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*Satisfaction of the Victors and Confirmation
of the Defeated. Persecuting War Criminals
in Slovenia 1945*

*"Fascist criminals and their collaborators must be punished properly,
so that similar crimes are never again repeated in the history of humanity.
But our nations must get full moral and material satisfaction."¹*

"Do not forget us, avenge us!"²

When the war ended in Europe with the unconditional capitulation of Germany on 9 May 1945, the victorious military alliance of the United Nations initiated an extensive program of seeking out and persecuting those responsible for the war and its deviations, especially for mass executions of civilian population in the concentration camps. The question of punishing those responsible for the global slaughter was one of the most urgent new questions brought about by the military victory. The search for those responsible was only aimed at the losing side – Germany, Japan, partly Italy and the other members of the Tripartite Pact.

The manner of sanctioning the war crimes, in regard to the persons involved in the proceedings as well as to the methods and procedures involved in the persecution of these crimes, had already been mostly agreed upon among the Allies until May 1945, because the discussions in the United Nations coalition had already yielded most fundamental answers since the first resolution of January 1942. During the process of forming the standpoints and procedures, which lasted for more than three years, new conflicts among the most important members kept arising, and what had already been agreed upon kept changing, because the opinions of the great powers about who to punish and how to punish them were very different. After the victory these differences became even more

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¹ Ljudska pravica [People's Justice] (hereinafter LP), 17 May 1945, No. 19, Report the crimes of the occupiers. The Ljudska pravica newspaper was the paper of the Communist Party of Slovenia, one of the two main newspapers in Slovenia in 1945.

² LP, 16 June 1945, No. 46.

pronounced. As the front line moved towards the west and as it liberated more of its western territories, the Soviet Union had already started carrying out the war crime trials. In France the new authorities initiated an action for the national cleansing.³ However, the three superpowers managed to agree on how to deal with this problem. The United Nations coalition confirmed the basic principle that the punishment of the war crimes in the territories of the members would be up to the internal legislations of those countries; however, it supplemented this principle with the obligation that the members help each other find and extradite the wanted criminals.⁴ This standpoint, reached in Moscow in October 1943, sufficed until the end of the war. The United Nations War Crimes Commission, established at the same time, brought these activities in line and facilitated them at the international level.⁵

The only remaining question was what to do in order to legally persecute the Nazi regime itself. Military law only represented limited foundations for any possible solutions. At the first conference of the leaders of the three victorious superpowers in Potsdam, a decision on extending the basic legal categories with the crimes against peace and crimes against humanity was finally reached, and the procedures of dealing with war criminals were agreed upon. The solution – a compromise between several trends – included the establishment of an *ad hoc* international court, which would, under the supervision of all four great powers, carry out the proceedings against the German state leadership, responsible for war and extreme forms of violence against the citizens of the occupied states. The establishment of the international court in Nuremberg, where the trials against a group of the Nazi Germany leaders took place, provided the basic foundations for the retribution against the war criminals.⁶ The court in Tokyo,

³ Alenka Šelih: *Kazenskopravni in upravnopravni vidiki obravnavanja kolaboracije v francoskem pravnem sistemu* [Criminal Law and Administrative Law Aspects of Dealing With Collaboration in the French Legal System]. In: *Časopis za zgodovino in narodopisje*, 2004, No. 2/3, pp. 515–528.

⁴ Archive of the Republic of Slovenia (hereinafter ARS), collection Izvršni odbor Osvobodilne fronte slovenskega naroda [Executive Board of the National Liberation Front of the Slovenian Nation] (AS 1670), file 8/IV, Moskovska deklaracija [the Moscow Declaration] 1. November 1943.

⁵ United Nations Commission for the Investigation of War Crimes (later renamed to The United Nations War Crimes Commission) was a special commission of the United Nations Coalition with the purpose of supervising the proceedings in regard to the war crimes of Germany and its allies. It started its work in 1943. Its task was to draw up the procedures for the determination of war crimes, collect evidence and set up the register of war crime suspects. They were suggested by the members of the United Nations. It was presided over by the British delegate, Judge Robert Alderson Wright. Later the Commission came under the jurisdiction of the United Nations Organization and then cancelled in 1949.

⁶ Comp. *Der Nürnberger Prozess : aus den Protokolen, Dokumenten und Materialien des Prozesses gegen die Hauptkriegsverbrecher vor dem Internationalen Militärgerichtshof. Ausgewählt und eingeleitet von prof. dr. P. A. Steiniger*. Berlin 1952; Joe J. Heydecker, Johannes Leeb: *Nürnberski proces*. Ljubljana 1960.

where the trials against the Japanese military and political leadership took place later, also followed the Nuremberg example.

II.

Through its government in emigration, the Kingdom of Yugoslavia became a member of the United Nations coalition on 1 January 1942 and took part in the first Alliance conference. Thus in the eyes of the Allies it strengthened the continuity of a state, occupied and divided among the invading forces, while a large part of its territory was occupied by the unrecognised Independent State of Croatia. On 12 January 1942, eight governments of the occupied members of the coalition, including Kingdom of Yugoslavia and the Committee of Free France, agreed that they would insist that all the crimes of Germany and its allies, breaking the international military law in the occupied states, be tried and the sentences carried out.⁷ The Kingdom of Yugoslavia was also one of the first countries to join the new UN War Crimes Commission, established in 1943. Due to the internal political reasons, the Yugoslav government was very interested in sanctioning war crimes; it especially wanted to emphasize the crimes of the Independent State of Croatia against the Serbian population.⁸ It succeeded in that – the punishment of war crimes in Yugoslavia was pointed out in the Moscow Declaration as well as at the Teheran Conference in November 1943; on both occasions the Alliance confirmed that war crimes in the territory of Yugoslavia would be investigated thoroughly.⁹ At the same time a strong resistance movement formed in Yugoslavia, which declared itself against the government in emigration and against the sovereign – king, and denied them the right to represent the Kingdom of Yugoslavia. Due to the pressure from the Allies, negotiations among these two sides took place in June 1944 and resulted in an agreement. The central part of the so-called Treaty of Vis discussed the joining of the forces in the struggle against the enemy under the resistance movement leader Josip Broz Tito. In the autumn of 1944, the establishment of a joint government of the Democratic Federal Yugoslavia was agreed upon, which would settle all the remaining questions (about the system of government) until the fi-

⁷ See Text of resolution on German war crimes signed by representatives of nine occupied countries. London, January 12, 1942. and: <http://www.sunsite.unc.edu/pha/policy/1942/420112a.html>; Michael R. Marrus: *The Nuremberg War Crimes Trial 1945–46*. Boston 1997, pp. 18–19.

⁸ The government already discussed this in the second half of 1941. Comp. *Jugoslavenske vlade u izbjeglištvu : 1941–1943 : dokumenti*. Beograd 1981, doc. 81, 89, 93, 118, 123, 163 ("pokrenulo se i pitanje intimidacije okupatora, da će posle rata biti svirepo kažnjeni", pp. 318).

⁹ ARS, AS 1670, file 8/IV, Moskovska deklaracija [the Moscow Declaration] 1 November 1943; Heydecker Leeb, Nürnberški proces, pp. 492–493.

nal decision after the war. This Treaty also arranged the representation of Yugoslavia in the international organisations, including the International War Crimes Commission.¹⁰

The Democratic Federal Yugoslavia saw the punishment of war crimes as equally important. The intensity of the resistance movement in the country and the fight of the German, Italian, Bulgarian and Hungarian occupiers against the partisans, which included mass violence against the civilian population as its integral part, brought about so many frustrations that the new authorities believed they should compensate for the suffering and the casualties in the social and psychological sense and provide the population, which supported the resistance movement or took part in it, with a sense of satisfaction with quick and rigorous punishing of the criminals.¹¹ The key question for Yugoslavia was the punishment of the Independent State of Croatia's crimes against the Serbs, since this was the condition for the existence of a state, reformed as a federation.

Another basic reason for Yugoslavia's interest in this was that the judicial and also moral sanctions against war criminals contributed a lot to the condemnation of those who opposed the victorious resistance movement, since during the war these opponents largely started collaborating with the occupiers; by collaborating with the occupiers, the adversaries of the resistance movement wanted to eliminate the threat of the mounting influence and power of the communists, who led the resistance movement. Such polarisation led to armed conflict, which in many aspects had all the characteristics of a civil war.¹² Thus

¹⁰ Jerca Vodušek Starič: *Prevzem oblasti: 1944–1946* [The Takeover of Power, 1944–1946]. Ljubljana 1992, (hereinafter Vodušek Starič, *Prevzem oblasti*), pp. 157–158; *Dokumenti iz istorije Jugoslavije : Državna komisija za utvrđivanje zločina okupatora i njegovih pomagača iz drugog svetskog rata*. Beograd 1996 (hereinafter Državna komisija za utvrđivanje zločina), doc. Državna komisija za utvrđivanje zločina okupatora i njihovih pomagača, 12 April 1948, pp. 25, 65–67.

¹¹ Comp. Damijan Guštin: *Tisk narodnoosvobodilnega gibanja 1944–1945 o organih za ugotavljanje vojnih zločinov* [The National Liberation Movement Press 1944–1945 on the Authorities for the Determination of War Crimes]. In: *Prispevki za novejšo zgodovino*, 1993, No. 1/2, (hereinafter Guštin, *Tisk NOG*) pp. 111–127.

¹² The discussion about referring to the conflict between the collaborators and the resistance movement as a civil war is still ongoing. It especially has to be emphasised that the contents of the interpretation of the Yugoslav civil war is a bit different from that of the Slovenian civil war. Comp. Boris Mlakar: *Kolaboracija in državljanska vojna: kratek oris problematike s posebnim ozirom na Slovenijo 1941–1945* [Collaboration and Civil War: A Short Overview of the Issue with a Special Consideration of Slovenia 1941–1945]. In: *Zgodovina v šoli*, 1992, No. 2, pp. 9–15; *Kolaboracija in državljanska vojna v Sloveniji 1941–1945* [Collaboration and Civil War in Slovenia 1941–1945]. In: *Zgodovina v šoli*, 1995, No. 4, pp. 3–10; 1996, No. 1, pp. 3–8; Janko Pleterški: *Državljska vojna v Italiji in Sloveniji : ob knjigi Claudia Pavoneja: Una guerra civile. Saggio storico sulla moralità nella Resistenza. Bollati Boringhieri* [Civil War in Italy and Slovenia: On the Book by Claudio Pavone: Una guerra civile. Saggio storico sulla moralità nella Resistenza. Bollati Boringhieri]. In: *Prispevki za novejšo zgodovino*, 1994, No. 2, pp. 221–230; *Slovenska novejša zgodovina 1848–1992*, pp. 629–631, 656–661, Tamara Griesser Pečar: *Razdvojeni narod: Slovenija 1941–1945: okupacija, kolaboracija, državljanska vojna, revolucija* [Divided Nation: Slovenia 1941–1845: Occupation,

the liberation movement started consciously relating the question of punishing the war crimes with the issue of punishing the collaborators, even though legally this was not the same thing. All those who collaborated with the authorities of the occupiers as well as the opponents of the partisans were qualified as people's / national traitors, and the military courts were authorised to institute the proceedings against both groups of people on the basis of very incomplete legal regulations.¹³

Besides, in the aspect of foreign policy, active participation in the persecution of war criminals was an argument against the neighbouring Austria and Italy, which occupied and even annexed large parts of Yugoslav (and Slovenian) territory between 1941 and 1943. Yugoslavia sought and needed the recognition of its foreign policy, especially because of its demands for new state borders in the north and west.¹⁴

Thus the persecution of war criminals became one of the mechanisms which the victorious regime used to outwardly and symbolically confirm its victory and rise to power. However, the authorities used the same simple logic as was used among the people. It allowed making the connections and even the likening between the categories "national traitor", "collaborator" and "war criminal" in the Slovenian and the wider Yugoslav space, intentionally or because due to the lack of understanding. This resulted in combining a purge based on the Western European example and the persecution of war criminals. In 1944 the authorities gave up the thought that special proceedings and institutions for the realisation of the purge should be established, while the registering of these issues was carried out by the state authority for the investigation of war crimes.¹⁵ Despite that, in the spring and summer of 1945, Courts of National Honour were established within the federal units, dealing exclusively with the cases of unarmed collaboration.

Collaboration, Civil War, Revolution]. Ljubljana 2004; Miloš Minič: *Oslobodilački ili građanski rat u Jugoslaviji : 1941–1945*. Novi Sad 1993.

¹³ Comp. ARS, collection Glavni štab narodnoosvobodilne vojske in partizanskih odredov Slovenije [Headquarters of the National Liberation Army and Partisan Detachments of Slovenia] (AS 1851), Uredba o vojaških sodiščih [Military Courts Regulation], 24 May 1944; Uradni list Demokratične federativne Jugoslavije, 1945/22, Zakon o vojaških sodiščih [Official Gazette of the Democratic Federal Yugoslavia, 1945/22, Military Courts Act].

¹⁴ Comp. Nevenka Troha: *La liberazione di Trieste e la questione del confine : la politica del movimento di liberazione sloveno nei confronti dell'appartenza statale di Trieste: settembre 1944 – maggio 1945*. In : *Qualestoria*, 2006, No. 1, pp. 46–66; Nevenka Troha: *Boj za meje: Slovenci in Italijani na Primorskem – v Julijski krajini v letih 1945–1954* [The Fight for the Borders: Slovenians and Italians in the Primorska Region – Venezia Giulia in the Years 1945–1954]. In: *Preteklost sodobnosti*. Ljubljana 1999, pp. 143–154.

¹⁵ Vodušek Starič, *Prevzem oblasti*, pp. 23–24.

III.

Until the spring of 1945 the organisational framework for the mass persecution of war crimes in the country was already in place. Already on 30 November 1943, the State Commission for the Determination of Crimes Committed by the Occupying Forces and Their Collaborators (Državna komisija za utvrđivanje zločina okupatora i njihovih pomagača), whose task was to register the evidence and the perpetrators, was established, and it started its work in the middle of 1944. Essentially its tasks were the same as those of the United Nations War Crimes Commission. Unlike the term "war crimes", consistent with the terminology of the international military law, which the United Nations used, the Yugoslav term "crimes committed by the occupying forces and their collaborators" was far more emotional and legally less precise.¹⁶ So the very name of this Commission already pointed at the criminals and thus clearly defined the scope of the investigated activities. At the same time, the founders of the Commission thus suggested that collaboration was a part of war crimes, or at least criminalised the actions of those who joined the occupiers as different kinds of collaborators in the civil war against the resistance movement. This initial idea was corrected by the basic decree on the persecution of war crimes – the Military Courts Regulation of May 1944 – and the difference between joining the collaborating military formations and taking part in the actual crimes was established.¹⁷

The victory in the war provided the repressive state structures of the Democratic Federal Yugoslavia (still the authorities of the resistance movement in the occupied half of the state) with the possibility of physically removing a lot of the collaborators in the spring of 1945, during and immediately after the military operations for the liberation of the western half of the state territory, without having to determine their (individual) responsibility for war crimes. It looks as if the execution of the captured collaborators partly functioned as a vent for the Yugoslav Army units, which nobody wanted to put a stop to. However, at least twice the Supreme Commander Tito released a directive that the prisoners should not be executed and that those responsible for war crimes should be turned over to military courts, established in all army units larger than bri-

¹⁶ Fedor Košir: *Delo in pomen komisije pri Predsedstvu SNOS za ugotavljanje zločinov okupatorjev in njihovih pomagačev* [The Work and Relevance of the State Commission for the Determination of Crimes Committed by the Occupying Forces and Their Collaborators]. In: *Slovenski pravniki v narodnoosvobodilni borbi*. Ljubljana 1985, pp. 131–135.

¹⁷ ARS, AS 1851, file 117/IV, Uredba o vojaških sodiščih [Military Courts Act], 24 May 1944; comp. Damijan Guštin: *Razvoj vojaškega sodstva slovenskega odporniškega gibanja 1941–1945* [The Development of Military Judicial Administration of the Slovenian Resistance Movement 1941–1945]. In: *Prispevki za novejšo zgodovino*, 2004, (hereinafter Guštin, *Razvoj vojaškega sodstva NOG*), No. 1, pp. 49–62.

gades.¹⁸ This situation even resulted in such absurdities as, for example, the execution of half of the NDH government's ministers without any court proceedings, even though at the same time Yugoslavia went to great lengths to prove the war crimes of NDH and the depravity of the Ustashe regime. This can be ascribed to two coinciding facts: the administration of justice was not very highly valued in the Balkans, where the ordinary retaliatory justice still had a great influence; and the new state structures kept avoiding judicial proceedings, since extrajudicial affairs were significantly simpler and quicker. Thus the practice from the war period, when the actions against the opponents were mostly adopted in extrajudicial proceedings and only a small portion of them ever saw the courts, continued.¹⁹

Therefore the persecution of collaborators as war criminals was a minor issue among other methods of their social elimination or even physical removal. At the same time such procedures were one of the most socially acceptable ways in which the victorious authorities could behave. They gave the people an impression of strictness, firmness, but at the same time justice and validity. The feeling of the people, afflicted and frustrated by the war, repression and loss of their loved ones, that it was time for revenge and payback for the vicious actions against the members of the resistance movement in the past, was not a rare sight.

The Yugoslav military courts regulation, adopted in May 1944 and also introduced in Slovenia until the autumn of 1944, set out that the military courts were exclusively competent for the persecution of war criminals, which remained in force until the amendment of these regulations in 1946.²⁰ It defined war crimes as: participation (in any way) in the acts of mass killings, torture, relocation, deportation of people to concentration camps or forced labour, burning, pillaging or exploiting people as work force. The administrators of the occupiers' apparatuses and armies were also held responsible. A special category of criminals, the so-called public enemies, were defined with the cooperation in the collaborating formations, as supporters and opponents of the people's authorities.²¹

¹⁸ Josip Broz Tito: *Sabrana djela* [Collected Works]. Book 28, Beograd 1988, p. 43; Vodušek Starič, *Prevzem oblasti*, p. 43.

¹⁹ During the war the Yugoslav and also the Slovenian resistance movement rarely used court proceedings against its opponents and its own members. When it did use them, these were short proceedings at military courts. The rest was left up to the executions carried out by the security authorities, established by the resistance movement already in 1941 (the Liberation Front Security Intelligence Service, and especially the Department for the Protection of People – OZNA, which spread over the entire Yugoslav space since its establishment in May 1944; OZNA also carried out the "cleansing" after the liberation since April until June 1945). Comp. Vodušek, pp. 24–27; D. Guštin, *Razvoj vojaškega sodstva NOG*, pp. 49–62; Ljuba Dornik Šubelj: *Oddelek za zaščito naroda za Slovenijo*. Ljubljana 1999.

²⁰ Guštin, *Razvoj vojaškega sodstva NOG*, pp. 49–62; Vodušek Starič, *Prevzem oblasti*, pp. 34–35.

²¹ ARS, AS 1851, file 117/IV, 24 May 1944; Vodušek Starič, *Prevzem oblasti*, pp. 35–36.

Such division of competences was not problematic until the security service and political police OZNA (the Department for the Protection of People) started initiating the proceedings after claiming power. In the end of August 1944, when it was expected that the Allies would soon invade Istria, the State Commission for the Determination of Crimes Committed by the Occupying Forces and Their Collaborators prepared the first plan of measures after the liberation. The plan envisioned that all crimes would be identified and that criminals with Yugoslav citizenship would be immediately tried at civilian criminal courts or at the special war crimes courts (the Penal Code would still have to be drawn up). Foreign citizens, extradited from abroad, would be tried immediately, while the rest of them would be entered into registers in order to demand their extradition.²² The idea that special courts would be competent for war crimes issues was still present in the Commission in the autumn of 1944.²³

Since then the OZNA, with the support of the resistance movement, of course, kept putting pressure on this area, which at the same time involved the question of its own and the Commission's competences. The proceedings against the members of the collaborating formations were especially controversial. The State Commission for the Determination of Crimes Committed by the Occupying Forces and Their Collaborators had to give up its competences in this questionable area. On 25 November 1944 the President of the Commission informed its member Vida Tomšič, who was also responsible for the monitoring of its work at the Central Committee of the Communist Party of Slovenia, that the representatives of OZNA came to the seat of the Commission and claimed "most of the documents in regard to the crimes of the occupiers' collaborators, people who were under the protection of the occupiers, partisans who gave themselves up to the Italian authorities, and various moderate politicians".²⁴ The conference on 12 December 1944 was decisive in regard to the new definition of the proceedings against war criminals in Slovenia, and it defined the competences of key authorities, with the exception of the State Commission, in the area of war crimes proceedings.²⁵ "There is no doubt", the OZNA representative emphasised, "that the main task of OZNA should be to track down and persecute war criminals and national traitors, and that the penalties and penal measures are not its concern. On the other hand, the task of the State Commission for the Determination of Crimes Committed by the Occupying Forces and Their Collaborators is to establish who belongs among the war criminals, while mili-

²² ARS, AS 1670, file 496/III, Predlog za prve nujne ukrepe pri prevzemu oblasti [The Proposal for the First Urgent Measures After Taking the Power], 5 September 1944.

²³ ARS, AS 1670, file 496/III, session minutes of the Commission, 31 October 1944.

²⁴ ARS, AS 1670, file 496/III, letter by V. Tomšič, 25 November 1944.

²⁵ ARS, AS 1670, file 52/IV, Božo Kobe, dr. Vito Kraigher: O organizaciji in izvrševanju sodne oblasti v Sloveniji in Jugoslaviji, pp. 39; Vodušek Starič, Prevzem oblasti, p. 47.

tary courts should pronounce sanctions against this scum of the nation".²⁶ The representatives of other institutions, present at the conference, accepted such an interpretation. In their resolutions they wrote that in the future a "live connection" between the judicial instances and OZNA should be set up, and that the details should be taken care of in the future meetings.²⁷ Thus the State Commission for the Determination of Crimes Committed by the Occupying Forces and Their Collaborators was only limited to registering and collecting the evidence on the war crimes, perpetrated by foreign citizens. Ever since the initial preparations for the persecution of war crimes in Yugoslavia in the middle of 1944, the division between the investigation procedures, which should be carried out by the Commission, and the work at the courts, which the judicial apparatus was competent for, was unclear; the ideas about the system were still in their initial stage.²⁸ The judicial system was also in its infancy, the legal norms were less than rudimentary, and so the military courts as they were set up during and immediately after the war were not appropriate for a more qualified treatment of war crimes.²⁹

The Commissions for the Determination of Crimes introduced the organised collection of materials from witnesses or victims (criminal complaints) as the basis for the procedure of taking evidence, while the evidence based on the documentation of the opposing side could only be acquired in exceptional cases, for example in the confiscated materials of the occupiers' authorities and units. The statements of the witnesses and victims had full credibility for the preliminary procedure of determining the war criminals, since the purpose of the commission was to draw up the lists of people – the potential perpetrators of crimes against military law.³⁰ Due to the lack of integral legal qualifications of war

²⁶ ARS, AS 1851, file 155/III, minutes of the conference of the institutions, participating in the persecution of war crimes, 12 December 1944.

²⁷ Ibid.

²⁸ However, there was some uncertainty when in the decree on the designation of the Commission members of 6 May 1944 the task of punishing the war criminals was explicitly stated as one of the tasks of the Commission. Accordingly, the Croatian Country Anti-Fascist Council of People's Liberation of Croatia included the task of punishing the war criminals into the Rules of Procedure as one of the Commission's tasks; furthermore, it included the inflammation of international hatred among war crimes. Comp. Vodušek Starič, *Prevzem oblasti*, pp. 24, 40.

²⁹ Guštin, *Razvoj vojaškega sodstva NOG*; Vodušek Starič, *Prevzem oblasti*, pp. 11–26, 34–50, 266–273; comp. Lovro Šturm: *Ozadje slovenskega pravosodja 1945–1950: prispevki k zgodovini in pojasnjevanju ozadij sodnih procesov na Slovenskem po komunističnem prevzemu oblasti leta 1945 (zbirka dokumentov iz obdobja 1945–1950)* [The Background of the Slovenian Justice Administration 1945–1950: Contributions to the History and Explaining of the Background of Court Proceedings in Slovenia after the Communist Takeover of Power in 1945 (a collection of documents from the period between 1945 and 1950)]. I., II. Ljubljana 1995; *Brezpravje: slovensko pravosodje po letu 1945* [Lawlessness: Slovenian Justice Administration after 1945]. Ljubljana 1998.

³⁰ Državna komisija za utvrđivanje zločina, pp. 445–446, Pravilnik o radu Državne komisije za utvrđivanje zločina okupatora i njihovih pomagača, donesen na sednici NKOJ od 8. maja

crimes, the Commission itself, on the basis of international military and humanitarian law, drew up a classification of offences, belonging to the category defined as war crimes. This classification contained 14 categories from murder, denationalisation, to the destruction or confiscation of property.³¹ In this way the Commission attempted to classify the crimes, gathered from the statements of witnesses and victims, and release decisions on the proclamation of persons as accused of war crimes. Such systematic work during the war, which involved the majority of lawyers who had joined the resistance movement, resulted in around ten thousand collected criminal complaints as well as in around 8000 decisions on the proclamation of war criminals. Approximately half of them were foreigners – citizens of three occupying countries.³²

The narrowing of the scope of work of the Commission for the Determination of Crimes Committed by the Occupying Forces and Their Collaborators, which also included an OZNA representative,³³ to only those crimes perpetrated by the members of the occupiers' armies and authorities, contributed to the rationalisation of the work, even though the evidence was still collected non-selectively. In the last months of the war, the work of the Commission had to be very limited due to unfavourable circumstances.³⁴ Even the Commission itself complained about the domineering attitude of OZNA, worried that after the liberation OZNA would confiscate all the materials and information about war crimes, just like it had already done with the materials about the Home Guard and Voluntary Anti-Communist Militia (*Milizia volontaria anticomunista, MVAC*).³⁵

1944 godine; ARS, collection *Komisija za ugotavljanje zločinov okupatorjev in njihovih pomagačev pri Predsedstvu Slovenskega narodnoosvobodilnega sveta (Commission for the Determination of Crimes Committed by the Occupying Forces and Their Collaborators at the Presidency of the Slovenian National Liberation Council)* (AS 220), box 1, Navodila za prijavljanje zločinov okupatorjev in njegovih pomagačev [Instructions for the Reporting of Crimes Committed by the Occupiers and Their Collaborators], (1944).

³¹ ARS, AS 220, box 1, Vojni zločini po Haaški konvenciji [War Crimes According to the Hague Convention], (1944).

³² Comp. D. Guštin: *Gradivo KUZOP kot podlaga za proučevanje problema žrtev med drugo svetovno vojno na Slovenskem* [The Materials of the State Commission for the Determination of Crimes Committed by the Occupying Forces and Their Collaborators as the Basis for Researching the Issue of Victims of World War II in Slovenia]. In: *Borec*, 1989, No. 5–6, pp. 601–606.

³³ Such connection between the Commission and the Intelligence Service was proposed by one of the leading officials of the resistance movement, Edvard Kardelj, in October 1944. Comp. Vodušek Starič, *Prevzem oblasti*, pp. 116.

³⁴ ARS, collection *Predsedstvo Slovenskega narodnoosvobodilnega sveta [Presidency of the Slovenian National Liberation Council]* (AS 1643), box 6/V, session minutes of the Commission, 6 April 1945.

³⁵ Dušan Biber: *Zavezniške in sovjetske misije ter obveščevalne službe v NOB* [Allied and Soviet Missions and Intelligence Services in the National Liberation Struggle]. In: *Borec*, 1990, No. 1–3, p. 115; Vodušek Starič, *Prevzem oblasti*, p. 208.

IV.

The process of persecuting war crimes involved the whole country and was in fact organised on the state level, taking into account the Yugoslav federal system. In its first announcement the provisional government of the Democratic Federal Yugoslavia, established in March 1945, also emphasised the endeavour for punishing war crimes as soon as possible, "in order to prevent the criminals and national traitors, stained with the blood of the people, from escaping just punishment. (...) The Government believes that the guiding principle in the realisation of this task should be justice and aspiration for peace and order in the country, safe from anti-democratic elements." The proclamation stressed that since "only the wish for revenge cannot be the right way to ensuring the internal order and rebuilding the country constructively, the Government will provide all those who were led astray with a chance to make up for their past sins with hard labour".³⁶ The international situation itself led to the responsibilities being transferred onto the State Commission, since the countries (the coalition within the United Nations) as subjects of international law negotiated at the international level about how to deal with war criminals. Thus the persecution of and retribution against war criminals on the Slovenian level was definitely under a strong influence of the events at the Yugoslav level, regardless of the fact that each of the new Yugoslav federal units (or Republics since the autumn of 1945) kept its Commission for the Determination of Crimes Committed by the Occupying Forces and Their Collaborators. However, in regard to the persecution of war crimes in Slovenia, a paradoxical process took place – the State Commission essentially adopted the system of work of the Slovenian Commission.³⁷ The State Commission was superior to the Commissions of the federal units, and its task was, above all, to represent the country internationally and to carry out the state policy about the persecution of war criminals.³⁸ Immediately after the war ended, the Belgrade head office started sending demands for the immediate forwarding of information and evidence, for they were interested in establishing the state level statistical basis.³⁹ However, the Commissions of the federal units themselves carried out most of the investigative and collection work in regard to crimes, evidence and the identification of perpetrators. However, most of the other federal Commissions only undertook the collection of crime reports as late as in the summer of 1945.⁴⁰ In

³⁶ ARS, AS 1670, file 8/I, Postavljena je začasna vlada Jugoslavije [The Provisional Government of Yugoslavia Established], 9 March 1945.

³⁷ Comp. ARS, AS 1643, file 6/V, session minutes of the Commission 17 April 1945.

³⁸ Državna komisija za utvrđivanje zločina, pp. 21, 23, 30–38.

³⁹ Vodušek Starič, *Prevzem oblasti*, p. 251; ARS AS 1643, file 6/V, letter of the State Commission (M. Šnuderl) 15 March 1945.

⁴⁰ Arhiv Srbije i Crne gore, Beograd, collection Državna komisija za utvrđivanje zločina okupatora i njegovih pomagača [State Commission for the Determination of Crimes Committed by the Occupying Forces and Their Collaborators] (collection 110), box 1/II, Uputstvo br. 2 Državne komisije, julij 1945; box 2, minutes from the federal Commissions session 18 June

the territory of federal Slovenia and in the area of the Yugoslav Army Military Administration (the eastern part of Venezia Giulia), the collection of reports was already organised in 1944 and added to in the summer of 1945, also with the action of collecting information around the school districts.

V.

Simultaneous liberation of the Slovenian territory, the end of the war in May 1945 and the rise to power over the whole Slovenian ethnic territory, which was, due to the pressure of the Allies, reduced to the territory up to the so-called Morgan Line in the west and the pre-war Austrian-Yugoslav border in the north immediately in June 1945, allowed the authorities to carry out an even more thorough and systematic investigation of the war crimes which took place during the war. However, the investigation had to be carried out a bit differently in the occupied zone in the Primorska region, which was under the military administration of the Yugoslav Army, than in the territory of the federal Slovenia.⁴¹

With the systematic collection and investigation, including every settlement, the number of files of the persons suspected of war crimes rose to around 18.000. All of this was achieved in the first six months after the end of the war.⁴² Such efforts were only possible because the population was willing to offer assistance. The promise made during the war about the physical compensation for war efforts, losses and suffering – that is, the reparation of war damages – had a lot of influence; however, the authorities organised that as a separate project under a special authority, the Commission for War Damages.⁴³ With the victory in the war, the people's fear of cooperating with the Commissions for the Determination of Crimes, which was especially evident in the areas where the occupiers' and partisan authorities kept struggling for power, was gone. Thus the campaign for the collection of war crime evidence had to rely on mass

1945, conclusions of the consultation of 18–20 June 1945 of the State Commission with the Federal Commissions, 21 June 1945.

⁴¹ Damijan Guštin: *"Kronika naše Kalvarije pod Italijo": gradivo Komisije za ugotavljanje zločinov okupatorjev in njihovih pomagačev o obdobju 1918–1941* ["Chronicles of Our Suffering Under Italy": the Materials of the State Commission for the Determination of Crimes Committed by the Occupying Forces and Their Collaborators for the period 1918–1941]. In: *Prispevki za novejšo zgodovino*, 2000, No. 1, pp. 239–254; Nevenka Troha: *Epuracija v coni B Slovenskega primorja in koprskem okraju cone B Svobodnega tržaškega ozemlja (1945–1950)* [The Purge in the Zone B of the Slovenian Primorska Region and the Koper District of Zone B of the Free Trieste territory (1945–1950)]. In: *Prispevki za novejšo zgodovino*, 2003, No. 2, pp. 91–104.

⁴² ARS, AS 220, box 24–60.

⁴³ Slovenska novejša zgodovina 1848–1992, pp. 795–799; LP, 9 June 1945, No. 39, Navodilo za zbiranje in oddajanje prijav komisiji za ugotovitev vojne škode.

mobilisation and on presenting the reports as a civil duty.⁴⁴ The extensive evidence collection was covered by newspapers, and they kept publishing individual statements.⁴⁵ The gathering of information was encouraged and managed by the state centre, where they were under pressure to ensure the information about the victims as soon as possible. Thus the slogan of the propaganda in the name of the dead – "Do not forget us, avenge us!"⁴⁶ only had a limited scope and effectiveness. However, the sheer amount of the reports on the losses and damages, perhaps not always very significant and thorough, relativises the assumption that the only motive of the new authorities was propaganda.⁴⁷

Soon after its establishment, the Commission encountered the problem of the so-called systemic war crimes, where many citizens were affected in the same manner as a consequence of a single action of the occupiers' authorities. In the Slovenian case several such actions were committed: the forced deportation of the population from the area of the German occupation, affecting approximately 64.000 people, the internment of the people in the German concentration camps (around 18.000 people) and the internment in the Italian concentration camps, where around 30.000 people ended up. In these cases special joint investigations were launched, which determined the circumstances and those responsible for the realisation of such actions, defined as inhumane internment, while individual investigations were carried out as the basis for the issuing of individual decisions.⁴⁸ An action of gathering the information about the violence of the fascist regime against Slovenians, living in the region which had belonged to Italy since 1918/1920, was also initiated.

The collection of satisfactory materials, appropriate for the use in courts, was especially problematic. However, such material was nevertheless collected, especially in regard to the war crimes of the Italian occupiers in the Ljubljana province, and to a lesser extent in regard to the actions of the German occupiers. The confiscated material was very important for the long studies and preparations, which the Commission undertook in order to more thoroughly comprehend the system of occupation and the individual categories of war crimes, but

⁴⁴ LP, 8 June 1945, No. 38, Zberimo podatke o zločinih okupatorjev in njihovih pomagačev v Sloveniji.

⁴⁵ LP, 20 June 1945, No. 49, Prijavljeni zločinci bodo omogočili izročitev vojnih zločincev; 17 June 1945, No. 47, Sv. Urh – belogardistična klavnica.

⁴⁶ LP, 16 June 1945, No. 46.

⁴⁷ See footnote 42; State Commission for the Determination of Crimes, p. 42. The final official results of the State Commission in regard to the victims of war crimes in Yugoslavia are the following: 505.182 dead (Slovenia 35.488), 384.049 injured (Slovenia 32.747), 1.750.032 imprisoned and interned (Slovenia 264.054).

⁴⁸ See footnote 42. As a curiosity, note that the special investigation of the forced relocation of the Slovenian population from the Štajerska and Gorenjska regions by the Germans was undertaken by the State Commission, not the Slovenian Federal Commission. ARS, AS 1643, file 6/V, Instruction No. 2 of the State Commission, 1 March 1945.

it was less important for the short-term effect the authorities sought as they rose to power.⁴⁹

VI.

The public effect, especially while taking over the state, was most significant politically. It depended mostly on the punishment (in the form of judicial proceedings), not as much on the investigation. As early as in June 1945, the leadership of the Communist Party of Slovenia discovered that in terms of propaganda the upcoming court proceedings should be supported. However, these were not yet proceedings against war criminals – they took place at the courts of national honour, based on the Western European and Serbian example, in hope for a speedy and more satisfactory resolution of various forms of collaboration, cooperation with the occupiers in the field of economy, culture, supplies and politics. The basic premise is also obvious in the use of propaganda – to kindle the wrath of the people against the defeated by constantly bringing the attention to the suffering endured.⁵⁰ The President of the Government Boris Kidrič in his inauguration speech of 5 May 1945 may have emphasised the fight against quislings and traitors of the people, but without the revenge against the misled masses.⁵¹ However, the first articles with the slogan "Speak, punish, avenge!", rigidly focused on retorsion, appeared already in the second half of May 1945, and they continued to demand the extradition and the punishment of war criminals from the defeated Slovenian formations.⁵² Even in the occupied Trieste the persecution of war criminals was demanded immediately.⁵³ The campaign against war criminals was, as the higher state prosecutor put it in July 1945, necessarily also a propaganda campaign, which had a special meaning for the establishment of new social relations. "The first process was the one against the members of the Gestapo and the White Guard, which was the first group to be mentioned in the propaganda and dealt with a bit, but never completely explored. Why this process did not take place in a more positive manner? Proba-

⁴⁹ Comp. ARS, AS 220, box 1, the studies on the Director of the Civilian Administration Dr. Uiberreither; box 3, Italijanska okupacijska politika in zločini [Italian occupation policy and crimes]; box 4, Interniranje državljanov pod nehumanimi pogoji [The Internment of Citizens Under Inhumane Conditions]; Nasilno izseljevanje Slovencev [Forced Relocations of Slovenians].

⁵⁰ *Zapisniki politbiroja CK KPS /ZKS 1945–1954* [the Minutes of the Political Bureau of the Central Committee of the Communist Party of Slovenia / League of Communists of Slovenia 1945–1954]. Ljubljana 2000, p. 27, session of the Political Bureau of the Central Committee of the Communist Party of Slovenia, 2 June 1945; comp. LP, 6 June 1945, Naloge naše propagande danes.

⁵¹ Vodušek Starič, *Prevzem oblasti*, pp. 213–214.

⁵² LP, 20 May 1945, Grobovi obtožujejo; Spregovorite, kaznujte, maščujte; LP, 24 May 1945, Krvniki, našli vas bomo!; LP, 6 June 1945, Belogardistična zverstva po Dolenjski : zahtevamo izročitev in kaznovanje vseh vojnih zločincev.

⁵³ LP, 19 May 1945, No. 21, Trst ima svojo ustavno skupščino.

bly because of the extent of the issue, which cannot be dealt with by one or two descriptions of the process in the daily press in such a manner that the public could thoroughly comprehend it. For this reason I asked Dr. Maks Šnuderl, the president of the State Commission for the Determination of Crimes, to describe the issue in a booklet. He has already prepared it and handed it over to the Government. The foundation of this process is emphasised in this publication, namely that fascism in its essence is the same, indivisible, regardless of whether we discuss the Italian fascists, the German Nazis or the members of the White Guard. That is why the members of the Gestapo as well as the members of our own White Guard were tried at the same proceeding. This aspect was not exploited by the propaganda, although it was obvious in the proceeding. (...) However, it is important to take advantage of it as soon as possible, because now the campaign of punishing the war criminals is taking place; on one hand, the information about such proceedings would benefit the public, while on the other hand it would allow the courts to initiate the current proceedings transparently and in the same manner, with the same goal in all cases."⁵⁴

Such coordinated actions were only possible due to the complete control over the media in Slovenia, since all the newspapers and the radio⁵⁵ were directly controlled by the new political authorities (Liberation Front, Communist Party of Slovenia), and the information was ensured by the Agitation and Propaganda Commission of the Central Committee of the Communist Party of Slovenia (Agitprop) in accordance with the directives from the Central Committee of the Communist Party of Yugoslavia Agitprop.⁵⁶

The defeated side was no longer a political or an actual opposing factor. With the physical elimination of around 14.000 people (around 11.000 members of collaborating Home Guard formations and approximately 3000 civilians) and the escape of around 25.000 people, who fled to the occupation zones of the American and British armies in Austria and Italy, the active part of wartime political and military opponents of the liberation movement was removed from the Slovenian territory. A lot of important politicians and military personnel of the opponents of the resistance movement, including the Ljubljana Bishop, were among the fugitives. The Liberation Front and, more secretly, the Communist Party of Slovenia were actually the only functional political force in the federal Slovenia.⁵⁷

⁵⁴ ARS, AS 1931, the intelligence service microfilms, Lm series, film 96, recording 0176854-55, the press conference of the public prosecutor, 20 July 1945.

⁵⁵ The main media in Slovenia in 1945: two main newspapers (Ljudska pravica and Slovenski poročevalec), Partizanski or Primorski dnevnik daily newspaper in Trieste and the Radio Ljubljana radio station.

⁵⁶ Ljubodrag Dimić: *Kulturna politika u Kraljevini Jugoslaviji : 1918–1941*. Beograd : Stubovi kulture, 1996–1997, Part 1: Društvo i država; part 2: Škola i crkva; part 3: Politika i stvaralaštvo.

⁵⁷ Comp. Slovenska novejša zgodovina 1848–1992, pp. 844–852; Vodušek Starič, Prevzem oblasti, pp. 251–256.

Therefore war crimes also became a part of the fight against the remaining opposition, which was especially important until the Constituent Assembly elections in the autumn of 1945. Regardless of the fact that political opposition to the so-called people's authorities was not articulated in Slovenia, a part of the population remained reserved or even opposed the victors and the new authorities.⁵⁸ Very clear connections were evident in the political struggle against the opposition; for example, when the President of the National Government, Boris Kidrič, the leading enforcer of the policy, attacked the wartime actions of the Catholic clergy at the Congress of the Liberation Front in the middle of July 1945, on the next day the newspapers wrote about the proclamation of the Ljubljana Bishop Rožman as a war criminal.⁵⁹

However, the court proceedings related to war crimes were initiated by the new authorities already during the period of the so-called cleansing. The proceedings were the most evident proof that the "natural" right of the people to satisfaction has been served. Since the territorial division of the competencies of military courts had already been completed and courts were relatively numerous, the trials were fairly equally distributed across the Slovenian territory (Ljubljana, Celje, Maribor, Novo mesto, Murska Sobota) and thus related more closely to the regions where the public was especially interested in them.⁶⁰ As soon as in June, the newspapers could report about the first trial; 11 less important but accessible members of the German occupation administration were tried at the military court in Ljubljana.⁶¹ "It is not possible to describe all the crimes, committed in the Slovenian territory by the victory-drunk German hordes and their Slovenian helpers. For their actions, the enemy brought with them the divisions of the infamous secret police and gendarmerie, various SS detachments and other selected refuse of the human society, in order to carry out its hangman's duties over the peaceful Slovenian nation and to take power."⁶² Strict punishments confirmed the impression of rightful satisfaction. The claim "Merciless punishment of war criminals guarantees our peaceful future!"⁶³ can be understood in several ways, from the confirmation of mass executions to the means of preventing a (future) war. We can also see it as a deeper interest of the authorities to ensure their legitimacy and actual power.

⁵⁸ Vodušek Starič, *Prevzem oblasti*, pp. 289–293, 297–298.

⁵⁹ LP, 19 July 1945, 74, *Zločinsko delo škofa dr. Gregorja Rožmana*.

⁶⁰ The authorities gave the military courts exclusive jurisdiction for carrying out the war crime processes as early as in 1944. Comp. ARS, AS 1670, box 52, Božo Kobe, Vito Kraigher: *O organizaciji in izvrševanju sodne oblasti v Sloveniji in Jugoslaviji*, pp. 39; Guštin, *Razvoj vojaškega sodstva NOG*, p. 60; Žarko Bizjak: *Sodstvo narodnoosvobodilnega gibanja 1941–1945* [Judicial Administration of the National Liberation Movement 1941–1945]. In: *Pravo, zgodovina, arhivi*, 1, *Prispevki za zgodovino pravosodja*. Ljubljana, 2000, pp. 233–240.

⁶¹ LP, 24 June 1945, No. 53, *Prva javna razprava proti vojnim zločincem v Ljubljani*.

⁶² *Ibid.*

⁶³ LP, 24 June 1945, No. 53.

Who were the war criminals for the population and especially for the propaganda? They were opponents, perpetrators of crimes against military law, but in a more general sense also the collaborators of the occupiers in any area. "Not only military leaders are war criminals; economic leaders are guilty of even bigger crimes" was one of the typical propaganda connections of this kind.⁶⁴

The promises about firm, speedy but just trials were kept in the summer of 1945. "Murderers, we will find you!" the newspaper *Ljudska pravica* (People's Justice) cried out two weeks after the liberation.⁶⁵ Of course, the trials were not at the level of today's understanding of a fair trial. Not so much because they took place in military courts, but because the court proceedings were so superficial. They were swift, the evidence was not always sufficient; they were more like improvisations of court proceedings. The military court judges were only partly qualified, some of them were not even lawyers. Military courts were overwhelmed with the quantities of matters they had to consider, so they mostly focused on the accusations on the basis of interrogations carried out by the OZNA personnel, and led the proceedings accordingly. The defenders were limited in their function, not only with the provisions on criminal proceedings, but also during trials themselves.⁶⁶ However, presented in public they definitely fulfilled their purpose.

The question of extraditions was depended even more on the global political situation. A lot of suspected war criminals were abroad, where they could not be reached by the Yugoslav authorities. At least not directly. The most important people among the national traitors as well as Germans were among them. It was most important for the media and symbolically to put such people to justice. So it is not a coincidence that the demands for the extradition of the suspects were among the first and most frequent topics. These demands were based on the agreement the Allies already reached during the war. As early as in the autumn of 1944 the first media offensive of the resistance movement put Italy in a difficult position with the demand for the extradition of the most prominent Italian military commanders and leaders of civilian authorities in the occupied Yugoslav territories.⁶⁷ However, meanwhile, the differences among the allied superpowers and the consequent beginnings of the Cold War started to hinder heavily the international cooperation in the extraditions of suspects. Yugoslavia started more openly allying with the Soviet Union, especially due to severe humiliation it experienced when it was forced to retreat from Carinthia and Trieste. Its ex-

⁶⁴ LP, 15 July 1945, No. 71, Zgodovinski obračun.

⁶⁵ LP, 24 May 1945, No. 25.

⁶⁶ See footnote 29; Božo Repe: *Povojni sodni procesi* [Post-War Court Proceedings]. In: *Povojna zgodovina na Slovenskem*. Slovenj Gradec 1992, pp. 54–63; Rožmanov proces, p. 21; ARS, AS 1931, box 1078, 1079.

⁶⁷ Comp. Guštin, Tisk NOG, pp. 123–125; Državna komisija za utvrđivanje zločina, pp. 58, 59, 75–81, Saopštenje br. 2 Državne komisije za utvrđivanje zločina okupatora i njihovih pomagača; pp. 82–86, Saopštenje br. 4 Državne komisije.

pectations of success at the peace conference were mostly supported by the Soviet Union, which became the main foreign policy partner of Yugoslavia. The tensions in mutual relations also influenced the readiness of the Western Allies to extradite the Yugoslav as well as Slovenian suspects.⁶⁸ For example, one of the most prominent people, the Ljubljana bishop Rožman, who fled to the British occupation zone in Austria, was proclaimed a suspected war criminal on 15 July 1945. Already since May 1945 the press accused him of being responsible for the civil war and for the clergy taking part in it.⁶⁹ His extradition was demanded immediately after that and it became one of the constants; it also became the cause of an increasing resentment against the Western Allies.⁷⁰

As early as on 6 June 1945, the demand of the Yugoslav authorities for the extradition of all war criminals appeared in the Slovenian press for the first time; in that concrete case the demand related to those members of the collaborating Slovenian Home Guard who murdered civilians.⁷¹ Technically speaking, the majority of that work was carried out far from public eye, through the contacts between the State Commission for the Determination of Crimes Committed by the Occupying Forces and Their Collaborators, the UN War Crimes Commission, as well as the occupation authorities in Germany and Austria, which had to approve any extraditions. In the summer of 1945 the situation was still very chaotic, and often everything depended on the resourcefulness and personal initiative of the individual emissaries of the Democratic Federal Yugoslavia in the occupied zones themselves. However, the great majority of the most wanted criminals, whose extradition was demanded first by the Democratic Federal Yugoslavia and then also by the Federal People's Republic of Yugoslavia, could not be traced and, above all, were not extradited before 1946 and 1947. Namely, the investigating authorities of the Allies mostly wanted to interrogate these people themselves first before turning them over.⁷² Besides, extraditions in many ways depended on the relations between the Allies and their plans about Italy, Austria and Germany. That is why the public emphasis of the demands for the extradition of numerous people suspected of war crimes (Yugoslav citizens as well as members of the invading countries) did not only stress the expectations that the war criminals would be convicted; it was also a form of the Yugoslav pressure against the Western Allies, in whose occupation zones these wanted people were. Newspapers informed the Slovenian public about the meeting of the UN War Crimes Commission, where it was explained for the

⁶⁸ Comp. ARS, AS 220, Commission, box 3, a list of Slovenian war criminals who escaped to the Koroška region.

⁶⁹ LP, 26 May 1945, No. 27, Krivda škofa dr. Rožmana za zverinsko klanje poštenih Slovencev.

⁷⁰ LP, 7 June 1945, No. 37, Kaj dela mednarodna komisija za izsledovanje vojnih zločincev?; 16 June 1945, No. 46, "Ne pozabite nas, maščujte nas!"; comp. Rožmanov proces, pp. 316.

⁷¹ LP, 6 June 1945, No. 36, Belogardistična zverstva po Dolenjski: zahtevamo izročitev in kaznovanje vseh vojnih zločincev.

⁷² Državna komisija za utvrđivanje zločina, pp. 56. Until the spring of 1948, 142 Yugoslav citizens and 258 German and Hungarian citizens were handed over to Yugoslavia. (Ibid., p. 61).

first time that Yugoslavia is a part of this process at the international level; however, that was supposedly a slow process. Even though supposedly the Yugoslav State Commission has already registered more than 10 000 people suspected of war crimes, the process came to a halt because of the international commission, which "has not found a way to turn even one war criminal to the courts of the Yugoslav people, despite the fact that almost all of them are being held by the Allies". The article then went on to indicate the agreement on the extradition process.⁷³ The question of entries into the international war criminals register and the extradition of war criminals with Italian citizenship – members of the Italian occupation forces in Yugoslavia – was especially political. Yugoslav authorities, through a public campaign, already pursued this issue in March 1945, and later repeatedly on several levels: in the UN War Crimes Commission, in the relations with the Italian government and also publicly. However, these demands for the extradition of the "Italian criminals" have not resounded very much with the public before the autumn of 1945, especially because the authorities expected the extradition demands would ultimately be successful.⁷⁴

Court proceedings, not only those against war criminals, were presented to the population in detail and continuously, usually in a form where the facts spoke for themselves. The newspapers contained mostly short but noticeably biased reports about indictments and even more often about verdicts, which were harsh. Of course, there were no reports about hosts of convicts, lined up in front of military courts one after another, when they were sentenced to their two or for years in prison because of their participation in the collaborating formations or desertion from the partisan units⁷⁵ – they reported on the processes against important or at least moderately known suspects. The first such trial, worthy of public attention, already took place on 31 May 1945,⁷⁶ while three weeks later the public found out about the trial and the sentence to death after an appeal of the tycoon Benko in Murska Sobota.⁷⁷ After that the media commented on the process against a group of collaborators in Ljubljana,⁷⁸ and then the so-called Hlebič process already took place (with Jože Hlebec as the first of the accused), which represented an efficient judicial persecution of the murderers of the so-called Turjak victims (a group of national liberation movement members, imprisoned at the political police prison of the Police Directorate in Ljubljana,

⁷³ LP, 7 June 1945, No. 37, Kaj dela mednarodna komisija za izsledovanje vojnih zločincev? Comp. LP, 21 July 1945, No. 76, Jugoslavija pričakuje odločitve o vojnih zločincih.

⁷⁴ Državna komisija za utvrdivanje zločina, pp. 58, 59; LP, 23 June 1945, No. 52, Jugoslavija zahteva enako postopanje z italijanskimi in nemškimi zločinci; Bastianini – registriran kot italijanski vojni zločinec; LP, 8 September 1945, No. 118, O odgovornosti Italije.

⁷⁵ ARS, AS 1931, file 1078, 1079.

⁷⁶ LP, 31 May 1945, No. 31, Na smrt obsojen zločinec in izdajalec slovenskega naroda.

⁷⁷ LP, 10 June 1945, No. 40, Izdajalci slovenskega naroda so prejeli zaslužen kazni; 20 June 1945, No. 49, Za obsojena veleizdajalca ni bilo milosti.

⁷⁸ LP, 24 June 1945, No. 53, Prva javna razprava proti vojnim zločincem v Ljubljani.

with a very important liberation movement official Vito Kraigher among them). Since the slaughter of this group took place on 5 May 1945; since they were taken from the central prison of the Slovenian political police in Ljubljana, whose members also killed them; and since this was a question of "betrayal in Ljubljana", the public interest in this process was extraordinary.⁷⁹ Almost simultaneously the so-called "Pajdaš process", the trial of those less important officials of the German occupation administration that OZNA managed to capture, took place in Celje.⁸⁰ These first processes occurred at the same time as the final "cleansing" period and the declaration of amnesty for all members of collaborating formations who did not personally engage in war crimes.⁸¹ Court proceedings were organised in such a way that the judicial authorities followed the general reconstruction of the wartime events and strived to connect the occupation authorities with the Slovenian collaborators in the indictment material; more concretely they strived to ensure joint trials for both of them. For the first time such a process was carried out on 23 June 1945 against a group of eleven members of Gestapo and the Slovenian Home Guard. This process was even announced by the Slovenian public prosecutor with a press release.⁸²

Regardless of the confirmed right to satisfaction and the right to punishing the war crimes, the reports that other countries also punish their war criminals was a very important confirmation that Slovenia was on the correct side. The negotiations of the three superpowers in the United Nations about realising their decision to punish war crimes received great attention.⁸³ Frequent articles about the trials of Petain, Quisling, as well as the reports about the trials in Hungary, in the occupied Vienna and elsewhere, surely importantly complemented the extensive reports about the trials at home.⁸⁴ They especially identified with the situation in

⁷⁹ LP, 30 June 1945, No. 58, Proces proti dvajsetim vojnim zločincem; 1 July 1945, No. 59, Pravici je zadoščeno. About the background see Lojz Tršan: *Razbitje OF in partije v Ljubljani v zadnjem obdobju nemške okupacije* [The Shattering of the Liberation Front and the Communist Party in Ljubljana in the Last Period of the German Occupation]. Ljubljana 1996.

⁸⁰ LP, 7 July 1945, No. 64, Obsodba vojnih zločincev v Celju.

⁸¹ LP, 8 July 1945, No. 65, Seja predsedstva Avnoja; 15 August 1945, No. 97, Amnestija; 26 August 1945, No. 107, Amnestija, Zakon o podeljevanju amnestije in pomilostitve za dejanja, kazniva po zakonih federalne Slovenije; Ukaz o pomilostitvi oseb, obsojenih po zakonu o kaznovanju zločinov in prestopkov zoper slovensko narodno čast.

⁸² LP, 14 June 1945, No. 44, Krvniki slovenskega naroda pred sodiščem; ARS, AS 1931, the intelligence service documents, Lm 0176853-55; press conference of the higher state prosecutor Jernej Stante, 20 July 1945. Comp. Rožmanov proces, pp. 20–21.

⁸³ LP, 4 August 1945, No. 88, Sklepi "velikih treh" v Potsdamu; 7 August 1945, 90, Zgodovinski sklepi berlinske konference; 13 June 1945, No. 43, Vse napredno človeštvo zahteva kaznovanje vojnih zločincev; 17 June 1945, No. 47, Vojne zločince je treba hitro kaznovati.

⁸⁴ LP, 24 July 1945, No. 78, Smrtna obsodba madžarskega fašista; 27 July 1945, 81, Vojne zločine je treba obsoditi; 16 August 1945, 98, Finsko ljudstvo zahteva obsodbo vojnih zločincev; 21 August 1945, 102, Prvi vojni zločinci obsojeni na Dunaju; 22 August 1945, 103, Proces proti norveškemu izdajalcu Quislingu; 26 August 1945, 107, Norveški izdajalec Quisling pred sodiščem; Avstrijski tisk o obsodbi fašističnih zločincev, Finsko ljudstvo zahteva kaznovanje vojnih zločincev.

France, where the court proceedings against Petain took place as early as in July 1945, while in August the Prime Minister Laval returned from Spain where he had sought refuge.⁸⁵ When the Nuremberg Trials began, the frequency of the reports about these central court proceedings increased, regardless of the fact that the reporters were not completely satisfied with all of its aspects.⁸⁶

In the autumn of 1945 the number of media reports about war crimes decreased. In the late autumn of 1945, life in Federal Slovenia started to normalise, and everyday problems became more important for the media than the moral satisfaction for the horrors of war. Mounting tensions at the western border influenced the actual and the Agitprop-influenced public interest.⁸⁷ After the Constituent Assembly elections in November of 1945, war crimes almost disappeared from the media. They only turned up in the form of court proceedings reports, but it was still hard to discern which trials were about war crimes and which about "enemies of the people". That did not mean that the work of the State Commission ended and that the struggle of the Yugoslav authorities for the extradition of the important persons from the former invading countries ceased, but its propaganda power was only renewed during the preparations for individual trials – as long as until 1946 and 1947, when the two most important proceedings against those accused of war crimes took place in Slovenia.⁸⁸ However, these processes already took place in a new social and political environment, which focused on shaping the socialism, so this was given precedence over the wartime period. The wartime period became nothing but a new evolving myth of the (self)liberation by means of national liberation struggle, which made socialism possible.

Conclusion

The persecution of war crimes oscillated between contradictory goals, just like many other processes in the turbulent times immediately after the war. It was

⁸⁵ LP, 24 July 1945, No. 78, Razprava proti Petainu; 26 July 1945, 80, Proces proti Petainu je proces proti vsej peti koloni; 28 July 1945, 82, Proces proti izdajalcu Petainu; 31 July 1945, 84, Nadaljevanje Petainovega procesa; 1 August 1945, 85, Herriot priča proti Petainu; 2 August 1945, 86, Vojni zločinec Laval v francoskih rokah; 3 August 1945, 87, Zaslišanje prič v Petainovem procesu; Laval v pariških zaporih; 4 August 1945, 88, Ali se je sodni proces proti Petainu sploh začel?; 12 August 1945, 95, Javni tožilec zahteva za Petaina smrtno kazen; 14 August 1945, 96, Javni tožilec je utemeljil zahtevo za smrtno kazen; 16 August 1945, 98, Izdajalec Petain obsojen na smrt.

⁸⁶ LP, 31 August 1945, No. 111, Prvi seznam glavnih vojnih zločincev, ki jim bo v skladu s sklepi moskovske deklaracije sodilo mednarodno vojaško sodišče.

⁸⁷ Comp. Slovenska novejša zgodovina 1848–1992, pp. 915–922.

⁸⁸ More details: Rožmanov proces; Dušan Željeznov: *Rupnikov proces* [The Rupnik Trial]. Ljubljana 1980; Alfred Elste, Michael Koschat, Hanzi Filipič: *Nacistična Avstrija na zatožni klopi: anatomija političnega spektakularnega procesa v komunistični Sloveniji* [Nazi Austria in Court: The Anatomy of the Political Spectacle Process in the Communist Slovenia]. Celovec, Ljubljana, Dunaj 2002.

fuelled by justice, the wish to prevent a future war and to ensure payback for horrors, which seemed to have reached such extents and forms that they could no longer get any worse. But at the same time it took place in the post-war period when the wounds were still fresh and revenge was morally just, almost a natural state of mind. Moral satisfaction with harsh punishment in such circumstances was not controversial. At the same time, in the complicated Slovenian situation where a new political elite came to power with a long and complex resistance movement, retribution against war criminals, especially relating and even equating them with "the enemies of the people", represented a handy instrument for the strengthening of the authority. Regardless of the social context we should not lose sight of the basic message which the persecution of war criminals sent in Slovenia as well as the whole of Europe. By persecuting and punishing war criminals, the rules of military and humanitarian law, complemented by the new definitions of the Nuremberg Court in regard to crimes against peace and crimes against humanity, finally started functioning as an actual instrument of the international community. War in fact became more limited, since the perpetrators of crimes against military law and humanity were more likely to be punished. Unfortunately all of this was only true for the defeated.

Povzetek

Zadostitev zmagovalcem in potrditev premaganih. Pregon vojnega hudodelstva v Sloveniji 1945

Kazensko in politično sankcioniranje vojnih hudodelstev (k čemur sodijo tudi zločini proti miru in zločini proti človeštvu) je bilo eno od najbolj očitnih vprašanj neposredno po koncu vojne. Sprožila ga je zmaga koalicije Združenih narodov, da bi tudi na pravno in politično sankcionirala hude kršitve pravil vojne in množičnega uničenja Judov, Romov ter Slovanov. Ko se je v Evropi vojna končala, so države Združenih narodov imele že veliko razčiščenega glede samega načina in postopkov glede preganjanja vojnih zločinov (Komisija za vojne zločine), dokončno pa so izvedbo izoblikovali v prvih mesecih po vojni; najbolj viden izraz le-te je bila ustanovitev Mednarodnega vojaškega sodišča.

Jugoslavija in z njo Slovenija kot ena od njenih federalnih enot je bila poseben del zmagovite protifašistične koalicije. Poseben zato, ker je odporniško gibanje preraslo v veliki meri v zavezniško državo Demokratično federativno Jugoslavijo, ki pa je hkrati izvajala projekt velike družbene transformacije. Drugi vidik posebnosti je bila hkratna notranja državljanska vojna, med odporniki in kolaborantskimi formacijami, ki so hoteli v sodelovanju z okupatorji odstraniti ogrožajočo jih rast vpliva in moči komunistov, ki so bili najpomembnejši vodilni v odporniškem gibanju. To je obeleževalo tudi problem poveljnega ob-

računa z storilci in osumljenimi vojnih hudodelstev. Zato je imel pregon vojnega hudodelstva svojstvene poteze in značilnosti, saj je bil širše vpet v menjavo oblasti in družbenega sistema.

Do spomladi 1945 je bil organizacijski nastavek za izpeljavo množičnega obračuna z vojnim hudodelstvom v Sloveniji in na državni ravni že pripravljen. Podobno mednarodni komisiji Združenih narodov za vojne zločine se je odločila, da bo kršitve vojnega prava proučevala in zbirala dokaze posebna komisija pri izvršni oblasti, pravosodni organi pa naj bi na podlagi zbranega dokaznega gradiva izvedli sodne procese. Organizacijsko je že delovala Državna komisija za ugotavljanje za ugotovitev zločinov okupatorjev in njihovih pomagačev, ki je na slovenski, bodoči federalni ravni imela enako komisijo, razpeljano tudi na nižje upravne ravni do krajevnih referentov. Vsebinsko je bilo že opredeljeno, da bo komisija obravnavala vsa vprašanja kršitve mednarodnega vojnega prava, izdelala pa je tudi natančno operacionalizacijo vsebine in načina popisovanja, zbiranja dokaznega materiala za načrtovane sodne procese. Pri tem je komisija v jeseni 1944 bila omejena predvsem na zbiranje dokazov o zločinih okupacijskih armad in okupacijskih uprav, manj pa na domače, ki jih je prevzela v svojo pristojnost varnostna služba odporniškega gibanja Organizacija za zaščito naroda (t. j. ljudstva) – Ozna.

Po koncu vojne je široko organiziran proces pregona vojnega hudodelstva zajel celotno državo. Kazal se je v vrsti hitro pripravljenih sodnih procesov proti zajetim pripadnikom okupacijskega aparata in njegovih domačih sodelavcev, pri čemer je bila Komisija za ugotavljanje zločinov okupatorja kvečjemu postranski sodelavec, glavno vlogo pa so imele varnostna služba Ozna (ki je posredovala obtežilno gradivo) in Jugoslovanska vojska, saj so tovrstni procesi potekali izključno pred vojaškimi sodišči. Pregon in obračun z vojnim hudodelstvom na slovenski državni ravni je bil pod močnim vplivom dogajanja na državni ravni, manj pa pod vplivom mednarodnega dogajanja. Komisije federalnih enot so tedaj izvedle večino preiskovalnega in zbiralnega dela, tako glede dejanj, dokazov kot identifikacije storilcev. Tako zbiranje je bilo mogoče le s sodelovanjem prebivalstva, zlasti pa žrtev nasilja. Oblasti so si močno prizadevale, da bi mobilizirale javnost k sodelovanju, ki so ga smatrale za moralno pomembnega in hkrati tudi mobilizirajoče navznoter ter z žrtvami legitimirajoče v mednarodni javnosti. Posebej uspešno je to prizadevanje bilo po koncu vojne, ko je odpadel strah prebivalstva pred sodelovanjem s komisijami za ugotavljanje zločinov.

Tako je bilo zbranih nad deset tisoč izjav, ki so ob zaplenjeni dokumentaciji okupatorjev omogočili vzpostavitev nekaj deset tisoč dosjejev osumljenih vojnega hudodelstva in izoblikovanje več kot 500 zahtevkov za izročitev zavezniškimi vladam (10% od jugoslovanskih zahtevkov), enako kot tudi sojenja več stotinam obtoženih vojnih hudodelstev, v katerih so bile dosojene kazni eksemplarično stroge.

Obljuba oblasti o nadomestilu za vojne napore, izgube in trpljenja (popis vojne škode in obljava povračila) je imela veliko odzivno moč, ki je deloma la-

hko prekrila tudi težave v upravljanju in vodenju države, ki so se pokazale v po-vojnem času. Hkrati je vodstvo posredno napeljalo prebivalstvo k moralnemu zadovoljstvu – maščevanju oziroma zadoščenju s tem, da bodo krivci, povzročitelji mnogih zločinov, v prenesenem pomenu pa tudi vsega hudega, "trdo, a pravično kaznovani", s propagando so torej skušali vzbuditi srd javnosti proti premaganim z opozarjanjem na prestano trpljenje. Takšna javna usmeritev oblasti je bila hkrati dvolična, saj je podrobno sodno obravnavo v veliki meri nadomestila z hitrim in prikritim izvensodnim pobjem večine zajetih kolaborantov pred objavo amnestije, sodno obravnavala pa je le posamezne bolj izpostavljene osumljence, kjer je procese tudi močno propagandno izrabila.