apparatus, its structure was military in nature and its operation was still associated with the tense situation in the liberated country as the service's primary security mission was to pursue and destroy all remaining guerilla groups that opposed the new regime⁷¹¹ and prevent them from escaping across the border where they could consolidate.

A reorganization for the peacetime that formed the basis for the development of the Yugoslav security and intelligence system was carried out following the adoption of a new constitution and thus the formal consolidation of the new system. The OZNA was dissolved on 31 January 1946, with most of its assignments being taken over by the new State Security Administration or UDV (Serbian: Uprava državne bezbednosti, known as UDBA). The service retained the military structure and operated in such a way until 1952. In March 1946, Section 3,⁷¹² which was in charge of counter-intelligence operations in the army, was formally detached from UDV, splitting the Yugoslav security and intelligence service into two pillars or spheres, the civilian sphere and the military sphere. Until its incorporation in the General Staff of the Yugoslav Army in March 1948, Section 3 operated independently and was given a new name that remained in use, despite the abrupt change, until the end of the second Yugoslavia: Counter-intelligence Service or also KOS. In 1955, the name of KOS was changed to Security Bodies (Serbian: Organi bezbednosti – OB) of the JLA and the service became part of the Federal Secretariat of People's Defence. The operation of the Security Bodies was centralized, with the service then subdivided according to military areas, its members serving in all units of the Yugoslav People's Army (JLA)⁷¹³, and included the military police.⁷¹⁴ The General Staff, where KOS had operated as Administration

710 *Vojnoobaveštajna agencija | Istorijat*. Available at: <http://www.voa.mod.gov.rs/sr-lat/istorijat#.WBpa9OXJzIU>.

711 For details, see Martin Premk: *Matjaževa vojska 1945–1950* [Matjaž's Army 1945–1950]. Ljubljana, 2005.

712 In practice, the military counter-intelligence service operated independently since 1945.

713 "Informants of the secret service were everywhere". In a debate regarding this statement, which was given by Janez J. Švajncer, Marijan F. Kranjc cites his own research and claims that, in the Army Area 9 (i.e. Slovenia), the military intelligence service had 80 operatives that handled 2000 covert informants of whom 1200 were enlisted soldiers who were switched out every year, while 70 % of the remaining 800 were members of the permanent cadre of the JLA. The sole objective of about 240 civilian agents was to carry out counter-intelligence activities. See: Marijan F. Kranjc: *Bistveni ugovori na zamolčana vprašanja slovenske osamosvojitve* [Essential Objections to the Unstated Questions of the Slovenian Independence]. *Vojnogodovinski zbornik*, 2002, No. 8, p. 161.

714 Marijan F. Kranjc: *Balkanski vojaški poligon* [The Balkans Military Range]. *Borec*, 1998, No. 567–568–569, p. 35.

XII, retained Administration II of the General Staff which dealt with analytical and strategic matters. Before that, by 1953, KNOJ had been dissolved as well, leaving its assignments to the People's Militia and border units of the JLA.

A lot is known about the operation of the Yugoslav security-intelligence system in this period, and we can thus say that it was organized in accordance with the Soviet principles⁷¹⁵ and that its nature was reinforced by the sensitive security situation and political instability that were the result of World War II. However, before the operations were even concluded – in some cases, the pursuit aimed against members of the armed groups that opposed the regime lasted until the early 1950s, while some state borders were questionable even after that – the services received a new blow, i.e. the Cominform Resolution of June 1948. The Yugoslav internal and foreign policies, which had exhibited some notably Eastern tendencies, was now facing a conflict with former friends and mentors, resulting in an even greater need for decisive action on the part of the security and intelligence service, who could no longer only focus on operations against Western adversaries, hostile and extremist emigrant organizations and remnants of the internal bourgeois opposition, but was forced to find enemies even amongst its own circles. After the years immediately following the Cominform Resolution, during which the Yugoslav government tried to be holier than the Pope by rapidly adopting the Soviet patterns, intense contacts with the previously hated West that now allowed the regime to survive resulted in a slight liberalization and in attempts to find a unique way into socialism. Nevertheless, this was the period during which UDV was rapidly becoming increasingly powerful and important, and its virtually absolute jurisdiction⁷¹⁶ and the fact that the top brass needed the service to be as efficient as possible resulted in increasingly serious cases of power abuse. In this period, the number of political prisoners was at its highest, and UDV, still structured according to military principles, was certainly present in the public consciousness.⁷¹⁷ When mentioning repression, the collective memory usually comes up with the worst examples of abuse, which characterized the initial years of the second Yugoslav state and had a significant impact on the

715 This, however, is disputed by General Marijan F. Krajnc (his last function before retirement was Head of the Security Department of Army Area 9), who claims that the Soviet influence was direct only up to the Cominform split, with echoes remaining detectable until General Mišković stepped down as Head of the Military Counterintelligence Service (1971), and that the intelligence methods used (though Krajnc is discussing counter-intelligence) mostly followed the British, German and Czech examples. See: Kranjc, *Bistveni ugovori*, pp. 162–163.

716 In principle, UDV was obliged to cooperate with the State Prosecutor's Office; in almost every case, however, the entire procedure, from detection to detention and administrative sentencing, was carried out by the service itself. – *Uputstva za izsledni rad UDB*, June 1947. *Viri*, 2003, No. 21, pp. 31–55.

717 Transformed into a civilian structure in 1952. For details see: Pavle Čelik: *Varovanje ustavnega reda in milica* [Protection of the Constitutional Order and the Militia]. *Viri*, 2003, No. 22, p. 25.

lives of all people in Yugoslavia. According to Milko Mikola, such processes are a fundamental characteristic of any communist totalitarian system that carries out repressive activities against its citizens. Although he said that Yugoslavia did not differ much from other “real socialist” countries in this respect, Mikola also noted that the level of repression varied from one period to another. The period when state repression was at its worst can thus be placed between the end of World War II and 1952, a time mainly characterized by mass extrajudicial killings, forced forfeitures of property, show trials, forced labour sentences and deportations of people from their places of residence.⁷¹⁸ Despite the general mood of optimism that accompanied the creation of the new socialist system and despite the desire to surpass the set goals that pervade the official texts from that period, the general climate could also be described by using a Romanian aphorism from the time of the Ceaușescu regime: “*If you live in Romania, don’t think, if you think, don’t speak, if you speak, don’t write, if you write, don’t sign anything, and if you sign anything, don’t be surprised.*”⁷¹⁹ Such political dissent mentality was apparently unable to grow roots in Slovenia as we can see the system softening and the level of self-censorship decreasing at certain stages of development, only for things to become more rigid again as the national government occasionally prosecutes and sentences certain intellectuals to make an example of them and clearly mark the limits of its tolerance.

Although the security and intelligence service was, alongside the military, one of the most independent and centralized bodies in the country, beginning with the 1950s when Yugoslavia started a process of decentralization or at least claimed to be doing so, it operated at the level of the entities that made up the federation, but the operation was still exclusively controlled by the federal centre.⁷²⁰ Formally, the service was part of the national Internal Affairs Secretariats as their Administration I (state security); the Administration II was in charge of public security, the Administration III controlled the People’s Militia, and the Administration IV handled general matters.⁷²¹ The operation of UDV remained unchanged at both the federal and the national level throughout the 1950s and early 1960s, with the service monitoring potential and actual enemies of the system, and the power of its intertwined apparatus started to become a noticeable and significant factor in the divided Yugoslav leadership of the time. The 1960s brought the question of the

718 Milko Mikola: Nekateré oblike represije komunističnega režima v Sloveniji v letih od 1945 do 1952 [Certain Forms of Communist Regime Repression in Slovenia between 1945 and 1952]. *Zgodovina v šoli*, 2010, No. 3–4, p. 5.

719 Če nisi mrtev, ni rečeno da si živ [Not Being Dead Does Not Necessarily Mean Being Alive]. *Telex*, 28 February 1989, p. 24.

720 Dornik Šubelj, Varnostno-obveščevalna služba, p. 142–.

721 Ljuba Dornik Šubelj: Navodila varnostnim organom [Instructions to the Security Bodies]. *Viri*, 2003, No. 21, p. 15.

future direction for the development of the Yugoslav system as the camp influenced by Party theorist Edvard Kardelj supported a rapid decentralization and the resulting reduction of the powers of the federal government, with the technocrats sitting in national governments usually desiring a further liberalization of the system, while the conservative camp was centred around Aleksandar Ranković who had been in control of internal affairs since World War II and was, at the time, considered the most likely successor to the Yugoslav leader Tito.

The increasingly numerous disagreements, which indicated that the fight for control over Yugoslavia after the death of President Josip Broz Tito, who was by then starting to show his age, would not be brief, led to Plenum IV of the Central Committee of the League of Communists of Yugoslavia in Brijuni in 1966, also called the Brijuni Plenum, which blew away the centrist camp and eliminated Ranković from the Yugoslav political sphere. Even today, the background of the Plenum remains unclear as allegations against Ranković were not based on any political errors but rather focused on misuses of the security and intelligence service for factional purposes, particularly after the listening devices were discovered in Tito's residence.⁷²² The allegations that focused on the top levels of UDV thus broke up the conservative camp within the Party and greatly reduced the power UDV had in Yugoslavia. The helm of the Federal Internal Affairs Secretariat was taken over by Milan Mišković (who had good relations with the military intelligence service),⁷²³ which had played its cards at the Brijuni Plenum well, proving its allegiance to the regime and thus receiving increased jurisdiction in the context of the operation of the system. The criticism of UDV's work was not hidden from the public, and various public forums began discussing the extent of misuses and questioning the ubiquity of the service⁷²⁴ which then underwent a mass human resources purge and complete reorganization in December of

722 There are many theories regarding the true reason for the elimination of Ranković and his associates, since certain centralist tendencies were supported even by Tito (at least until 1962). According to Milan Piljak, Ranković was probably sacrificed in order to bring unity to the top echelons of the Yugoslav Party, which was quite conceptually heterogeneous at the time. Ranković's weakened position is also reflected by the fact that he lost some of his functions in the federal administration, i.e. he lost most of his influence in bodies connected to internal affairs from 1962 to 1966. – Milan Piljak: Brionski plenum 1966. godine. Pokušaj istoriografskog tumačenja događaja. *Tokovi istorije*, 2010, No. 1, pp. 83 and 89.

723 Milan Mišković, the then Federal Secretary of Internal Affairs, who took his position in 1965, was the brother of Ivan Mišković who headed the military intelligence service from 1963 to 1971.

724 The UDV supposedly kept files on over 1,300,000 Croatian citizens and had records of 200,000 potential enemies of the state in Serbia. For details, see: Jerca Vodušek Starič: Brionski plenum leta 1966 – ocene in njegov vpliv [The 1966 Brioni Plenum – Evaluations and Its Influence]. In: *Slovenija – Jugoslavija, krize in reforme 1968/1988* [Slovenia – Yugoslavia, Crises and Reforms 1968/1988]. Ljubljana, 2010, pp. 67–88. On the other hand, the published list of files the Slovenian SDV kept on individuals under surveillance indicates that the service was watching over 17,275 persons, with the last entry being the known Slovenian entrepreneur Ivo Boscarol: Evidenca dosjejev nadzorovanih oseb. Available at: http://www.arhiv.gov.si/si/uponaba_arhivskega_gradiva/sluzba_drzavne_varnosti/evidenca_dosjejev_nadzorovanih_oseb/.

the same year. The service changed its name to State Security Service (SDV; Serbian: Služba državne bezbednosti (SDB)), and its internal division was supposed to mainly focus on the collection of data and reports that would serve the agency in discovering covert activities aimed at destroying or undermining the constitutional order, rather than on the prosecution of such activities.⁷²⁵ The SDV lost both the authority to carry out criminal proceedings as well as its the monopoly over the Prison Service.⁷²⁶ Border control and border services also came under the jurisdiction of individual republics.⁷²⁷ The number of SDV employees was significantly reduced,⁷²⁸ falling below 200 in the Slovenian territory,⁷²⁹ and numerous responsibilities were transferred from the state security to the public security sector.⁷³⁰ From that moment onwards, SDV was fully federalized, and although there a federal SDV still operated in Belgrade, its jurisdiction was further reduced and transferred to state and regional services; the intelligence service of the Foreign Affairs Secretariat became more independent as well. Nevertheless, the mentality of SDV did not change extensively as the domination of traditional thought patterns and priority assessments were present all the way up to the break-up of Yugoslavia. The main concern of the service were hostile emigrant groups, though the Cominform-related issues received a lot of attention too. This trend was further enhanced by events in the late 1970s and 1980s as various extremist formations from outside Yugoslavia attempted to carry out terrorist attacks, even in the Yugoslav territory – in 1972, SDV prevented an incursion of an armed formation composed of Croatian emigrants. Soviet operations in Czechoslovakia were another source of concern, as was the wave of student protests that started

725 Obavezna instrukcija o medjusobnoj saradnji službe javne i državne bezbednosti, 22 April 1967. *Viri*, 2003, No. 22, pp. 147–148.

726 Vodušek Starič, Brionski plenum leta 1966, p. 84.

727 Informacija o prenosu pristojnosti za organizacijo in izvajanje nekaterih opravil službe DV na službo JV RSNZ SR Slovenije, 20 June 1967. *Viri*, 2003, No. 21, pp. 149–150.

728 The late 1960s reports on the activities of the Ljubljana surveillance team (which is not the same as the operatives' team) show interesting facts indicating that the two shifts of the team involved 20 people who performed slightly more than 1200 hours of surveillance work within two months and did so by using outdated equipment. The team's assignments were as follows: "To follow, to obtain and maintain connections at hotels and the post service (PTT), to recruit sources of general information in the field, to verify and carry out checks for own needs and the needs of operative employees, to recruit informants or observers, to carry out secret investigations etc." In 11 months of 1968, the team followed 579 "subjects" as part of 900 cases by using a fleet of five vehicles. In addition to their own work, members of the surveillance team could also rely on the help of informants/collaborators: "The dossier of address-specific sources lists 3,600 citizens (in the area of Ljubljana), however, these are not sources in the traditional sense of the word but rather helpful people willing to provide information on other people and not demanding a mutual relationship." – SI AS 1931, G-10-2, Organizacija – sistemizacija SDV 1970. Available at: http://www.arhiv.gov.si/fileadmin/arhiv.gov.si/pageuploads/SDV_2014/Organizacija_in_sistemizacija_SDV/SI_AS_1931_G-10-2_Organizacija_-_sistemizacija_SDV_1970.pdf.

729 According to the document cited above, the Slovene SDV had 278 posts in the early 1970s, 204 of which were actually staffed.

730 Dornik Šubelj, Navodila varnostnim organom, p. 21.

in the same year and, towards the end of the year, mutated into general protests against the existing constitutional arrangement in Kosovo, while the early 1970s were marked by an ousting of liberal politicians from the national governments in Croatia, Serbia and Slovenia.⁷³¹ This was the form that SDV, with minor modifications, retained until the break-up of the country; as the complex Yugoslav system evolved, the service was also involved with the general system of social self-protection and thus, in 1979, extended its structures to municipalities.

JUDICIARY - POLITICAL TRIALS AND CRIMINAL LAW

The judiciary is another extremely important part of state repression, particularly so for the socialist countries where the communist ideology dictated that the actual power be in the hands of the Party as the vanguard and representative of the working people. However, such tendencies could be quite problematic and were extremely rare in the Slovenian part of the judiciary,⁷³² if we are to believe the following statement given by Miloš Minić upon the adoption of the Court System Act in 1945: *“If jurist judges served as permanent judges, formal justice would be allowed to prevail. Substantive justice must be dispensed by people who will know how to nurture the achievements of the national liberation struggle (NOB). Members of the NOB are better able to appreciate the political sense and meaning of the new laws than jurists who interpret legislation by the letter.”*⁷³³ Single-mindedness was considered to be the most important feature of the Party, and such ideas applied to the government as well. Even formally, the judiciary system was initially not an independent third branch of the government, being instead susceptible to direct interventions by executive authorities, even the local ones, and to proceedings often conducted by UDV. That the role of the judiciary branch, together with the rest of the repressive apparatus, was much more repressive than today, was particularly evident from the end of World War II to 1953, when the adoption of constitutional legislation and societal shifts resulted in the position of the judiciary branch becoming at least formally similar to the position it holds today. The courts used to be controlled by local authorities, which resulted in frequent misuse assisted by the broadness of legislation, particularly regarding political

731 This is attested by the contents of the Information Bulletin of SDV (Informativni bilten SDV) from the early 1970s that also discussed dissidents among the intelligentsia. – SI AS 1931, MFZ A-21-26, Informativni bilten SDV za leto 1972. Available at: http://www.arhiv.gov.si/fileadmin/arhiv.gov.si/pageuploads/SDV_2014/Informativni_bilteni_SDV/SI_AS_1931_MFZ_A-21-26_INFORMATIVNI_BILTENI_SDV_-_1972.pdf.

732 Among 144 permanent judges in Slovenia in 1951, 20 had no legal education. – Režek, *Med resničnostjo in iluzijo*, p. 13.

733 Miroslav Perišić: *Diplomatija i kultura*. Belgrade, 2013, p. 14.

offences. After 1953, the situation improved considerably, and the situation in Slovenia was characterized by a significant decrease in the number of political trials, dropping from approximately 1000 between 1947 and 1950 to 207 in 1952, 91 in 1953 and less than 50 in the following years.⁷³⁴ The sovereignty of republics received another boost with the establishment of national constitutional courts pursuant to the Federal Constitution of 1963. Until then, Yugoslavia did not have a constitutional court, and the protection of legality was the province of socio-political communities. This meant that the highest segment of the judicial system, the constitutional judiciary, came under national jurisdiction, which was extremely important for the sovereignty of the republics as the national constitutions reflected the federal constitution, thus allowing the Slovenian constitutional court to decide in all matters related to national legislation and even in some matters connected to federal laws. Another important branch of the judiciary system eventually came under national jurisdiction, though this happened quite late. It was only the constitutional amendments of 1974 that allowed individual republics to take over the public prosecution service (law from 1977, in effect from 1979). Although the public prosecution had been organized on the territorial bases and received guidelines from national governments, it remained a body of the federal government, which operated in accordance with the instructions of the federal and national assemblies.⁷³⁵ The judiciary system was thus the first apparatus to be fully put under national jurisdiction, with the exception of one segment that remained under federal jurisdiction – the military judiciary system; this, however, did not become politically problematic until 1988, when the issue inflamed the Slovenian public opinion at the time of the JBTZ trial. The fact that both the public prosecution service and the rest of the judiciary system operated in accordance with the tendencies favoured by the current government⁷³⁶ is also apparent from articles published by Belgrade-based newspapers. In 1987, a journalist of the Belgrade-based *Duga*, upon being prompted by “one of our readers”, pointed to a number of “typically Slovenian situations” (alternative movements, flyers protesting against a referendum, summaries of articles published by *Mladina*, and the debate regarding the alternative service of military recruits) and tried to show the reactions of the

734 Režek, *Med resničnostjo in iluzijo*, p. 73.

735 Žarko Bizjak: *Pravosodje v letih 1945–1991* [Justice Administration between 1945 and 1991]. In: *Pravo–zgodovina–arhivi: I. prispevki za zgodovino pravosodja* [Law – History – Archives: I. Contributions to the History of Justice Administration]. Ljubljana, 2000, pp. 290–293.

736 “In the first few years after the war, much less attention was paid to conventional crime, although legal uncertainties led public prosecutors to try to ascribe political weight to even the most banal of offences.” – Mateja Režek: *Neodvisnost sodstva na preizkušnji. Pravosodje in sistem politične kazenske represije v Jugoslaviji (1948–1959)* [Independence of the Judiciary Put to the Test. Justice Administration and the System of Political Criminal Repression in Yugoslavia (1948–1959)]. *Zgodovina za vse*, 2002, No. 1, p. 83. As quoted by Studen, *Rabljev zamah*, p. 118.

Slovenian public opinion and what would have happened if a similar situation occurred in any of the other seven Yugoslavian territories. *“As appealing as the assignment is, it is also extremely sensitive. Not because of any lack of information, but because such comparisons could stir up a political storm. This was anticipated by our reader as well, answering his own question about what would have happened if youths were distributing provocative leaflets against the ecological voluntary tax in any other territory as follows: ‘They would probably be prosecuted’”*.⁷³⁷

⁷³⁷ Slavoljub Đukić: Šta žele Slovenci. *Duga*, 7–20 February 1987, p. 8.