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DEPRIVATION OF LIBERTY AND FORCED LABOUR IN CROATIAN/YUGOSLAVIAN LEGISLATION 1945–1951

Introduction

Following World War II, during the period of "People's Democracy", the penalty of deprivation of liberty in Yugoslavia included forced labour convictions. Between 1945 and 1951, there were four known forms of unfree labour in Yugoslavian criminal law: forced labour without deprivation of liberty, forced labour with deprivation of liberty, correctional labour and socially useful labour. The penalty of forced labour with deprivation of liberty was being administered for the longest period of time, that is from the end of World War II in 1945 to 1951. In other words, forced labour convictions were discontinued as late as 1951 with amendments to the Yugoslavian criminal law.[1]

Deprivation of liberty and forced labour in Croatian or Yugoslavian legislation after World War II was regulated by a series of decrees, resolutions and laws, in particular by the Decree on Military Courts of the Supreme Headquarters of the People's Liberation Army and Partisan Squadrons [NLA and PSs] of Yugoslavia from 1944, the Resolution on the Protection of the National Honour of Croats and Serbs in Croatia from 1945, the Law on Crimes against the People and State from 1945 and 1946, and the Law on the Types of Penalty in Democratic Federal [DF] Yugoslavia from 1945, the Law on the Types of Penalty in Federal People's Republic [FPR] of Yugoslavia from 1946, the Criminal Code of FPR Yugoslavia from 1947, and the Law on Sentence Execution of FPR Yugoslavia from 1948. The

[1] M. Mikola, *Delo kot kazen. Izrekanje in izvrševanje kazni prisilnega, poboljševalnega in družabno koristnega dela v Sloveniji v obdobju 1945–1951*, Celje 2002, pp. 7, 12; *Dokumenti in pričevanja o povojnih delovnih taboriščih v Sloveniji*, ed. M. Mikola, Ljubljana 2006, pp. 11, 34; Z. Radelić, *Hrvatska u Jugoslaviji 1945–1991. Od zajedništva do razlaza*, Zagreb 2006, p. 217; V. Geiger, *Zatvorski/logorski novac (bonovi) u Hrvatskoj u razdoblju "narodne demokracije" (1945–1951)*, "Politički zatvorenik", no. 204, 2009, p. 26; M. Mikola, *Rdeče nasilje. Represija v Sloveniji po letu 1945*, Celje-Ljubljana 2012, p. 119.

penal system, the type of penalties and the manner of enforcement of the penalty of deprivation of liberty were in 1951 regulated by a new Criminal Code of FPR Yugoslavia and the Law on Sentence Execution, Security and Correctional Measures.[2]

On 3rd February 1945, the Presidency of the Anti-Fascist Council for People's Liberation of Yugoslavia (AVNOJ) decided to annul all regulations issued during the occupation, but also all regulations adopted prior to 6th April 1941, if they collided with the legacy of the People's Liberation Struggle. This resolution was amended on 23rd October 1946, as the Law on the Invalidity of Regulations Passed before 6th April 1941 and during Enemy Occupation.[3] As a result, the Yugoslavian post-war criminal law was based on completely new regulations, as the old ones had "lost legal power".[4]

Yugoslavian/Croatian legislation, the deprivation of liberty and forced labour in the period of "People's Democracy", 1945–1951

The NLA and PSs of Yugoslavia/Croatia started setting up prison camps and forced labour camps on the territory of Croatia immediately upon seizing power in a particular area, which began already during the summer and autumn of 1944, and continued to be normal and standard practice until the end of the War, as well as in the immediate post-war years. Concerning the drafting of forced labour camp regulations, on 28th April 1944 the Department of Judiciary of the State Anti-Fascist Council for People's Liberation of Croatia (ZAVNOH) requested from the Military Court Department of the General Headquarters of the NLA and PSs of Croatia the

[2] See: *Zbornik dokumenata i podataka o narodnooslobodilačkom ratu naroda Jugoslavije*, vol. 2, book 13, *Dokument Centralnog komiteta KP Jugoslavije i Vrhovnog štaba NOV i PO Jugoslavije*, Belgrade 1982, pp. 174-185; "Narodne novine. Službeni list Federalne Hrvatske", no. 2, August 7, 1945; *Krivični zakonik. Opšti deo*, [Belgrade] 1948; *Zakon o izvršenju kazni*, [Belgrade] 1948; *Krivični zakonik s uvodnim zakonom*, Zagreb 1954; *Zakon o izvršenju kazni, mjera sigurnosti i odgojno-popravnih mjera*, [Belgrade] 1951.

[3] "Službeni list FNR Jugoslavije", no. 86, October 25, 1946.

[4] *Zakonodavni rad Pretsedništva Antifašističkog veća narodnog oslobođenja Jugoslavije i Pretsedništva Privremene narodne skupštine (19 novembra 1944 – 27 oktobra 1945) po stenografskim beleškama i drugim izvorima*, ed. S. Nešović, Belgrade 1951, pp. 22-28, 40-45; B. Zlatarić, *Razvitak novog jugoslavenskog krivičnog prava*, [in:] *Nova Jugoslavija. Pregled državnopravnog razvitka. Povodom desetogodišnjice Drugog zasjedanja AVNOJ-a*, ed. F. Čulinović, Zagreb 1954, pp. 323-324; N. Srzentić, A. Stajić, *Krivično pravo Federativne Narodne Republike Jugoslavije. Opšti deo*, Belgrade 1957, p. 63; H. Sirotković, L. Margetić, *Povijest država i prava naroda SFR Jugoslavije*, Zagreb 1990, p. 386; R. Ferjančič, L. Šturm, *Brezpravje. Slovensko pravosodje po letu 1945*, Ljubljana 1998, pp. 33-34; J. Vodušek Starič, *Prevzem oblasti 1944–1946*, Ljubljana 1992, p. 190 or J. Vodušek Starič, *Kako su komunisti osvojili vlast 1944–1946*, Zagreb 2006, p. 213; Z. Radelić, *Hrvatska u Jugoslaviji 1945–1991*, p. 61.

urgent delivery of the rules and regulations and information on the organisation of such camps, given that they "had already set up their camps and had issued rules and regulations on the same".[5]

One of the most important competences that the authorities of the Home Office were given in the spring of 1945 was the right to send people to forced labour camps without a court order. Home Office departments of the People's Liberation Committees retained this competence even after the War. Prison camps towhich suspects were sent on the basis of orders issued by administrative and military authorities, and convicts sentenced to forced labour and heavy forced labour, could be set up by background military authorities, that is, by Area Commands with the approval of the General Headquarters of the NLA and PSs of Yugoslavia/the Yugoslav Army. Forced labour camp security was provided by the Army, that is, the National Defence Corps of Yugoslavia. Special forced labour camps were also formed, which were under the exclusive jurisdiction of the Department of People's Security (OZNA), a military, and later state security service. Jurisdiction over forced labour camps was transferred from the military authorities to the Home Office only near the end of the summer of 1945.[6]

Post-war forced labour camps in Yugoslavia were being set up at a time when repression under the Communist rule was the most intense, i.e. between 1945 and 1951. Labour camps in Croatia and elsewhere in Yugoslavia were founded in the summer of 1945 for those who had been sentenced to deprivation of liberty with forced labour. They were at first referred to as "detention camps", and as of the beginning of 1946 as "forced labour institutions". Once these camps/forced labour institutions were abolished in the summer/autumn of 1946, convicts continued serving their sentences in correctional facilities and prisons.[7] For those who were suspected of being "enemies of the people" – and this most often referred to nationalists, members of democratic movements and parties formed earlier – the largest "detention camps" or "forced labour institutions", and later correctional facilities and prisons in Croatia were *Stara Gradiška* and *Lepoglava* for men, and *Požega* for

[5] *Partizanska i komunistička represija i zločini u Hrvatskoj 1944–1946. Dokumenti. Slavonija, Srijem i Baranja*, ed. V. Geiger, Slavonski Brod 2006, p. 51; *Partisan and Communist Repression and Crimes in Croatia 1944–1946. Documents. Slavonia, Syrmia and Baranya*, ed. V. Geiger, Bismarck ND 2011, pp. 51-52; *Partizanska i komunistička represija i zločini u Hrvatskoj 1944–1946. Dokumenti. Zagreb i središnja Hrvatska*, ed. V. Geiger [et al.], Slavonski Brod-Zagreb 2008, pp. 74-75; *Partizanska i komunistička represija i zločini u Hrvatskoj 1944–1946. Dokumenti. Dalmacija*, eds. V. Geiger and M. Rupić, Slavonski Brod-Zagreb 2011, pp. 88-89.

[6] J. Vodušek Starič, *Prevzem oblasti 1944–1946*, pp. 192-194, 269-271 or J. Vodušek Starič, *Kako su komunisti osvojili vlast 1944–1946*, pp. 216-217, 302-304.

[7] *Dokumenti in pričevanja o povojnih delovnih taboriščih v Sloveniji*, p. 9; M. Mikola, *Rdeče nasilje. Represija v Sloveniji po letu 1945*, p. 119.

women.[8] For those, however, who were declared Stalinists and enemies of Yugoslavia during the political conflict of Yugoslavia with the Soviet Union and the Cominform Resolution, the largest detention centre and correctional facility from 1949 onwards was *Goli Otok* for men, and *Sveti Grgur* for women.[9]

In Croatia, as well as elsewhere in Yugoslavia, from 1945 to 1951 punitive "workgroups" were formed, and detainees or prisoners were sent to various extramural construction sites, which depended on the needs for the performance of individual, mostly heavy manual labourworks at different sites (e.g., Brijuni, Jelas polje, Lonjsko polje, Delnice, Fužine, Lokve, Sisak, Tučepi, Novi Beograd, Zagreb-Belgrade motorway, Novi Vinodol Hydropower Plant, Jablanica Hydropower Plant, Idrija Mine, Raša Mine, Borski Mines).[10]

The Decree on Military Courts of the Supreme Headquarters of the NLA and PSs of Yugoslavia of 24th May 1944,[11] which was in force until the adoption of the Law on the Organisation and Jurisdiction of Military Courts on 24th August 1945,[12] stipulated the organisation and jurisdiction of military courts and their conduct, as well as regulated offences, penalties and security measures. Military courts had jurisdiction over war crimes, acts of enemies of the people and offences committed by military personnel, as well asprisoners of war.[13]

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[8] See: *Zatvori u Jugoslaviji. Izvještaj jednog bivšeg robijaša u Lepoglavi*, "Hrvatska revija", no. 1-2, 1962, pp. 125-144; *Kazneno popravni dom – Dom za preodgoj maloljetnica Slavonska Požega 1946–1986*, ed. Ž. Marenić, Slavonska Požega 1986; K. Pereković, *Naše robijanje. Hrvatske žene u komunističkim zatvorima*, Rijeka-Zagreb 2004; A. Franić, *KPD Lepoglava mučilište i gubilište hrvatskih političkih osuđenika*, Zagreb 2000 (Dubrovnik 2010); A. Franić, *KPD Stara Gradiška mučilište i gubilište hrvatskih političkih osuđenika*, Dubrovnik 2009, as well as the sources cited therein.

[9] See: M. Previšić, *Povijest informbirovskog logora na Golom otoku 1949–1956*, Doctoral Thesis, University of Zagreb, Faculty of Philosophy, History Department, 2014, as well as the sources cited therein.

[10] See: *Zatvori u Jugoslaviji. Izvještaj jednog bivšeg robijaša u Lepoglavi*, pp. 140-141; V. Geiger, *Zatvorski/logorski novac (bonovi) u Hrvatskoj u razdoblju "narodne demokracije" (1945–1951)*, p. 27.

[11] *Zbornik dokumenata i podataka o narodnooslobodilačkom ratu naroda Jugoslavije*, vol. 2, book 13, *Dokumenta Centralnog komiteta KP Jugoslavije i Vrhovnog štaba NOV i PO Jugoslavije*, pp. 174-185; M. Gojković, *Zbornik vojnih pravosudnih propisa (1839–1995)*, Belgrade 2000, pp. 323-332.

[12] "Službeni list DF Jugoslavije", no. 65, August 24, 1945; M. Gojković, *Zbornik vojnih pravosudnih propisa (1839–1995)*, pp. 333-339.

[13] M. Kalođera, *Vojni pravosudni organi i pravne službe JNA*, Belgrade 1986, pp. 13-25; M. Gojković, *Istorija jugoslovenskog vojnog pravosuđa*, Belgrade 1999, pp. 127-132; J. Jurčević, K. Ivanda, *Ustrojavanje sustava jugoslavenskih komunističkih vojnih sudova tijekom Drugog svjetskog rata i poraća*, "Društvena istraživanja", no. 4-5, 2006, pp. 891-914; J. Jurčević, *Osnovne značajke presuda jugoslavenskih vojnih sudova u Hrvatskoj 1944 i 1945 godine*, "Društvena istraživanja", no. 4, 2012, pp. 1007-1026; Ž. Koncilja, *Politično sodstvo. Sodni procesi na Slovenskem v dveh Jugoslavijah*, Ljubljana 2015, pp. 180-181, as well as the sources cited therein.

The Decree on Military Courts defined which serious offences were to be treated as "war crimes" ("War criminals, be they citizens of Yugoslavia, occupying or other countries, shall be considered: those who have initiated, organised or commanded, and have been accomplices and direct perpetrators of mass killings, torture, forced evictions, referring people to detention and forced labour camps, then arson, destruction and plunder of the property of the people and state; all individuals owning farms and enterprises in Yugoslavia, occupying and other countries who have exploited inhumanely the workforce of the people taken away to forced labour camps; functionaries of the terrorist organisation and terrorist armed formations of the occupier and local people in the service of the occupier; those who have been involved in the mobilisation of our people for the army of the enemy.") and which as offences committed by "enemies of the people" ("Enemies of the people shall be considered: all active Ustashas,[14] Chetniks[15] and members of other armed forces in the service of the enemy, and their organisers and aiders; all those who have been in the service of the enemy in whatever form – as spies, messengers, couriers, agitators and the like; who have forced people to surrender their weapons to the occupier; all those who have betrayed the people's struggle and have been in collusion with the occupier; all those who have renounced the people's power and work against it; all those who destroy the people's army or have otherwise aided and continue to aid the occupier; all those who have committed offences such as grave murder, robbery and the like.").

The Decree on Military Courts envisioned a system of punitive and security measures: severe reprimand, asset forfeiture (pecuniary penalty, penalty payable in kind, penalty payable in deed), expulsion from residence, divestment of rank or professional title, removal from office, forced labour for a period of three months to two years, heavy forced labour for a period of three months to two years or more, and death penalty. In addition to these penalties, courts could order the stripping of military honour and the stripping of civic honour, either for a limited period of time or permanently, and the confiscation of property. Courts could also order the joint enforcement of more than one type of penalty and more than one type of security measure, depending on the nature of the offence and the offender. When in "more severe cases" courts imposed the penalty of forced labour and heavy forced labour, such sentences also included the order that the convicted person be stripped of military or civic honour, and that their property be confiscated. Sentences of forced labour, heavy forced labour, expulsion from residence and asset forfeiture could be

[14] The Ustasha – during World War II, members of the Croatian national volunteer military units of the Independent State of Croatia (official name: Ustasha Militia). The vast majority were Croats, although they also included a minor number of Bosniaks and Croatian Germans.

[15] The Chetniks – during World War II, members of the Yugoslav monarchist military units (official name: the Yugoslav Army of the Fatherland). The vast majority were Serbs and Montenegrins, although they also included a significantly smaller number of Slovenes, Bosniaks and Croats.

imposed, conditionally suspending the same for a period of six months to two years.

Although the Decree on Military Courts of the Supreme Headquarters of the NLA and PSs of Yugoslavia did represent progress in the military justice system, during executions of judgment the fundamental principles of law continued to be violated frequently and legal standards were often arbitrary much like before. According to the Decree on Military Courts, "When establishing the truth about the acts committed and the liability of the accused, the court is not formally required to follow the evidence, but shall reach its decision at its discretion."[16] Guided by the same goal expressed in the slogan "Death to fascism – freedom to the people!", military courts as revolutionary authorities were one in fulfilling their purpose, holding that everything that harms the interests of "the people and the People's Liberation Struggle" had to be condemned.[17]

The revolution meant and, what is more, required victims. Real or imagined, such too broadly defined collaboration with the occupier was an outstanding instrument for the elimination of class and political enemies. The vagueness of offences in the Decree on Military Courts, as well as the draconian system of penalties and security measures – which were not prescribed for individual offences and were left to the courts, which were completely under the control of the Communist Party (CP) of Yugoslavia, to evaluate and decide which punishment to impose in each individual case – opened the possibility of abuse. Almost anyone found to be undesirable and unacceptable by the authorities, could be accused of being an enemy of the people.[18] More specifically, the penalties listed in the Decree on Military Courts were not matched to specific offences, which allowed courts to apply in each and every case a sentence that matched "the concrete social danger of the act and the offender".[19]

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[16] *Zbornik dokumenata i podataka o narodnooslobodilačkom ratu naroda Jugoslavije*, vol. 2, book 13, *Dokumenta Centralnog komiteta KP Jugoslavije i Vrhovnog štaba NOV i PO Jugoslavije*, p. 180; M. Gojković, *Zbornik vojnih pravosudnih propisa (1839–1995)*, p. 330; *Partizanska i komunistička represija i zločini u Hrvatskoj 1944–1946. Dokumenti*, ed. Z. Dizdar [et al.], Slavonski Brod 2005 (Zagreb 2009), p. 40; M. Grahek Ravančić, *Narod će im suditi. Zemaljska komisija za utvrđivanje zločina okupatora i njihovih pomagača za Zagreb 1944–1947*, Zagreb 2013, p. 38.

[17] M. Kalođera, *Vojni pravosudni organi i pravne službe JNA*, pp. 13-14; M. Gojković, *Istorija jugoslovenskog vojnog pravosuđa*, pp. 127-128.

[18] B. Zlatarić, *Razvitak novog jugoslavenskog krivičnog prava*, p. 314; Lj. Bavcon, I. Bele, P. Kobe, M. Pavčnik, *Kazenskopravno varstvo države in njene družbene ureditve. Politični delikti*, Ljubljana 1987, p. 174 or Lj. Bavcon, *Kazneno-pravna zaštita države i njenog društvenog uređenja*, Zagreb 1988, p. 179; S. Cvetković, *Između srpa i čekića. Represija u Srbiji 1944–1953*, Belgrade 2006, p. 157 or S. Cvetković, *Između srpa i čekića, Knjiga prva: Likvidacija* "*narodnih neprijatelja*" *1944–1953*, Belgrade 2015, p. 93; Z. Radelić, *Hrvatska u Jugoslaviji 1945–1991*, p. 62.

[19] N. Srzentić, A. Stajić, *Krivično pravo Federativne Narodne Republike Jugoslavije. Opšti deo*, p. 62; M. Grahek Ravančić, *Narod će im suditi. Zemaljska komisija za utvrđivanje zločina okupatora i njihovih pomagača za Zagreb 1944–1947*, p. 38.

During the first few post-war months, the Decree on Military Courts was the only criminal law basis for court proceedings, and military courts had jurisdiction over all major crimes. The transition from a military to an ordinary judicial system started with the adoption of the Law on Crimes against the People and State on 25th August 1945. The ordinary judicial system was actually established on the basis of a resolution of the Provisional People's Assembly, which adopted the Law on the Organisation of People's Courts on 26th August 1945.[20] Until the adoption of the Law on the Organisation and Jurisdiction of Military Courts on 24th August 1945, military courts had had jurisdiction over the most severe cases of crime, regardless of whether the perpetrator was a member of the military or a civilian. Thereafter, the jurisdiction of military courts was limited to military personnel and prisoners of war, and as far as non-military persons were concerned, military courts had jurisdiction only over "acts of weakening the people's defence and giving away military secrets". Ordinary people's courts were given jurisdiction over all other crimes.[21]

The legal regulations and principles adopted by ZAVNOH, particularly its Department of Judiciary, established the underlying "revolutionary" principles of the judicial system in Croatia during World War II and the post-war period.

In Croatia courts for the protection of national honour were established by the Resolution of the Presidency of ZAVNOH of 24th April 1945,[22] and were in operation up to 8th September 1945, when they were abolished by the Law on Amendments to the Resolution on the Protection of the National Honour of Croats and Serbs in Croatia.[23] As temporary courts, courts for the protection of national honour were set up with the purpose of adjudicating on violations against national honour.[24] More specifically, if offenders could not be tried as war criminals or enemies of the people for the acts they committed in accordance with the Decree on Military Courts, then they were

[20] B. Zlatarić, *Razvitak novog jugoslavenskog krivičnog prava*, p. 326; Lj. Bavcon, I. Bele, P. Kobe, M. Pavčnik, *Kazenskopravno varstvo države in njene družbene ureditve. Politični delikti*, pp. 175-176 or Lj. Bavcon, *Kazneno-pravna zaštita države i njenog društvenog uređenja*, p. 179; S. Cvetković, *Između srpa i čekića. Represija u Srbiji 1944–1953*, p. 157 or S. Cvetković, *Između srpa i čekića, Knjiga prva: Likvidacija* "*narodnih neprijatelja*" *1944–1953*, p. 93; Z. Radelić, *Hrvatska u Jugoslaviji 1945–1991*, pp. 62, 64.

[21] K. Bastaić, *Razvitak organa pravosuđa u novoj Jugoslaviji*, [in:] *Nova Jugoslavija. Pregled državnopravnog razvitka. Povodom desetogodišnjice Drugog zasjedanja AVNOJ-a*, ed. F. Čulinović, Zagreb 1954, p. 109; M. Kalođera, *Vojni pravosudni organi i pravne službe JNA*, pp. 34-35; M. Gojković, *Istorija jugoslovenskog vojnog pravosuđa*, pp. 139-140; Ž. Koncilja, *Politično sodstvo. Sodni procesi na Slovenskem v dveh Jugoslavijah*, p. 181.

[22] "Narodne novine. Službeni list Federalne Hrvatske", no. 2, August 7, 1945.

[23] *Zbornik zakona, uredaba i naredaba*, vol. 7, Zagreb 1945, pp. 204-205.

[24] F. Čulinović, *Pravosuđe u Jugoslaviji*, Zagreb 1946, p. 204; Ž. Koncilja, *Politično sodstvo. Sodni procesi na Slovenskem v dveh Jugoslavijah*, p. 181.

brought to a court and tried for insulting national honour by collaborating with the occupier in whatever form.[25]

Crimes against national honour, in terms of the Resolution on the Protection of the National Honour of Croats and Serbs in Croatia, "shall be considered all acts which have offended and offend the honour of the people, or acts which are directed against the underlying interests of the people and the legacy on which Democratic Federal Yugoslavia is built. Such acts constitute crimes or violations depending on their severity and consequences which have resulted from them." In accordance with the Resolution on the Protection of the National Honour of Croats and Serbs in Croatia, crimes or violations against national honour were considered, "in particular":

1) any collaboration with the occupier or their aiders. As forms of such collaboration, the following shall be considered: collaborating with the occupier and domestic traitors politically, propaganda-wise, culturally, artistically, economically, administratively, etc.;
2) organising activities and propaganda campaigns in favour of the occupier and their aiders by spreading religious or racial intolerance or by justifying occupation, i.e. by condemning the liberation struggle of the people;
3) maintaining any close and friendly relations with members of the occupying army and government;
4) plundering, whether directly or indirectly, the property of persons persecuted by the occupying forces or their aiders;
5) liability based on abuse of position by responsible persons in the state administration which consists in failing to make every effort to avoid the shameful defeat and capitulation of Yugoslavia in 1941;
6) employment in bureaucracy in a position which is particularly important for the occupier and their aiders, as well as the holding of more public or private offices at the same time for the purpose of giving preferential treatment in any form;
7) voluntarily aiding the occupier and their aiders economically, particularly by placing business enterprises at the service of the occupier by performing significant work in a business enterprise or company, which is of use to the occupier, and by supplying the occupier;
8) participating in treacherous, political and military organisations or their aiding, whether before the collapse of Yugoslavia with the aim of its defeat or following its defeat with the aim of weakening the power of resistance in its liberation struggle;
9) any action which was intended to serve the occupier and their aiders."

According to the Resolution on the Protection of the National Honour of Croats and Serbs in Croatia, the envisaged penalties for acts committed were as follows: loss of national honour, forced labour, complete or partial confiscation of property or a pecuniary penalty and expulsion. The accused could be punished with more than one penalty at the same time. Aiding and abetting in the commission of a crime was also

[25] N. Srzentić, A. Stajić, *Krivično pravo Federativne Narodne Republike Jugoslavije. Opšti deo*, p. 62.

punishable. Also, the Resolution on the Protection of the National Honour of Croats and Serbs in Croatia stipulated no statute of limitations for criminal prosecution. It was decided that the Resolution on the Protection of the National Honour of Croats and Serbs in Croatia was not applicable to "war criminals" and "enemies of the people". However, cases in which the national honour was violated by persons who were not members of the nations of DF Yugoslavia, but who resided in Croatia, were to be decided by military courts.

Courts for the protection of national honour were, in fact, revolutionary courts set up against wealthier citizens and private property, and the purpose of their activity was the creation of a state sector under the direct control of the government. In addition to losing their property, the convicted most often lost their civil rights as well. In this way, the Communists excluded wealthier citizens and entrepreneurs from the economy and politics.[26]

Although courts for the protection of the national honour of Croats and Serbs in Croatia acted in the immediate post-war period for only a few months, they passed a series of sentences, which were frequently unjustified, heavy and had far-reaching consequences, and which mostly concerned Croats, although other Croatian citizens as well. This is evidenced by numerous archived judgments of the courts for the protection of the national honour of Croats and Serbs in Croatia. Nonetheless, the Communist Party and OZNA's dissatisfaction with and distrust in the work of military courts and courts for the protection of national honour was evident. Most documents which describe mass and individual murders, state that one of the reasons why these murders were committed, was distrust in the work of courts, which had not been carrying out their task. What follows is an interpretation of a prominent member of the Central Committee of the CP of Croatia, Duško Brkić, which was given by him in June 1945 at the First Consultation of Chiefs and Heads of OZNA for Croatia: "Courts for the protection of national honour failed to fulfil their task, because our district committees and courts failed to understand their character as revolutionary courts, they failed to understand that these are forms of eliminating enemies from our ranks swiftly and energetically. We have been given a short period of time for these revolutionary courts, such as the Court of National Honour and Military Courts, so that they would cleanse the state of hostile elements in the shortest time possible, whether by death sentence or imprisonment, with the purpose of disabling the enemy and taking matters into our own hands."[27]

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[26] Z. Radelić, *Hrvatska u Jugoslaviji 1945-1991*, p. 63.

[27] *Partizanska i komunistička represija i zločini u Hrvatskoj 1944–1946. Dokumenti*, p. 235; *Partizanska i komunistička represija i zločini u Hrvatskoj 1944–1946. Dokumenti. Slavonija, Srijem i Baranja*, p. 344; *Partisan and Communist Repression and Crimes in Croatia 1944–1946. Documents. Slavonia, Syrmia and Baranya*, p. 233; *Partizanska i komunistička represija i zločini u Hrvatskoj 1944–1946. Dokumenti. Zagreb i središnja Hrvatska*, pp. 577-578.

According to the Guidelines for the Implementation of the Resolution on the Protection of the National Honour of Croats and Serbs in Croatia of 9th May 1945,[28] the people's district courts in Dalmatia, the Croatian Littoral and Istria sent convicts sentenced at courts for the protection of national honour to the *Vrana* Penal Camp at Biograd na Moru, the people's district courts with jurisdiction over the regional Osijek People's Liberation Committee sent convicts sentenced at courts for the protection of national honour to the *Bohn* Penal Camp near Vinkovci, while the people's district courts with jurisdiction over the remaining regions of Croatia sent convicts sentenced for offending national honour to the *Stara Gradiška* Camp.[29]

The Resolution of the Presidency of ZAVNOH on the Protection of the National Honour of Croats and Serbs in Croatia of 24th April 1945 and the Law on Crimes against the People and State, adopted somewhat later, on 25th August 1945, finally prescribed the way in which "the legacy of the People's Liberation Struggle" was to be protected.

The task of the courts for the protection of the national honour of Croats and Serbs in Croatia was to try collaborators and supporters of the occupier, that is, those who aided the occupier and could not be categorised as traitors and enemies of the people. The generalised list of acts listed in the Resolution on the Protection of the National Honour of Croats and Serbs in Croatia allowed courts to punish also so-called passive collaboration.[30] Given that the accused of offending national honour were tried in accordance with the Resolution on the Protection of the National Honour of Croats and Serbs in Croatia, although no laws that provided for the punishment of acts which "offended one's sense of national honour" had existed at the time of commission of the acts which the accused were charged with, the *nullum crimen sine lege* principle of legality was violated, that is, the principle that says that criminal liability cannot exist, if there is no law prescribing punishment for acts that the accused are held criminally liable for.[31] Moreover, the fundamental principles of criminal law of democratic states, first and foremost the *lex certa* and *nullum crimen sine lege* principles, were not embedded in either the Law on Crimes against the People and State or the Yugoslav Criminal Code as such.[32]

With the adoption of the Law on Crimes against the People and State on 25th August 1945, regulations on the protection of national honour in the individual Yugoslav federal units ceased to be effective, since the acts of crime regulated in these ruleswere

[28] *Zbornik zakona, uredaba i naredaba*, vol. 2, Zagreb 1945, pp. 83-85.

[29] *Partizanska i komunistička represija i zločini u Hrvatskoj 1944–1946. Dokumenti. Slavonija, Srijem i Baranja*, p. 159.

[30] B. Zlatarić, *Razvitak novog jugoslavenskog krivičnog prava*, p. 322; J. Vodušek Starič, *Prevzem oblasti 1944–1946*, p. 189 or J. Vodušek Starič, *Kako su komunisti osvojili vlast 1944-1946*, p. 211.

[31] Z. Radelić, *Hrvatska u Jugoslaviji 1945-1991*, p. 63; M. Grahek Ravančić, *Narod će im suditi. Zemaljska komisija za utvrđivanje zločina okupatora i njihovih pomagača za Zagreb 1944–1947*, p. 48.

[32] R. Ferjančič, L. Šturm, *Brezpravje. Slovensko pravosodje po letu 1945*, p. 35.

now regulated by the provisions of the said Law. Also, the courts for the protection of national honour were abolished, and their jurisdiction was taken over by district courts.[33]

The Law on Crimes against the People and State, passed in August 1945 and amended in July 1946,[34] represented the anticipation of one of the important sections of the future Criminal Code. Pursuant to the provisions of the Law on Crimes against the People and State, an act of crime against the people and state was considered to be "any act which seeks, through violence, to either overthrow or jeopardise the existing system of government of the Federal People's Republic of Yugoslavia, or to undermine its external security or the underlying democratic, political, national and economic legacy of the People's Liberation War: the federal system of government, the equality, brotherhood and unity of the peoples of Yugoslavia, and the people's government." Acts of crime against the people and state were not only acts specified in the individual articles of the said Law, but also other acts which were not mentioned as such in the Law, but which contained all the general elements of an act of crime.

The envisaged punishment for perpetrators of acts of crime against the people and state was deprivation of liberty with forced labour for at least three years, the confiscation of property, and the loss of political and some civil rights, even the death penalty if particularly aggravating circumstances existed. It was also envisaged that the penalty of deprivation of liberty with forced labour for acts committed during the War or threat of war could not be shorter than five years. The said Law regulated that, if no other incriminating acts or circumstances existed, those who were accused of aiding and abetting people who have renounced the people's power, and whose acts did not seek to openly be acts of violence that put the people and state in danger, be sentenced somewhat more moderately. The prescribed penalty for such acts was deprivation of liberty with forced labour for a period not shorter than one year, and if such acts were committed during the War or threat of war, the said sentence could not be shorter than the period of three years.

The Law on Crimes against the People and State mimicked the Soviet Criminal Code with counter-revolutionary crimes having become the main and general form of offence against the state.[35]

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[33] B. Zlatarić, *Razvitak novog jugoslavenskog krivičnog prava*, p. 322; Ž. Koncilja, *Politično sodstvo. Sodni procesi na Slovenskem v dveh Jugoslavijah*, p. 182.

[34] "Službeni list DF Jugoslavije", no. 66, September 1, 1945; "Službeni list FNR Jugoslavije", no. 59, July 23, 1946; *Zbirka krivičnih zakona sa komentarom*, [Belgrade] 1947, pp. 9-25.

[35] Lj. Bavcon, I. Bele, P. Kobe, M. Pavčnik, *Kazenskopravno varstvo države in njene družbene ureditve. Politični delikti*, p. 176 or Lj. Bavcon, *Kazneno-pravna zaštita države i njenog društvenog uređenja*, p. 179; S. Cvetković, *Između srpa i čekića. Represija u Srbiji 1944-1953*, p. 158 or S. Cvetković, *Između srpa i čekića, Knjiga prva: Likvidacija "narodnih neprijatelja" 1944–1953*, pp. 95-96; M. Grahek Ravančić, *Narod će im suditi. Zemaljska komisija za utvrđivanje zločina okupatora i njihovih pomagača za Zagreb 1944–1947*, p. 41; Ž. Koncilja, *Politično sodstvo. Sodni procesi na Slovenskem v dveh Jugoslavijah*, pp. 186-187.

In fact, the Law on Crimes against the People and State only adapted in terms of content the former Decree on Military Courts to the now changed post-war circumstances, having, nonetheless, remained fashioned for a state of war and the possibility of rebellion against authority. However, the transition from military to ordinary courts and the transfer of jurisdiction over camps and prisons to the Home Office did not limit the powers of OZNA, which retained exclusive jurisdiction over investigations of political crimes and the apprehension of suspects accused of having committed political crimes. In addition, the Army and OZNA retained jurisdiction over prisoners of war until the spring of 1946.[36]

Cases of political crime were not heard independently by either military or ordinary courts both during the War and in the immediate post-war period. The proceedings, that is, investigation, preparation of materials, etc., and most often the report itself, were conducted by OZNA. All acts characterised as espionage, sabotage, association with enemy forces and opposition to the People's Liberation Movement were all qualified as political crimes.[37] Criminal proceedings before military courts were, as a rule, shortened, held in secret and often without the presence of a lawyer, and judgments were, also as a rule, executed immediately. In criminal proceedings, particularly before military courts, defendants' "confessions" were taken as crucial evidence.[38]

In the immediate post-war period the Communists kept all the formal features of a democratic system in Yugoslavia, and so even legislative bodies were elected. However, these bodies were, both at state and local level, administrative instruments of the CP of Yugoslavia. Moreover, not even the Constitution of FPR Yugoslavia from January 1946 offered any grounds for the independence of either the legislature or the judiciary. During the period of "People's Democracy" in Yugoslavia, the authorities were more or less unfamiliar with the concept of respect for fundamental human rights and freedoms, because the individual was subordinate to the interests of the state. The state – not ownership or human and civil rights – became the main object of legal protection.[39]

In this system of revolutionary courts, both military and ordinary courts were given a special role, which came to the fore in Yugoslavia and Croatia, particularly in the immediate post-war period, through countless political and mounted trials. In Yugoslavia political criminal repression was most severe in the first years after World War II, when the Communist Party took power and, at the same time, total

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[36] J. Vodušek Starič, *Prevzem oblasti 1944–1946*, pp. 280, 282 or J. Vodušek Starič, *Kako su komunisti osvojili vlast 1944–1946*, pp. 314, 316.

[37] J. Vodušek Starič, *Prevzem oblasti 1944–1946*, p. 38 or J. Vodušek Starič, *Kako su komunisti osvojili vlast 1944–1946*, p. 46; Ž. Koncilja, *Političnо sodstvo. Sodni procesi na Slovenskem v dveh Jugoslavijah*, pp. 190-191.

[38] S. Cvetković, *Između srpa i čekića. Represija u Srbiji 1944–1953*, pp 157 or S. Cvetković, *Između srpa i čekića, Knjiga prva: Likvidacija* "*narodnih neprijatelja*" *1944–1953*, p. 93.

[39] R. Ferjančič, L. Šturm, *Brezpravje. Slovensko pravosodje po letu 1945*, p. 71; M. Režek, *Sistem politične kazenske represije v Sloveniji med letoma 1945 in 1960*, [in:] *Kolo nasilja*, ed. M. Kokalj Kočevar, Ljubljana 2004, pp. 129, 131; Z. Radelić, *Hrvatska u Jugoslaviji 1945–1991*, pp. 58, 64.

control over the judiciary. In Yugoslavia, as well as in other countries governed by "People's Democracy", one of the main forms of repression of opponents was the fabrication of enemies of the state and their utilisation for propaganda purposes with the aim of strengthening internal cohesion, resistance to imperialism and support of the people's power as the protector of territorial sovereignty and legitimate social order. Accordingly, during court proceedings, some were labelled as collaborators, and others as enemies of the people, spies and saboteurs for or on behalf of a foreign power.[40]

Political repression was primarily based in the Law on Crimes against the People and State, which defined political offences all too freely and all too widely, and encompassed almost all acts of which the authorities held that they were to be prosecuted. This was justified by the existence of numerous enemies. Given that the Criminal Code was not complete until 1951, certain other laws provided for other groups of acts of crime.[41] In the post-war period in 1945, many other laws – in particular, the Law on the Protection of National Resources and Their Governance, the Law on the Protection of Public Property and Property under State Governance, the Law on Confiscation of War Profits Earned during Enemy Occupation, the Law on Illicit Speculation and Economic Sabotage Prevention, the Law on Illicit Trade, Illicit Speculation and Economic Sabotage Prevention, and the Law on Prohibition of Incitement to National, Racial and Religious Hatred and Strife – were designed to protect the state and "the legacy of the People's Liberation Struggle". All these laws prescribed deprivation of liberty with forced labour as punishment.

The Law on Types of Penalty of DF/FPR Yugoslavia from 1945[42] and 1946,[43] which represented the first elaboration of a new penal system of post-war Yugoslavia, prescribed that both ordinary and military courts could, amongst other things, impose the following penalties: deprivation of liberty with forced labour, deprivation of liberty and deprivation of liberty without forced labour. The said Law also prescribed that these penalties were to be imposed only as principal punishment. The penalty of deprivation of liberty with forced labour could not be shorter than the period of six months, nor could it be longer than the period of twenty years. The penalty of deprivation of liberty could not be shorter than the period of three years, nor could it be longer than the period of five years. The penalty of forced labour without deprivation of liberty could not be shorter than the period of one day, nor could it be longer than the period of two years. The Law on Types of Penalty from 1945 and 1946 also provided for the alignment of previously

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[40] R. Ferjančič, L. Šturm, *Brezpravje. Slovensko pravosodje po letu 1945*, pp. 41-43; S. Cvetković, *Između srpa i čekića. Represija u Srbiji 1944–1953*, p. 330 or S. Cvetković, *Između srpa i čekića, Knjiga prva: Likvidacija* "*narodnih neprijatelja*" *1944–1953*, p. 436.

[41] M. Režek, *Sistem politične kazenske represije v Sloveniji med letoma 1945 in 1960*, p. 129.

[42] "Službeni list DF Jugoslavije", no. 48, July 10, 1945.

[43] "Službeni list FNR Jugoslavije", no. 66, August 16, 1946 or *Zbirka krivičnih zakona sa komentarom*, [Belgrade] 1947.

imposed sentences with the sentences prescribed in the said Law. The penalty of eternal imprisonment became the penalty of deprivation of liberty with forced labour for a period of twenty years. The penalty of imprisonment or rigorous imprisonment became the penalty of deprivation of liberty with forced labour of the same length. Upon hearing the public prosecutor requesting the sentence of forced labour, courts had to decide whether the requested penalty was to be understood as the penalty of deprivation of liberty with forced labour,the sentence of deprivation of liberty or the sentence of forced labour without deprivation of liberty, as well as what the period of enforcement was to be. The penalty of light forced labour of up to two years became the penalty of forced labour without deprivation of liberty of the same length. The penalty of light forced labour of over two years became the penalty of deprivation of liberty of the same length. The penalty of light forced labour of over five years became the penalty of deprivation of liberty with forced labour of the same length. The penalty of heavy forced labour became the penalty of deprivation of liberty with forced labour of the same length. The penalty of imprisonment became the penalty of deprivation of liberty.

The Constitution of FPR Yugoslavia from 31st January 1946 repealed all the laws and other regulations which were in conflict with the Constitution; what did remain effective were resolutions and laws, which had been confirmed by the Resolution of the Constituent Assembly on 1st December 1945 until the legislative committees of both Houses of the People's Assembly of FPR Yugoslavia harmonised the same with the Constitution. The legislative committees harmonised all criminal laws by 31st October 1946, having thus aligned them to the Constitution.[44]

The Criminal Codes from 1947 and 1951 were of paramount importance during the development and design of the Yugoslavian criminal law in the period of "People's Democracy". The General Provisions of the Criminal Code were adopted in December 1947, while the comprehensive version of the Criminal Code as late as February 1951. Until then, special laws for specific acts of crime were passed.[45]

The Criminal Code of FPR Yugoslavia from 1947[46] stipulated, amongst other things, the imposition of the following penalties: deprivation of liberty with forced labour, deprivation of liberty and forced labour (without deprivation of liberty). The said penalties were imposed only as principal punishment. The penalty of deprivation of liberty with forced labour could not be shorter than six months, nor could it be longer than twenty years. Courts could impose a life term penalty of deprivation of liberty with forced labour, but only for acts of crime for which the Code prescribed the death penalty, if circumstances surrounding either the offence

[44] N. Srzentić, A. Stajić, *Krivično pravo Federativne Narodne Republike Jugoslavije. Opšti deo*, p. 65-66.

[45] N. Srzentić, A. Stajić, *Krivično pravo Federativne Narodne Republike Jugoslavije. Opšti deo*, p. 56, 67-72; Z. Radelić, *Hrvatska u Jugoslaviji 1945–1991*, p. 64.

[46] "Službeni list FNR Jugoslavije", no. 106, December 13, 1947 or *Krivični zakonik. Opšti deo*, [Belgrade] 1948.

or the offender were found allowing for mitigation of the punishment prescribed. The life term penalty of deprivation of liberty with forced labour could also be ordered by an act of amnesty or pardon granted to persons convicted to a death penalty. The penalty of deprivation of liberty could not be shorter than seven days or longer than five years. The penalty of correctional labour could not be shorter than three days or longer than two years. The Criminal Code from 1947 prescribed that convicts serving their sentences in prisons or correctional facilities, and able to perform labour, had the right and duty to perform it. Convicts served the sentence of deprivation of liberty with forced labour or the sentence of deprivation of liberty in segregation, depending on the type and duration of punishment, the degree of social danger and character traits of individual prisoners. Male and female convicts served the sentence of deprivation of liberty with forced labour or the sentence of deprivation of liberty in separate correctional facilities or in segregation, if in the same correctional facility. The Criminal Code from 1947 also stipulated sentence annulment, that is, the overturning of verdicts and/or sentence reductions through acts of amnesty and pardon granted to convicts.

Until the adoption of the Law on Types of Penalty in 1945, in addition to penalty prescription, some regulations also contained provisions regulating sentence execution and the authority responsible for sentence execution. The Interim Guidelines on Sentence Execution of 27th September 1945, as well as the laws on sentence execution adopted somewhat later in 1948 and 1951, provided for the rehabilitation of convicts sentenced to deprivation of liberty and deprivation of liberty with forced labour.[47]

Modelled on the Soviet criminal law, the Criminal Code from 1947 represented the affirmation of the *principle of analogy* as the negation of the principle of legality. The Law on Criminal Procedure from 1948 was also modelled on the Soviet one. This type of criminal law was the fundamental force of the state and the Communist Party in their dealing with political, class and intraparty enemies. It was only with the 1951 amendments to the Yugoslavian criminal law that the state and the Communist Party distanced themselves from Stalinism in legislation, and that the *principle of analogy* was abandoned.[48]

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[47] B. Debeljak, *Razvoj kazenske zakonodaje v republiki Sloveniji*, [in:] *Kolo nasilja*, ed. M. Kokalj Kočevar, Ljubljana 2004, p. 139.

[48] B. Zlatarić, *Razvitak novog jugoslavenskog krivičnog prava*, p. 329; N. Srzentić, A. Stajić, *Krivično pravo Federativne Narodne Republike Jugoslavije. Opšti deo*, p. 69; Lj. Bavcon, I. Bele, P. Kobe, M. Pavčnik, *Kazenskopravno varstvo države in njene družbene ureditve. Politični delikti*, p. 177 or Lj. Bavcon, *Kazneno-pravna zaštita države i njenog društvenog uređenja*, p. 183; R. Ferjančič, L. Šturm, *Brezpravje. Slovensko pravosodje po letu 1945*, pp. 35-36, 54, 68; M. Režek, *Sistem politične kazenske represije v Sloveniji med letoma 1945 in 1960*, pp. 129-134; S. Cvetković, *Između srpa i čekića. Represija u Srbiji 1944–1953*, pp. 158-159 or S. Cvetković, *Između srpa i čekića, Knjiga prva: Likvidacija "narodnih neprijatelja" 1944–1953*, pp. 96-97; Z. Čepič, *Zločin in kazen: kaznovanje zločina v jugoslovanski zakonodaji 1945–1963*, "Prispevki za novejšo zgodovino", no. 1, 2013, p. 308; Ž. Koncilja, *Političnо sodstvo. Sodni procesi na Slovenskem v dveh Jugoslavijah*, pp. 187-188, as well as the sources cited therein.

The Law on Criminal Procedure with explanations from 1948[49] and the Law on Sentence Execution, also from 1948,[50] set and elaborated the general principles of criminal policy.

The Law on Sentence Execution from 1948 clarified the question of deprivation of liberty, deprivation of liberty with forced labour and correctional labour, and, in connection with the latter, the question of the organisation of penal institutions. Penal institutions in which convicts served the sentence of deprivation of liberty and the sentence of deprivation of liberty with forced labour were prisons (for sentences of up to one year) and correctional facilities. Male and female convicts served their sentences in separate correctional facilities or prisons, or in segregation, if in the same correctional facility or prison. Minors served their sentences of deprivation of liberty and deprivation of liberty with forced labour in special juvenile correctional facilities, and convicted mothers in special security facilities for convicted mothers. The sentence of deprivation of liberty with forced labour and the sentence of deprivation of liberty were to be executed by removing the convicted from their current social environment and transferring them to a correctional facility to serve their sentence. In correctional facilities and prisons, prisoners served their sentences segregated into separate groups according to a type of criminal offence, a type and duration of sentences served and prisoner character traits. Convicts serving the sentence of deprivation of liberty with forced labour could be isolated from other prisoners, if this was necessary to achieve the purpose of punishment. The Law on Sentence Execution from 1948 prescribed and highlighted that the main method of rehabilitation was labour. This was, as a rule, manual labour, and heavy manual labour for those sentenced to deprivation of liberty with forced labour. The Law on Sentence Execution from 1948 also prescribed that in correctional facilities state industrial and commercial craft enterprises were to be set up, in which prisoners were to work in. Convicts serving the sentence of deprivation of liberty with forced labour were required to perform heavy manual labour specified by the administration of the correctional facility. Convicts who were rehabilitated sufficiently while serving their sentence, could be assigned to carry out lighter manual labour. If able to perform labour, convicts serving the sentence of deprivation of liberty were required to carry out labour specified by the administration of the correctional facility. The working hours of prisoners, serving the sentence of deprivation of liberty with forced labour and those serving the sentence of deprivation of liberty, was eight hours a day. Prisoners were entitled to one day of rest a week. The type of labour that convicted juveniles were to carry out was determined according to their physical abilities, traits and propensity for certain types of labour, as well as according to the general plan for the raising of a professional workforce. As a rule, convicts performed their labour duties in workgroups, and they were controlled by

[49] *Zakon o krivičnom postupku s objašnjenjima*, [Belgrade] 1948.

[50] "Službeni list FNR Jugoslavije", no. 92, October 27, 1948 or *Zakon o izvršenju kazni*, [Belgrade] 1948.

administration officers of the correctional facility in which they were serving their sentence. Workgroup schedules were set by the administration of the correctional facility. Convicts who were isolated from other prisoners used to perform their labour duties individually. Pursuant to the provisions of the Law on Sentence Execution from 1948, the sentence of correctional labour was executed through convicts performing labour, which was determined by the competent state authority for the execution of sentences, and that, as a rule, in workgroups. The sentence of correctional labour was, as a rule, executed outside the place of residence of the convicted person. While serving the sentence of correctional labour, convicted persons were obliged to perform duties they were assigned within a specific timeframe, outside of which they were not confined.

The penalty of correctional labour was imposed in Croatia and elsewhere in Yugoslavia by both courts and administrative bodies – Home Office Committees at district or local people's committees. Courts imposed this penalty pursuant to the provisions of the Criminal Code from 1948, while administrative bodies imposed penalties of up to three months. The penalty of socially useful labour was a forced administrative measure, which was, pursuant to the provisions of the Law on Offences against Public Order and Peace from 1949, imposed by administrative bodies – Offence Commissions at district and local people's committees. More specifically, lists of people to be penalised with a socially useful labour sentence were compiled by Party organisations. The penalty of socially useful labour was imposed on people with the aim of their "rehabilitation" due to criminal, but also political reasons (e.g., an incrimination may have read: "the invention and spreading of false news") for a period of six months to two years.[51]

According to the Law on Criminal Procedure, which was adopted in October 1948 and was in effect until 1st January 1951, public prosecution had jurisdiction over criminal proceedings, except for acts with a political basis. Jurisdiction over such criminal proceedings was held by the State Security Administration. To be found guilty, much like in the post-war period, a confession sufficed as evidence, while material truth was never determined. Denial of a confession made during the investigation was treated as a criminal offence. Accordingly, force was often used on suspects.[52]

The penal system, the types of penalty and the manner of execution of the sentence of deprivation of liberty were specified in 1951 in the new Criminal Code of

[51] M. Mikola, *Delo kot kazen. Izrekanje in izvrševanje kazni prisilnega, poboljševalnega in družabno koristnega dela v Sloveniji v obdobju 1945–1951*, pp. 46-47, 59-74; *Dokumenti in pričevanja o povojnih delovnih taboriščih v Sloveniji*, pp. 22-23, 27-28; Z. Radelić, *Hrvatska u Jugoslaviji 1945–1991*, p. 217; M. Mikola, *Rdeče nasilje. Represija v Sloveniji po letu 1945*, pp. 137, 144-145.

[52] Z. Radelić, *Hrvatska u Jugoslaviji 1945–1991*, 65.

FPR Yugoslavia[53] and the Law on Sentence Execution, Security and Correctional Measures.[54]

The Criminal Code from 1951 and the Law on Sentence Execution, Security and Correctional Measures, also from 1951, prescribed, amongst other things, the imposition of the following penalties: rigorous imprisonment and imprisonment. The penalty of rigorous imprisonment was imposed only as principal punishment, it could not be shorter than six months or longer than twenty years, and was to be imposed for full calendar years and months. An act of amnesty or pardon could grant that the death penalty be replaced with life term rigorous imprisonment. The penalty of imprisonment could not be shorter than three days, nor could it be longer than five years. The penalty of imprisonment was to be imposed for full calendar years and months, and full calendar days, if the convict was sentenced to imprisonment of up to three months. The Criminal Code from 1951 further stipulated that the sentences of rigorous imprisonment and imprisonment were to be served in correctional facilities or prisons. The penalty of imprisonment of up to six months was to be served in prisons. Male and female convicts served their sentence of rigorous imprisonment in separate correctional facilities orin segregation,. Those sentenced to rigorous imprisonment served their sentences segregated from persons sentenced to imprisonment. Convicts serving their sentence of rigorous imprisonment or imprisonment served their sentences in separate groups, while solitary confinement was reserved only for exceptional circumstances. The Criminal Code from 1951 prescribed that, if they were able to perform labour, prisoners serving their sentence of rigorous imprisonment or imprisonment had a duty to perform labour. They performed labour eight hours a day. Prisoners sentenced to rigorous imprisonment were, as a rule, assigned to carry out manual labour, and, if they were not capable of carrying out manual labour, they had a duty to perform the labour that they were capable of performing. Prisoners sentenced to imprisonment were, as a rule, allocated jobs that matched their qualifications and skills. Prisoners sentenced to imprisonment, who could not be allocated to jobs that matched their occupation, qualifications and skills, and who were not manual workers prior to imprisonment, were then allocated to manual labour which had to be lighter in nature. The Criminal Code from 1951 also stipulated sentence annulment, that is, the overturning of verdicts and/or sentence reductions through acts of amnesty and pardon granted to convicts.

The 1951 amendments to the Yugoslavian criminal law repealed the penalties of forced labour, correctional labour and socially useful labour. However, in reality, forced labour was not abolished. The said amendments which legally discontinued the practice of sentencing people to forced labour did not embrace those who had already been convicted and had been serving their sentence. In addition, the Law on

[53] "Službeni list FNR Jugoslavije", no. 13, March 9, 1951 or *Krivični zakonik s uvodnim zakonom*, Zagreb 1954.

[54] *Zakon o izvršenju kazni, mjera sigurnosti i odgojno-popravnih mjera*, [Belgrade] 1951.

Sentence Execution, Security and Correctional Measures from 1951 provided for the work of convicts in industrial enterprises, craft workshops and farms as the basic means of rehabilitation in prisons.[55]

Conclusion

Those that the Communist system considered to be their opponents and "internal enemies" were, following World War II during the period of "People's Democracy" between 1945 and 1951, victims of forced labour, correctional labour and socially useful labour in Croatia and Yugoslavia. Although the Yugoslav Communist government portrayed forced, correctional and socially useful labour as a means of rehabilitation of convicts, the real purpose of such repressive measures was to provide free labour for the execution of construction projects which were directly related to the implementation of a five-year plan.[56]

In Croatia, during the period of "People's Democracy" from 1945 to 1951, tens of thousands of people, both men and women, were sentenced to forced labour, correctional labour and socially useful labour. The labour that these convicts performed was, as a rule, the heaviest manual labour, during the performance of which many started suffering from severe health problems, and many lost their lives due to truly dreadful conditions. The preserved, that is, available archival documents and testimonies of contemporaries of the events described bring much, yet still incomplete data on the number of people in Croatia sentenced to forced labour, correctional labour and socially useful labour, as well as the locations where and the times when such labour was performed, including the types of labour performed by convicts.

Summary

DEPRIVATION OF LIBERTY AND FORCED LABOUR IN CROATIAN/YUGOSLAVIAN LEGISLATION 1945–1951

During the period of "People's Democracy" following World War II, deprivation of liberty and forced labour in the Croatian or the Yugoslavian legal system at that time were regulated by a series of decrees, resolutions and laws. In the period between

[55] M. Mikola, *Delo kot kazen. Izrekanje in izvrševanje kazni prisilnega, poboljševalnega in družabno koristnega dela v Sloveniji v obdobju 1945–1951*, p. 12; *Dokumenti in pričevanja o povojnih delovnih taboriščih v Sloveniji*, p. 9; Z. Radelić, *Hrvatska u Jugoslaviji 1945–1991*, p. 217; Z. Čepič, *Zločin in kazen: kaznovanje zločina v jugoslovanski zakonodaji 1945–1963*, p. 315; M. Mikola, *Rdeče nasilje. Represija v Sloveniji po letu 1945*, p. 119.

[56] M. Mikola, *Delo kot kazen. Izrekanje in izvrševanje kazni prisilnega, poboljševalnega in družabno koristnega dela v Sloveniji v obdobju 1945–1951*, p. 8; *Dokumenti in pričevanja o povojnih delovnih taboriščih v Sloveniji*, p. 12; Z. Radelić, *Hrvatska u Jugoslaviji 1945–1991*, p. 217; M. Mikola, *Rdeče nasilje. Represija v Sloveniji po letu 1945*, p. 121.

1945 and 1951, the Yugoslavian penal system recognised four types of unfree labour: forced labour without deprivation of liberty, forced labour with deprivation of liberty, correctional labour and socially useful labour. On the basis of sources, literature and, above all, the most important decrees, resolutions and laws effective in Croatia and elsewhere in Yugoslavia during the period of "People's Democracy" from 1945 to 1951, this article reviews the issue of state repression and the question of deprivation of liberty and forced labour in the penal system.

Keywords: legislation, Croatian, Yugoslavian, 1945–1951
Słowa kluczowe: prawodawstwo, Chorwacja, Jugosławia, 1945–1951

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