

## LEGAL TRIALS IN YUGOSLAVIA, PARTICULARLY IN SLOVENIA, IN THE AFTERMATH OF THE SECOND WORLD WAR<sup>1</sup>

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### Introduction

Is it possible, at the present moment, to reconstruct historiographically the picture of legal trials in Yugoslavia at the end of the WWII and in the following years? Can the same be done for the federal Slovenia? The answer can be but relative, depending upon the complexity of the approach.

The general atmosphere of the period is well known, and therefore one can well imagine the topics of the trials. On the other hand, it should be emphasized that a more thorough and detailed historiographic research regarding concrete legal trials has not (so far) been carried out in the then federal units of Yugoslavia. Consequently, it is neither possible to convey adequate and complete data nor definite findings for the whole Yugoslavia.

Different trials were by all means an important component of the social atmosphere; therefore their results and consequences contribute essentially to the understanding of the period. In the recent years a number of treatises emerged, written by historians and lawyers, who performed mainly republic or even narrower - administrative-territorial and conceptually limited yet mutually unrelated research works in different parts of the former Yugoslavia. Their findings were practically very similar. On the basis of these recent findings as well as the formerly obtained research results, originating primarily from the classical pioneer work in this field, performed by recently deceased Branko Petranović in his books, it is nevertheless possible to present a framework picture of legal procedure in Yugoslavia at the end of the WWII and afterwards.

The present paper is only a superficial survey of the legal proceedings in Yugoslavia between 1944 and 1948, which had public causes and consequences as well as a decisive influence upon the essential changes of political and economical relations within the state. Special attention is dedicated to the case of Slovenia, where up to now this kind of expert research was relatively most complete.

The entire topics of the trials can be classified into three basic groups. The first group comprises legal proceedings against domestic collaborationists of foreign occu-

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piers and some foreign war criminals. In the second group there are the trials which were aimed at the elimination of any political opposition to the ruling Communist party of Yugoslavia. In the third group, however, I am enlisting all the legal proceedings that were meant by the state to pave the way for a quick transition into a new political and economical system, based upon the state ownership of the majority of means of production.

The accusation elements in the case of the second and third groups of individuals were, as a rule, strongly intertwined. To a lesser degree, this also applies to the first of the aforementioned groups. There is at least one additional significant characteristic dividing the first group of cases from the second and the third. The purpose of these trials was a radical cut with the past. Moreover, the purpose of the trials against these opposed to the new political system, and against those whose property was to become the material basis of the state ownership, was focused on the future of the new Yugoslav state.

#### *Legal proceedings against war criminals and "domestic traitors"*

The term "domestic traitor" was probably the most frequent common designation for all those members of the Yugoslav nations, who, after the 1941 occupation, in one way or another and sooner or later, cooperated with the foreign occupier, served him and fought, with or without arms, against the National Liberation Army of Yugoslavia and the partisan brigades, which were throughout the war led by the Communist Party of Yugoslavia.

Trials for crimes committed during the Second World War were in Yugoslavia mainly held against this category of the accused, whereas the number of trials against non-Yugoslav citizens was relatively very small. The Yugoslav revolutionary authorities, however, claimed, even during the war, from the great Allies the extradition of individual German Nazi and Italian Fascist war criminals who had committed crimes on the Yugoslav territory. This demand was in conformity with the allied proclamations from the very beginning of the world conflict with the fascist side. It was at the well-known Moscow conference in October 1943 that Roosevelt, Churchill and Stalin signed the "Declaration on German atrocities", specifying that German officers, soldiers and members of the Nazi party, responsible for crimes committed in the occupied European countries, would be extradited at the end of the war to the countries of their crimes so that they could be "tried and sentenced according to the laws of the liberated states and their free governments".<sup>2</sup> Among the twelve listed countries, Yugoslavia is ranked the fourth.

However, due to the decision of the Allies to judge the main culprits for the WWII and its atrocities separately on a common international law-court, especially established for this occasion, in Yugoslavia only some major criminals were submitted to

<sup>2</sup> Deklaracija o nemačkim zverstvima (Declaration on German atrocities), S. Nežović, B. Petranović, Jugoslavija i Ujedinjeni narodi u drugom svetskom ratu, Narodna knjiga i Arhiv Jugoslavije, Beograd, 1985, pp.152-153

legal proceedings, their deeds having been fatal for the Yugoslav nations mostly. As well known, the main culprits were tried by the International Military Tribunal in Nuernberg (November 1945 to October 1946), and in Tokyo (May 1946 to November 1948) where the Japanese imperialist occupiers were tried by the Military Tribunal for the Far East.

The basis for the subsequent trials of domestic traitors and foreign criminals was established, during the war-time, by the newly emerging Yugoslav state at Jajce (Bosnia and Herzegovina) at the Second Conference of the Anti-fascist Council for the National Liberation of Yugoslavia in November 1943, which was the most important political event in the country during the war. It was then that the National Committee of the Yugoslav Liberation as the highest executive body of authority in the newly emerging state adopted, among other fatal decisions, the decree on the founding of the State Commission for the Detection of Crimes Committed by the Occupiers and their Collaborators.<sup>3</sup>

As a consequence, corresponding commissions were formed in Yugoslav provinces and districts; the commission for Slovenia was established at the conference of the highest body of authority of the Slovene nation in Črnomelj (February 1944). Slovene history (and post-war legal science), however, records, even before the founding of the commission, "the Kočevje trials", held in October 1943, as "probably the first legal proceedings in the occupied Europe". A group of domestic war criminals were pronounced guilty and sentenced at the public process after the investigation procedure had been completed.<sup>4</sup>

Practically since the beginning of the war, partisan courts in all Yugoslav provinces had been functioning according internally adopted regulations. In Slovenia alone there were in the years 1941-1945 about 50 major legal documents (decrees, regulations, instructions, circular letters) in force.<sup>5</sup>

As early as at the end of 1942, the Supreme Headquarters tried to unify partisan courts throughout the entire Yugoslav territory by issuing the Regulation on the organization of military courts. Regarding the beginning of systematic collecting and processing of the documentation on war crimes, the decisive turning point was the founding of the aforementioned commissions since 1943 onwards. After having completed an extensive and productive job, the institution was in 1948 dissolved.

The tasks of the commissions for the detection of crimes committed by occupiers and their collaborators were derived from their very title. They included classification of war crimes according to the then international standards, data and different documentation collecting, ascertaining of facts and damages, supplying statistics on crimes and criminals, and propagating the work of commissions amongst masses. These tasks were in all Yugoslav provinces related to the period after April 6 1941, except on the

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<sup>3</sup> Compare *ibid.*, pp. 154-155

<sup>4</sup> F. Košir (belonging to the group of the occupier's collaborators), *Pravnik*, Ljubljana, 1964, pp. 399-403.

<sup>5</sup> Compare T. Tominšek, *Kronološki pregled važnejših predpisov o vojaškem sodstvu in javnem tožilstvu iz dobe narodnoosvobodilne borbe v Sloveniji* (Chronological survey of major regulations on martial courts and public prosecution from the period of the national liberation war in Slovenia), *ibid.*, pp. 429-434.

Slovene ethnic territory of Carinthia and the Littoral, i.e. the part of the territory, which was to be allotted to Slovenia and Yugoslavia after the war, in the case of which the period included in the Commission's work reached back to 1918.<sup>6</sup>

The State Commission published the results of its work in the years 1944-1946 in 93 reports and later in four books.<sup>7</sup>

Apart from these books, there was a special publication dealing with the crimes of the Italian fascism in the Province of Ljubljana. "The book provides evidence on inhuman treatment of the civilian population by the Italian occupational authorities in the Slovene territory, forcefully annexed, on May 3 1941, to the Kingdom of Italy, under the name Province of Ljubljana. We are publishing these facts with the purpose of informing the public that the occupier's procedures were in striking contrast with all inter-statal regulations, that they were contrary to all laws of humaneness, and that the Italians pursued but one goal - to exterminate as many Slovene people as possible and to italianize the occupied territory.

Mass deportations of Slovenes were but one kind of the crimes deliberately committed by the occupier in order to achieve his criminal goals on the Slovene soil. These deportations were executed in the most barbarian way possible and in circumstances that were most dangerous for the health and lives of deportees."<sup>8</sup>

Another work of the Commission is a book on crimes committed by Austrians in Yugoslavia. The introduction states: "From the total number of 4433 detected German war crimes, the State Commission ascertained that 2062 were committed by Austrians. The number is far from being complete, the investigation still being open."<sup>9</sup>

As a special publication, a book of documents (735 pages) was issued dealing with the crimes of the Chetnik leader Draža Mihajlović. "The document proves: 1) that he never even thinks of fighting against the occupier, let alone appeals for or organizes such fighting; 2) that, on the contrary, himself and his organization not only exclude any cooperation with the only active fighters against occupiers, i. e. partisans and the National Liberation Army, but organize and perform, together with occupiers and their collaborators, attacks against the liberated territory and the National Liberation Army; 3) that they organize, with this aim, military units and civil authorities which are under direct or indirect command of the occupier; 4) that he himself and his organization cooperate with all other traitors, Nedić, Pavelić, Ljotić, Rupnik, etc.; 5) that Draža Mihajlović and his Chetniks are a tool in the hands of the occupier in the fight against the National Liberation Uprising, and that they are but one amongst the treacherous

<sup>6</sup> The archives of the Institute for Recent History, funds of the Commission for the detection of crimes committed by occupiers and their collaborators, fasc. 451/V, the letter by the Commission at the Presidency of the SNLC for the detection... to the Presidency of the SNLC dating from April 17, 1945.

<sup>7</sup> Compare e.g. *Leksikon narodnooslobodilačkog rata i revolucije u Jugoslaviji 1941-1945* (Lexicon of the National Liberation War and Revolution in Yugoslavia (1941-1945), Belgrade, 1980, p. 283.

<sup>8</sup> *Zločini italijanskoga okupatora v "Ljubljanski pokrajini"* (Crimes committed by the Italian occupier in the Province of Ljubljana), Internacije I, Ljubljana, 1946.

<sup>9</sup> The State Commission for the detection of crimes committed by occupiers and their collaborators; Report on crimes committed by Austria and Austrians against Yugoslavia and its nations, Belgrade, 1947.

quisling gangs originating from the pro-fascist reaction, hiding under the cover of the fascist conquerors and enslavers of our country and our nations."<sup>10</sup>

About 200 pages of compromising materials on domestic and foreign war criminals were submitted by the State Commission to the International Tribunal in Nuremberg (Report of the Yugoslav state commission for the detection of crimes committed by occupiers to the International Military Tribunal in Nuremberg, Belgrade 1947).

The number of war criminals that were tried in Yugoslavia on the basis of documentary evidence collected by this institution, has so far not been thoroughly researched and ascertained. In Slovenia alone, about 25.000 war criminal files were prepared by the commission. The state commission was responsible for the issuing of decrees on the detected war crimes. These documents had the validity of the official legal acts. The Yugoslav government demanded extradition of 3764 war criminals, who, mainly after the end of the war, fled Yugoslavia.<sup>11</sup> According to other data, the Yugoslav government demanded the extradition of 1862 persons, after having registered the total number of 7812 Yugoslav citizens as war criminals with the UN Commission for War Crimes. Only 42 were extradited. The success of these demands of the Yugoslav state was low, mainly on the account of the fact that the USA and Great Britain claimed that most of the cases were cases of political differentiation rather than war crimes.<sup>12</sup>

Even the Kingdom of Yugoslavia had ratified the list of 32 different kinds of war crimes, determined as such by the international conventions.<sup>13</sup> On the basis of this classification the following table, showing the number of occupation casualties in Slovenia in 1941-1945 was prepared by the Slovene Commission after the end of the war:<sup>14</sup>

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<sup>10</sup> The State commission for the detection of crimes committed by occupiers and their collaborators; Documents on the treachery of Draža Mihajlovič, Belgrade, 1945.

<sup>11</sup> Compare Enciklopedija Slovenije (Encyclopaedia of Slovenia), 5, Ljubljana, 1992, p.213.

<sup>12</sup> Compare e.g. N.Kisić-Kolanović, Vrijeme političke represije: "Veliki sudski procesi u Hrvatskoj" 1945-1948 (The time of political oppression: the major trials in Croatia 1945-1948), Časopis za suvremenu povijest 1, Institut za suvremenu povijest, Zagreb, 1993, pp. 2-3.

<sup>13</sup> The archives of the Institute for Recent History, funds of the Commission for the detection of crimes committed by..., fasc. 923/4.

<sup>14</sup> Archives of the IRH, f. of the Commission for the detection... fasc.899/I: Statistical data on casualties in the time of occupation 1941-1945 in Slovenia.

Bombardment	1.123
Murders	14.425
Died in concentration camps	6.808
Physical injuries	22.559
Rapes	205
Imprisonment	26.575
Internment	27.358
Forced labour	35.808
Forced deportations	55.910
Forced mobilization	42.235
Killed in battle, missing and burnt	28.091

All these victims were presented as a consequence of war crimes, which is why foreign and domestic war criminals were tried in Slovenia and Yugoslavia on the basis of the documentation of the aforementioned commissions as well as other materials of evidence. There were two kinds of trials: legal (at martial and civil courts and at specifically established courts of national honour) and illegal (executions without trials). Illegitimate sentences and executions for the maybe actually performed or just attributed crimes were highly frequent immediately after the war in Yugoslavia and especially on the Slovene ethnic territory, particularly during the retreat and flight of the defeated domestic opposing military forces towards the West, whereby the number of completely innocent civilian victims was great. The numbers of people involved may exceed tens of thousands, perhaps even a few hundreds of thousands; the research results differ substantially, moreover, there are no generally acceptable scientific ascertainings in this regard.

Our topic, however, are only the legitimate trials carried out towards the end of the WWII and immediately afterwards. Most of the trials have not been historiographically investigated yet and a great part of them still waits to be adequately studied. Above all, it will be necessary to research the republic courts of the postwar Yugoslavia and study all the preserved cases, as well as describe, analyze and classify them. It will also be necessary to deal with those "minor" trials that have so far not been given any research attention. These are the most numerous. Therefore it is at the moment not yet possible to provide a more detailed picture of the topics.<sup>15</sup>

Wider attention was, of course, always dedicated to major trials, i.e. those concerning groups of criminals or more notorious individuals. In Yugoslavia and Slovenia

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<sup>15</sup> It is also impossible to deal with other important legal issues regarding the origin, development, structure and other aspects of all the three kinds of courts (martial, civil and courts of national honour). All the three were practically created in war conditions. They were to judge and they did so in all parts of Yugoslavia on the basis of new legal regulations. Their basic orientation was double: anti-occupational and anti-fascist on the one, and communist on the other hand. However, all this is generally known and dealt with by the extensive scientific literature, so for the then Yugoslavia as a whole or for its singular republics, formed as such for the first time after the WWII.

there were in the years 1945 to 1948 a number of rather important military trials which were given considerable informative and propaganda publicity in the press, on the radio, at public meetings on liberated territories even during the war as well as after the complete liberation in May 1945. The following pages provide a chronological survey of major cases and trials, first in the territory of Yugoslavia without Slovenia and then in Slovenia itself.

## I. The territory of Yugoslavia

1) Major trials first began in Croatia. In June 1945 a group of ten high officials of the defeated Hitler's ally - the Independent State of Croatia (NDH) - were tried at the military court in Zagreb. They were among the refugees who, at the end of the war, had fled from Zagreb to Austria, whence they were extradited, by the English occupational headquarters, to the Yugoslav authorities. The first defendant was the Minister of education and theology in the government of the NDH, the Ustaša ideologist and writer Mile Budak, while the other defendants were: the prime Minister of the NDH Nikola Mandić and the government ministers Nikola Steinfel, Julije Makanec, Pavao Canki, the Home Guard general Lavoslav Milić, the Ustaša colonel Joso Rukovina, the Ustaša commander Ademaga Mešić, the president of the movable martial law Ivo Vignjević and the governor of Dalmatia Bruno Nardeli. They were accused of war crimes and high treason. The accusation was based on the Regulation on Martial Courts from 1944. Only Mešić, Milić and Nardeli were sentenced to long imprisonment, whereas all the others were sentenced to death, the loss of civil rights and the confiscation of their entire property.<sup>16</sup>

2) A group of 33 Ustaša generals and high NDH officials who were captured at the state border, fleeing to Austria immediately after the end of the war, by the Yugoslav army, were tried in front of the Supreme Court of the Democratic Federative Yugoslavia in Belgrade in October 1945. The demand of the defence to treat them as war prisoners (less severely) was rejected by the Court. 17 defendants were sentenced to death and 16 to long imprisonment.<sup>17</sup>

3) The first of the three best known legal trials in Yugoslavia (Mihailović, Rupnik, Stepinac) took place in Belgrade in 1946. The first defendant was the Chetnik leader Draža Mihailović, who had not left the country after the war. With the intention of striking against the new state he was hiding with the remains of his loyal troops in the mountainous and remote forest parts of Bosnia, where he was captured by the Yugoslav army in March 1946. Draža Mihailović and his 23 collaborators were tried from June to July 15 on the basis of substantial accusation materials. The president of the State Commission for the detection of crimes committed by occupiers and their collaborators, D. Nedelković, exposed the guilt of Mihailović in the following items:

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<sup>16</sup> Compare also N. Kisić-Kolanović, *ibid.* pp. 9-10

<sup>17</sup> N. Kisić-Kolanović, *ibid.* p. 9.

1) that he never even thought of fighting against the occupier, let alone appealed for or organized such a fighting; 2) that, on the contrary, he and his organization not only excluded any cooperation with the only active fighters against occupiers, i.e. partisans and the National Liberation Army, but prepared and performed, together with occupiers and their collaborators, attacks against the liberated territory and the National Liberation Army; 3) that they organized, with this aim, military units and civil authorities which would be directly or indirectly commanded by the occupier; 4) that he himself and his organization cooperated with all other traitors, Nedić, Pavelić, Ljotić, Rupnik, etc.; 5) that Draža Mihailović and his Chetniks were a tool in the hands of the occupier in the fight against the National Liberation Uprising, and that they were but one amongst the treacherous quisling gangs originating from the pro-fascist reaction, hiding under the cover of the fascist conquerors and enslavers of our country and our nation. Draža Mihailović was sentenced to death and shot on July 17.<sup>18</sup>

4) The second major trial took place in Croatia in September 1946. The accused were a group of 14 members, beginning with Erik Lisak, the head of the public order and security service within the Ministry of the Interior of the NDH. Amongst the accused there were several catholic priests and the secretary to the archbishop Alojzije Stepinac. Apart from the crimes committed during the wartime, Lisak was accused of having organized terrorist actions against the new Yugoslav state immediately after the war, and sentenced to death. Priest Josip Šimečki and Stepinac's secretary Ivan Šalić were sentenced to 14 and 12 years of prison respectively, mainly due to the alleged help to the postwar "bandit groups", the so called crusaders.<sup>19</sup>

5) The trial against Lisak and the priests, together with the strong publicity propaganda against the catholic church arising from all this, served as a pretext to the public attorney of Croatia Jakov Blažević for the extension of the bill of indictment against the highest representative of the Catholic hierarchy in Croatia, archbishop Alojzije Stepinac. The trial against Stepinac lasted from September 13 to October 11 1946, and has to a large degree been dealt with by historiographic literature.<sup>20</sup> Stepinac was accused of criminal acts of political collaboration with the enemy during the occupation, of forceful catholicizing of members of another religion, and, after the war, of helping armed terrorist groups to infiltrate into the Yugoslav territory with the purpose of destroying the new political system. Irrespective of the credibility of the documents of evidence and the legal trial itself, Stepinac had to be found guilty in the given political context. He was sentenced to 16 years of imprisonment.

The evaluation of the legal trial against Stepinac, as well as the general historic evaluation of his activities during and after the war, in the historiographic literature of later decades and particularly in the recent years, depends largely upon the nationality of the author. Croatian authors do not trace any real guilt in his deeds, while the Serbi-

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<sup>18</sup> Compare note number 9.

<sup>19</sup> N. Kisić-Kolanović, *ibid.*, pp. 10-12

<sup>20</sup> Compare also N. Kisić-Kolanović, *ibid.*, pp. 12-16. The author hereby provides also some of the more recent literature on Stepinac.



an ones, on the contrary, vary between regarding him as a "proustaša", "moderate ustaša" or even a criminal.<sup>21</sup>

6) The Yugoslav authorities did not succeed in having Ante Pavelić, the Ustaša commander and the first man of the NDH, extradited (he died in Argentina in 1959), but they proceeded with trials against his ministers and other responsible holders and executives of civil and military ustaša authority. In May 1947 there was a trial against Slavko Kvaternik, the minister of Croatian home guard and commander of the armed forces of the NDH between 1941 and 1943, and against a group of high politicians of the NDH, accused of having committed war crimes: Muhamed Slejbežević, minister of the foreign affairs, Osman Kulenović, vice-president of the NDH government, Miroslav Navratil, defence minister and Ivan Perčević, president of the commander's military office. Within the same group was Siegfried Kasche, the authorized representative of Hitler's Germany in the NDH, also accused of war crimes. All the defendants were sentenced to death.<sup>22</sup>

7) Another well-known German Nazi was tried in Yugoslavia in 1947. This was general Alexander von Loehr, tried in Belgrade in February. Loehr had been in charge of the bombing of Belgrade in April 1941 as well as of many other military operations in the Balkans; he was sentenced to capital punishment and executed.<sup>23</sup>

8) In the summer 1948 in Zagreb there was a trial against a high ustaša official Božidar Kavran and a group of 54 defendants, among them the notorious ustaša war criminal Ljubo Miloš. Kavran, Miloš and 43 others were sentenced to death, others to 15 to 20 years of prison.<sup>24</sup>

9) As early as in 1947 a major process took place in Macedonia. It was later characterized in Yugoslav historiographic literature as a political process against VMRO leaders.<sup>25</sup> The problems there differed essentially from those in the other republics. During the war a number of Macedonian nationalist movements strived for the annexation of the so called Vardar Macedonia to Bulgaria. As early as 1946 Dimitar Guzelev and Jordan and Dimitar Čatrov were sentenced to death, while 74 people under the leadership of Angel Dimov were imprisoned.<sup>26</sup> Similar was the guilt ascribed to the 1947 discovered "hostile" organization "Ilinden Democratic Front", which resulted in a series of political trials all over Macedonia in the years 1947 and 1948. The best known trial was the one against Metodij Antonov Čento.<sup>27</sup> In August 1944 Čento became the president of the Antifascist Assembly of National Liberation of Macedonia (ASNOM). However, he resigned from the government in the summer 1946, having been caught reportedly trying to cross to Greece in order to call for an independent

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<sup>21</sup> Compare e.g. B. Stanojević, *Alojzije Stepinac zločinac ili svetac (A.S. criminal or saint)*, (Dokumenti o izdaji i zločinu), Belgrade, 1985.

<sup>22</sup> Compare N. Kisić-Kolanović, *ibid.*, pp. 17-18.

<sup>23</sup> Compare e.g. *Zgodovina Slovencev (History of the Slovenes)*, CZ, Ljubljana 1979, p. 891; *Enciklopedija Jugoslavije (Encyclopaedia of Yugoslavia)*, 5, Zagreb, 1962, pp. 547-548.

<sup>24</sup> Compare N. Kisić-Kolanović, *ibid.*, pp. 18-20.

<sup>25</sup> Compare D. Bilandžić, *Historija Jugoslavije (History of Yugoslavia)*, *ibid.* p.75

<sup>26</sup> Hugh Poulton, *Who are the Macedonians*, Indiana Univ. Press, Bloomington, 1995, pp. 118-119.

<sup>27</sup> *ibid.*, p.119.

Macedonia at the Paris Peace Conference and was sentenced to 11 years of forced labour.<sup>28</sup>

10) A specific group of political trials in Yugoslavia in the first post-war years were the ones carried out for exclusively ideological disputes. They were rather infrequent since ideological adversaries were generally qualified as "national enemies", easy to deal with according to the numerous revolutionary laws. That is why the trial against dr. Dragoljub Jovanović, the advocate of the idea of the so called farmers' socialism, the post-war national delegate and active politician, even vice-president of the National Front of Yugoslavia, was rather exceptional. Why was he brought before the court at all? Because he represented a strong and highly unwanted political opposition in the National Assembly of the FНРY. He was accused of having cooperated with foreign intelligence agents and sentenced to 9 years of imprisonment.<sup>29</sup>

## II. Slovenia

A number of major as well as many minor trials against those responsible for war crimes were performed in Slovenia in the post-war years all the way to 1948. It was after 1948 that all over Yugoslavia this kind of accusations and trials of a narrower political character began to be replaced by numerous "culprits" of the so called "IB (Informbiro) line" (the IB sympathizers were persons who had allegedly betrayed their country, their Party and Tito, on the account of the Soviet Communist Party, other pro-Soviet communist parties and Stalin). However, IB suspects were usually and, of course, very superficially, also ascribed suspicious past from the period of the National Liberation War, so in many cases the chase against individuals formally continued because of their wartime treacherous acts.

After 1948, in Slovenia, the focus of the attention shifted from the IB trials to those numerous legal, politically coloured trials, defined in Slovene historiography with the common designation of the "Dachau trials". The trials were taking place over a long period of time, beginning in 1946 and ending in 1949 (the two main group trials were in 1948 and 1949).<sup>30</sup> The most interesting thing about the whole affair is that, in spite of the huge collected documentation, historians and lawyers who had studied the topics, admitted to have found no real answers regarding the motives of these obviously

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<sup>28</sup> Ibid., p. 103.

<sup>29</sup> A concise survey of the political concepts of D. Jovanović is presented in: V. Kržišnik-Bukić, *Politika KPJ prema agrarnom i seljačkom pitanju na području Bosanske krajine 1945-1948* (The policy of the CPY towards the agrarian and peasant problems in the territory of Bosanska krajina...), Banjaluka, 1988, pp. 51-52. More about the trial against D. Jovanović in: R. Danilović, *Upotreba neprijatelja: politička suđenja 1945-1991 u Jugoslaviji* (The use of enemies: political trials in Yu...), Valjevo, 1993, pp. 108-112.

<sup>30</sup> Compare M. Ivanič, *Kronološki prikaz poteka in razveljavitve dachauskih procesov (1946-1986)* (A chronology of the course and annulment of the Dachau trials...), in: a group of authors, ed. by M. Ivanič, *Dachauski procesi* (The Dachau Trials), Komunist, Lj, 1990, pp 33-52.

foisted political trials. The only thing agreed upon is that the Dachau trials were a product of the period.<sup>31</sup>

1) The first major post-war public process in Slovenia was begun before the military court of Ljubljana on June 23, 1945, when 11 Gestapo men and White Guard members were brought up for a trial. All were sentenced to capital punishment. Within a few days there was another process against 20 members of the Ljubljana Home Guard police. 16 of them were sentenced to death and executed on the very same day the sentence was confirmed. In December 1945 there was a process against "34 ideological initiators, propagators and members of treasonable organizations".<sup>32</sup> Most of the trials before military courts took place secretly; the secrecy, however, was obligatory in cases when military personnel was involved.<sup>33</sup>

The number of legal trials was increasing up to 1948 when almost 2000 people were sentenced.<sup>34</sup> Some were tried as occupiers and their collaborators, others because of their post-war activities against "the people and the state", and the third group was tried before the Tribunal of Slovene National Honour. The sentences were severe: capital punishments, yearlong imprisonments, the loss of political and civil rights, and complete or partial confiscation of property. Capital punishment was always combined with other punishments (the loss of civil rights and mainly the confiscation of property). Only the Tribunal of National Honour was not authorized for capital punishments.

2) The most important trial in Slovenia in the period directly after the war was the trial against Rupnik and 5 codefendants in Ljubljana from August 21 to 30, 1946. Leon Rupnik, general of the former Yugoslav army and head of the Provincial administration in Ljubljana during the Italian occupation; Erwin Roesener, SS general and a high police and SS leader; dr. Gregorij Rožman, the bishop of Ljubljana; dr. Miha Krek, barrister and former minister; Milko Vizjak, former Yugoslav lieutenant colonel and dr. Lovro Hacin, former head of the Ljubljana police, were accused "that during the magnificent struggle of the Yugoslav nations (from 1941-1945) for the protection of their freedom, independence and existence, against Hitler's Germany, fascist Italy and their satellites - the aforementioned defendants joined and collaborated, politically and militarily, throughout the war and hostile occupation with the occupiers in order to suppress the struggle of the Yugoslav nations and the Slovene nation, and to assist the occupier to establish a regime of anti-people's dictatorship and national oppression. In this way they committed a high treason of their nation and country in the fatal years of the history of the Yugoslav nations. Together with the occupier, above all the accused Roesener, they contributed to the realization of the occupier's imperialist plans to op-

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<sup>31</sup> Compare D. Nečak, *Dachauski procesi v kraju in času nastanka* (The Dachau trials in the place and time of their origin), *ibid.*, p. 87.

<sup>32</sup> *Zgodovina Slovencev*, CZ, Ljubljana, 1979, p. 891. More details about the two June processes in Ljubljana in: J. Vodušek-Starič, *Ozadje sodnih procesov v Sloveniji v prvem povojnem letu* (The background of legal trials in Slovenia during the first post-war year), *Prispevki za novejšo zgodovino* 1-2, Lj, 1992, pp. 143-44.

<sup>33</sup> J. Vodušek-Starič, *ibid.*

<sup>34</sup> *Zgodovina Slovencev*, *ibid.*

press and destroy the Yugoslav nations and the Slovene nation. Moreover, they organized, gave orders, executed and planned countless war crimes, such as: slaughter and extradition of the wounded to the occupier, murders and massacres, imprisonments, torture, deportations to concentration camps and forced labour, forced mobilization, burnings, robberies and destruction of public and private property, as well as other war crimes. Due to all this they are responsible for the death and suffering of tens of thousands of men, women and children.<sup>35</sup>

All the defendants were found guilty and sentenced: Rupnik, execution by shooting, permanent loss of political and civil rights together with the confiscation of entire property; Roesener, execution by hanging and confiscation of entire property, dr. Rožman (in absence), imprisonment plus forced labour for the period of 18 years, loss of political and civil rights for 10 years after fulfillment of punishment and confiscation of entire property; dr. Krek (in absence), imprisonment plus forced labour for the period of 15 years, loss of political and civil rights for 10 years after the fulfillment of punishment and confiscation of entire property; Vizjak, imprisonment plus forced labour for the period of 20 years, loss of political and civil rights for 10 years after the fulfillment of punishment and confiscation of entire property; and dr. Hacin, death by hanging, permanent loss of political and civil rights and confiscation of entire property.<sup>36</sup>

The characteristic feature of all the then and many later legal trials was that the sentence was mostly a copied and sometimes also expanded bill of indictment. This applies to the general explication of the sentence for the entire group of defendants as well as for each individual.

3) In the years 1947 and 1948, in Slovenia there were at least 4 major political group trials, trials for the crimes committed during the wartime, as well as those for terrorism with the purpose of overthrowing the Yugoslav socio-political system. The first to be sentenced was Friedrich Reiner with collaborators.<sup>37</sup>

In June there was a legal trial against the 14-member group headed by Nagode. They were accused of having spied and agitated for the benefit of foreign powers and because of their activities against the new state system and achievements of the national liberation struggle.<sup>38</sup> A dangerous terrorist group headed by the political emigrant Ferdinand Serbec was captured at Pohorje in July. Located in the border region of Austria, it committed several murders, robberies and other acts of violence in Slovene

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<sup>35</sup> The legal documentation on this process is preserved in the Archives of the State Secretariat of the Home Office of Slovenia in Ljubljana. The most important parts were selected and published in: B. Repe, *Mimo odprtih vrat, izbrani dokumenti o dejavnosti okupatorjevih sodelavcev na Slovenskem* (Past the open door, selected documents on the activities of the occupier's collaborators in Slovenia), Borec, Ljubljana 1988, pp. 175-221.

<sup>36</sup> *ibid.*

<sup>37</sup> Compare *Zgodovina Slovencev*, p. 891.

<sup>38</sup> Compare *ibid.*

Styria. "Commander" Serbec and 12 of his companions were sentenced before the military court in Ljubljana.<sup>39</sup>

Similar was the fate of Mirko Bitenc, who had been collecting emigrants, willing to perform terrorist actions in Slovenia, since 1945. Captured in January 1948, he was tried, together with 11 collaborators in April 1948, before the senate of the Supreme Court of Slovenia. Among the accused there were also Slavko Krek, the former secretary to Rupnik, and one of the organizers of the home guard in Upper Carniola, and Janko Soklič, organizer of the illegal Chetnik organization, which had been committing murders of the cooperators of the Liberation Front of the Slovene Nation under the label of the "black hand".<sup>40</sup>

### **Material basis of the state ownership and liquidation of political opposition**

Simultaneously with the war crimes trials, and many years, even decades after these trials were over, other public legal processes were also going on. They were related to the establishment and consolidation of a new political and economic basis and structure of social relations. A lot has been written about the transition to the new socio-political and socio-economic system in Yugoslavia after the WWII.<sup>41</sup> In all Yugoslav republics, fundamental historiographic monographs were written, providing the explanation of the mechanisms, applied by the ruling CPY and its republic affiliations in the process of the transformation of the socio-economic and political system.<sup>42</sup> The central role amongst these mechanisms belonged to the new revolutionary legal system. The legal trials to the measure of the new ideology were regarded by the new state as a legitimate means for the achievement of the elevated goals of socialism and its "real justice".

The goals of the basic economic and political transformation of the system were implemented by the new state in all spheres of social life. The material foundation of its rule began to be formed with the expropriation of the German ownership in Yugoslavia, as well as with large scale dispossessions in favour of the state of rich domestic citizens.

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<sup>39</sup> Compare B. Belingar, *Kratek pregled povojnega banditizma v Sloveniji* (A brief survey of post-war banditism in Slovenia), *Varnost - strokovni bilten*, Ljubljana, 1984, pp. 77-79.

<sup>40</sup> Compare *ibid.*, pp. 79-80.

<sup>41</sup> Apart from numerous extensive works of B. Petranović, compare also D. Bilandžić, *Historija Socijalističke federativne republike Jugoslavije, Glavni procesi* (History of the SFRY, Major processes), Zagreb, 1979.

<sup>42</sup> Compare L. Lazarov, *Opštestveno-političkite organizacii vo obnovata i izgradbata na NR Makedonija 1944-1948* (Political organizations in the role of restoration and formation of the NR Macedonia...), Skopje 1979; J. Popov, *Narodni front u Vojvodini 1944-1953* (The National Front in Vojvodina...), Novi Sad, 1986; B. Marković, *Društvenoekonomski razvoj Crne gore 1945-1953* (Socioeconomic development of Crna gora...), Titograd; V. Kržišnik-Bukić, *Policy of the CPY towards the agrarian and peasant problems in the region of Bosanska krajina 1945-1948*, Banjaluka, 1988; J. Vodušek-Starič, *Prevzem oblasti* (The overtaking of power), Ljubljana, 1992; M. Obradović, *Narodna demokratija u Jugoslaviji 1945-1952* (National democracy in Yugoslavia...), Belgrade, 1995.

1) The direct consequence of the war events was that, while the war still lasted, the question of property relations between the new state and Germany, including Germans in Yugoslavia, formerly Yugoslav citizens, was raised. The decree issued by the ACNLY in November 1944 determined that the entire property of the German Reich and its citizens, located in the territory of Yugoslavia, as well as the property of persons of German nationality and Yugoslav citizenship (with the exception of National Liberation Army and partisan groups soldiers), and the property of citizens of neutral states who had committed no hostile acts during the occupation, be transferred into the state property. The same decree determined the transfer of all property belonging to war criminals and their collaborators into the state property, regardless of the citizenship of individual persons who had been tried by civil or military courts and sentenced to the confiscation of all property.<sup>43</sup>

A number of legal acts and other regulations were adopted, in the following years, on the basis of this Decree, expropriating the private property to the benefit of the state. Different legal procedures led, by the end of 1945, to the state property of 55 % of all Yugoslav industrial capacities.<sup>44</sup> Parallel to this was the process of nationalization of banks and other social institutions, which was basically completed by 1947. Only the social relations in the agrarian sphere took a different course; different from the Soviet example, the land remained or fell into private peasant property according to the Law on agrarian reform and colonization from 1945. However, there was also a radical property redistribution in the agrarian sphere, since, mainly to the benefit of private farms, largest and larger individual landowners were expropriated. It was the church that suffered the greatest loss of land (apart from other property). All this quick process of the change of ownership of the vast majority of production means during the first post-war years was conducted according to the adopted legal procedures, i.e. legally. The so called enemy property, including the property of the up-to-then Yugoslav capitalists, big landowners, church, Germans, German state and domestic war criminals and traitors, became state property or was given to small farmers, who had deserved well of the National Liberation Struggle and were to become, together with proletariat, the pillar of the new state.

2) As elsewhere in Yugoslavia, in Slovenia too, the economic foundation of the new state regulation depended largely upon the confiscations. By the years 1945-1946 as much as 70 % of the industrial capacities were in the state ownership.<sup>45</sup> The confiscations were performed by local expropriation commissions which were the executive bodies of the state authorities and courts of law: military, civil and the Tribunal of the Slovene National Honour.

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<sup>43</sup> The Decree of the Presidency of the ACNLY on the transfer of enemy property into the state property, on the state administration of property belonging to absent persons, and on the confiscation of property, forcefully alienated by the occupational authorities, dating from November 21, 1944, published in Official Gazette of the DFY, 2, 6.2.1945.

<sup>44</sup> Compare e.g. M. Obradović, *Narodna demokratija u Jugoslaviji 1945-1952* (National democracy in Yu...), Institute for the Recent History of Serbia, Belgrade, 1995, p. 54.

<sup>45</sup> Compare e.g. M. Mikola, *Zaplembe premoženja v Sloveniji v letih 1945-1946* (Property confiscations in Slovenia...), *Prispevki za novejšo zgodovino*, 1-2, Ljubljana, 1992, p. 169.

Confiscation commissions were functioning according to the Law on Property Confiscation and the Confiscation Procedure. The confiscation of German property was within their competence. Though they were administrative bodies of the state authorities they practically functioned as law courts, since, faced with various dilemmas in their field work, they were left to their own judgement in numerous concrete cases, although they acted in accordance with written instructions from higher authorities as well as in accordance with the gains of the national liberation struggle. Even then, complaint procedures proved that a number of violations of law occurred in the activity of these commissions. Cases were known when some well-off Slovene people were executed in May 1945 and afterwards proclaimed to be of German nationality, while their property was confiscated by the respective commissions.<sup>46</sup>

Confiscation commissions in Slovenia performed, in the time of their functioning up to 1946, over 20.000 confiscations of the so called German property. The same law also applied to the work of the district and regional civil courts performing property confiscations according to some other laws.<sup>47</sup>

Already by the end of 1945, civil courts in Slovenia proclaimed 3600 legal confiscations. At the same time, military courts and the Tribunal of Slovene National Honour proclaimed 1583 legal confiscations. According to calculations, a total number of 26.476 confiscations was performed in Slovenia by the end of 1945, and that is considerably less than the anticipated number, since the authorities had "envisaged" about 36.000 property confiscations.<sup>48</sup>

Similar to Slovenia, thousands of property confiscations were at the same time performed in other parts of Yugoslavia according to the same legal regulations and before the same bodies of authority.

Complete or partial property confiscation was an automatic punishment for all persons, sentenced, according to different laws, to capital punishment or imprisonment and the loss of civil rights. The most severe were the punishments imposed by military courts, dealing with war crimes, deeds committed by national enemies, and criminal offences, committed by military personnel and war prisoners. Individual incriminations were regulated in detail in specific military legal rules.<sup>49</sup>

However, the most severe, i.e. capital punishments, were imposed also by civil courts. Due to the party directive from the end of 1945, i.e. that persons involved in economic speculations and sabotage, should be dealt with in a more severe way, special senates were founded within the Republic Supreme Courts, their task being the trying of persons, guilty of such activities. Thus, in Slovenia too, a number of merchants were sentenced to death, apart from the confiscation of their entire property. Executions were in all cases immediately performed. Before the special senate of the Supreme

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<sup>46</sup> M. Mikola, *ibid.*, pp. 161-162

<sup>47</sup> Above all the Law on Suppression of Inadmissible Speculation and Economic Sabotage, *Off. Gazette*, no. 26/1945, and the Law on Criminal Acts against the People and the State, *Off. Gazz.*, no. 66/1945.

<sup>48</sup> M. Mikola, *ibid.*, pp. 168-169

<sup>49</sup> Compare specifically e.g. Regulation on Military Courts from May 24, 1944 and many later military legal regulations.

Court of Slovenia there were, up to April 1946, nine such processes, dealing with more important cases, whereas economic offences, estimated as relatively minor, were dealt with by regular civil courts that after March 1946 carried out 100, 200 or more such processes every month.<sup>50</sup>

3) Apart from property confiscations the new political system introduced another important way of punishing, i.e. the suppression of civil rights (including also the political or even parental rights). The purpose of these punishments was to eliminate political and ideological adversaries at local elections and at elections to the Constituent Assembly, taking place as early as 1945. According to some incomplete data already before the end of the war, i.e. until April 1945, in Slovenia alone, 251 persons were sentenced to the loss of civil rights, which in practice implied particularly the suppression of the active and passive right to vote.<sup>51</sup>

The number of persons that lost their civil rights in Slovenia and Yugoslavia in 1945 and in the following years has not been calculated. The sentences to the loss of (also) civil rights were imposed on individuals by different courts and on the basis of different laws; such a calculation would therefore be extremely difficult to make. No doubt there must have been tens of thousands of such cases in the territory of the whole of Yugoslavia. The indirect proof of such an estimation results from the well known fact that local elections in 1945 indicated, all over the country, a very small number of political opponents to the new political system.

The suppression of civil rights took place since 1944 (first in the liberated eastern parts of the state) also before the specially founded courts - the main punishment imposed by these being a temporary or permanent loss of national honour. Forced labour (up to 10 years) and property confiscation came only as second punishment at these courts. The sentence of the loss of national honour resulted in the exclusion from public life, suppression of rights, prohibition of performing public functions and the loss of all civil rights.<sup>52</sup> In Slovenia, this court was active in the summer of 1945, when all over the country there were numerous cases brought before this court which was later abolished.

The abolition of courts of national honour was related to the decision of the Yugoslav party leadership to legally confer general amnesty. But even after the amnesty was proclaimed in August 1945, the sentences passed by the courts of national honour were only partly annulled. The convicts were pardoned of further forced labour, the sentence of the loss of civil rights was reduced to the loss of political rights, while property confiscation punishment remained valid and was also carried out.<sup>53</sup>

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<sup>50</sup> Compare also J. Vodušek-Starič, *The background of legal processes in Slovenia in the first post-war year*, *Prispevki za novejšo zgodovino* 1-2, Ljubljana, 1992, pp. 150-152.

<sup>51</sup> *Ibid.* p. 143.

<sup>52</sup> Compare e.g. *Odluka o sudu za suenje zločina i prestupa protiv srpske nacionalne časti* (The Decree of the Court for Trials against Crimes and Offences against the Serbian National Honour), passed by the Presidency of the ACNLS on December 19, 1944. The document came into force immediately. Compare Archives of the IRH, the fund belonging to the Commission for the Detection..., fasc. 461/I.

<sup>53</sup> Compare M. Mikola, *Sodni procesi na Celjskem* (Legal trials in the Celje region), Celje, 1995, p. 98.



There are no data on the number of people sentenced by the Court of Slovene national honour in the entire territory of Slovenia. There were over 1000 trials whereby in some cases there were groups of people involved.<sup>54</sup> Regional research did not supply exact numbers either. In the only study of this kind in Slovenia, referring to the Celje region, the number stated is about 1000 individuals.<sup>55</sup>

4) A special group of legal trials undoubtedly includes all the trials, initiated for ideological reasons by the state against the subjects of the church hierarchy as well as against individuals, incriminated for certain forms of professing of religious beliefs.

Both kinds of trials can be traced in all Yugoslav republics. The trial against archbishop Alojzije Stepinac was by all means a reflection of the state's attitude towards the Catholic church; in the post-war years there were however, a number of other, so called clerical trials in Croatia and Slovenia. Likewise, the state showed its negative attitude towards holders of religious functions in places, settled by Orthodox and Moslem population. Against them too there were legal trials on different levels. A special topic were trials against religious people who were punished for their public professing of religious practices. The essence of the entire topics, together with the description of the situation all over Yugoslavia, is presented in a book with a characteristic and very adequate title: Religion against religion.<sup>56</sup>

## Conclusion

In Yugoslavia and Slovenia, as one of its six federal units, there were at the end of and immediately after the WWII, two kinds of legal trials globally.

It was through the trials against war criminals that some major culprits of the defeated fascist bloc were brought before the Yugoslav courts and punished (the first group of trials). Numerous trials against individuals and groups of citizens arising from their anti-patriotic, non-patriotic or, in the opinion of the state, not sufficiently patriotic behaviour, or from their good material standard or perhaps just their German origin, served to the new state to pursue two main goals: to eliminate political opponents and non-sympathizers and to quickly establish a vast material basis of its power (the second group of trials).

The Yugoslav state had all reasons for satisfaction as it succeeded to fulfill all these tasks through its legal system.

Elements of both the groups of processes were partly intertwined as to their contents, yet they differed in their basis as well: the first ones represented punishment for detected or just attributed evil deeds, committed in the past, while the second ones were mainly a means of building up a new state. This second group can, from the historic point of view, be classified as distinctly revolutionary, since the then courts represented

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<sup>54</sup> J. Vodušek-Starič, *Prevzem oblasti (The usurpation of power)*, CZ, Ljubljana, 1992, pp. 278-279.

<sup>55</sup> M. Mikola, *ibid.*, p. 92.

<sup>56</sup> R. Radić, *Vera protiv vere (Religion against religion)*, IRH of Serbia, Belgrade, 1995.

merely an organic component of the new Yugoslav state, based upon a socialist revolution. There could simply be no independent legal system in such a type of state.

For the understanding and appraisal of the entire context of the then social events, it is finally necessary to state that in the period concerned the state acted violently against many people, often ignoring the laws; the victims were mainly people belonging to the first group of culprits, estimated as such by the state. These were well-known, but so far insufficiently researched out-of-law mass and individual physical liquidations (and also other forms of molestation). But this, however vast, historiographic topic exceeds the framework of this paper.