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**IN THE NAME OF THE PEOPLE:
COURTS FOR THE PROTECTION OF PEOPLE'S HONOUR
OF CROATS AND SERBS IN CROATIA (1945)**

“The courts administrate justice in the name of the people”
Constitution of the Federal People's Republic of Yugoslavia, § 117

The notion of honour has been the focus of numerous theoretical debates, and attempts at defining it have had a long and interesting trajectory. The notion of “personal honour” in modern civilization has been linked to the evolution of feudalism in Western Europe. During the 19th century it experienced its own “nationalization”, with World War I as its pinnacle. According to some interpretations, the trauma of trench warfare has deprived the notion of honour of its glory. In terms of that, World War II would additionally damage the social texture.

Honour can be defined as a reflection of human responsibility with regard to the moral norms, as well as a premise for man's integration in the community. Thus, honour can be defined both as a private and social good, which can be gained and lost in the social process.¹ This precarious nature of honour tends to come to the fore in the periods of substantial social turbulence and change.

Yugoslav courts of honour were similar to those in the Soviet Union, organized within military units. At the end of World War II, the notion of honour was also linked to people's commitment, and thus special courts for the protection of people's honour were established in the territories of Yugoslav federal entities. They were in charge of deciding on the matters of political, ideological, cultural, economic, and administrative collaboration with the occupier and the activity of “internal traitors”.

The main task of the Communist Party of Yugoslavia was to establish a universal political-administrative apparatus with its jurisdiction and secret service in order to

¹ I. Bojanić, *Kaznena djela protiv časti i ugleda De lege lata i moguće promjene De lege ferenda*, “Hrvatski ljetopis za kazneno pravo i praksu”, vol. 17, no. 2, 2010, pp. 627-628 (with bibliography); S. Badrov, *Kaznena djela protiv časti i ugleda u hrvatskom kaznenom pravu*, “Pravnik” časopis za pravna i društvena pitanja, vol. 41, no. 1, 2007, p. 62; cf.: T. Veblen, *The Nature of Peace*, New Brunswick and London 1998, pp. 27-30.

“cleanses” the state of all actual and/or potential enemies. This long-term process was started in the times of warfare and largely completed by the late 1946. In relation to that, the Department for the Protection of the People (Odjeljenje za zaštitu naroda – OZNA) was established on May 13, 1944. In March 1946, it split into the Directorate of State Security (Uprava državne bezbjednosti – UDBA) and the Counterinformation Agency (Kontraobavještajna služba – KOS). On August 15, 1944, the People’s Defence Corps of Yugoslavia (Korpus narodne odbrane Jugoslavije – KNOJ) was established in order to serve as the armed forces of interior security.

The victorious regime classified all “losers” as collaborationists, and also used the opportunity to settle accounts with all its bourgeois opponents. These efforts were in contradiction with the Declaration of Antifascist Forces (February 11, 1945) and the agreements between Josip Broz Tito and Ivan Šubašić, president of the exiled government in London. These documents ensured personal freedom and preservation of property, as well as plurality of the political scene, yet only in a limited extent and for a short period of time. This is most clearly evident in the fact that the first government of Democratic Federal Yugoslavia (DFJ), established on March 7, 1945, had three seats reserved for liberal politicians (although only I. Šubašić had serious authority as a Minister of Foreign Affairs), as well as the fact that the interim people’s assembly (AVNOJ) was extended by adding several members from the previous one (1939) and several delegates from the liberal parties. The Communist Party of Yugoslavia (KPJ) based this normative pluralism solely on the condition that the new party leaderships should expressly state their support of the People’s Front (NF), and that they should refrain from developing any further political activity. All further resistance on the side of the Croatian Peasant Party (HSS) or the Democratic Party (DS) was thwarted by the mass abolition of electorship (explained by their activities during the war), which considerably diminished the constituency. In the elections of November 11, 1945, the KPJ obtained 90.8% of the votes, which definitely established a one-party system in Yugoslavia.

On November 29, the People’s Assembly officially abolished the monarchy and pronounced the Federal People’s Republic of Yugoslavia (FNRJ). On December 1, decisions of the Antifascist Council of People’s Liberation of Yugoslavia (Antifašističko vijeće narodnog oslobođenja Jugoslavije – AVNOJ) were officially enacted. In late January, a new socialist constitution was proclaimed, modelled completely on the Soviet Constitution of 1936. This confirmed the absolute power of KPJ. It was only logical that the new Yugoslav state should have a full support of Moscow, but it was also recognized by the Western allies. In the preparations preceding the Paris Peace Agreement (February 10, 1947), Yugoslavia participated as a state – a victor and an ally of anti-fascist forces, its borders confirmed by various peace agreements.

Besides the cleansings and the abolition of the multi-party system, the new regime also strove to control the Church in order to secure its third axis. Special repression was directed against the Croatian clergy, as it was considered politically threatening. The most illustrative example is the trial of Zagreb’s archbishop Alojzije Stepinac.

Simultaneously with the political transition, which followed the Soviet example, the economy was reorganized as well. Confiscations based on AVNOJ’s decision on

sequestration and nationalization had begun during the war and after March 1945, the interim government continued the expropriation. Thus, the *Nationalization Law* of December 5, 1946 only codified a process that was already underway. With the exception of agriculture, handicraft and small trade, private property was abolished by 1946. The law of 1948 reduced the remnants to strict state control.

August 1945 saw the enactment of the *Law on Agrarian Reform and Colonization*, which provided a legal basis for confiscating all ecclesiastical and private land larger than 45 ha (1.57 million ha in total). A half was distributed and the rest became state-owned land or was handed over to agricultural collectives. The division of land was followed by a transfer of population from passive to more lucrative areas. In April 1947, the first Five-Year Plan was enacted, introducing a centralized, planned agriculture. Its original aims were largely realized.

It should be emphasized that the new government of Yugoslavia did not even consider the possibility of using an armed intervention in order to carry out these social transformations. It was important to ensure the possibility of revisions in the political race. Besides, the reawakening of conflict between the Yugoslav nations was to be avoided at all cost, especially with regard to the obvious detachment of the liberal parties with regard to the new federal regime.²

All this manifestly shows that the new state considered it important to define a legal normative framework. For this reason, the new legal system was based on a complete break with pre-war or wartime models. AVNOJ's presidency decided on February 3, 1945 that all legal regulations issued during the occupation, as well as those published prior to April 6, 1941, were to be annulled in case they contradicted the legacy of the People's Liberation Struggle (NOB).³ Simply put, Yugoslav post-war penal law was based on entirely new principles, the older ones having "lost their legal validity."⁴

² More on the social and political circumstances in e.g.: Z. Radelić, *Hrvatska u Jugoslaviji 1945–1991. Od zajedništva do razlaza*, Zagreb 2006 (2011).

³ "Službeni list Demokratske Federativne Jugoslavije", vol. I, no. 4, February 13, 1945.

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 and 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. Ferjačić, L. Šturm, *Brezpravje. Slovensko pravosodje po letu 1945*, Ljubljana 1998, pp. 33-34; J. Vodušek Starič, *Kako su komunisti osvojili vlast 1944-1946*, Zagreb 2006, p. 213; J. Vodušek Starič, *Ozadje sodnih procesov v Sloveniji v prvem povojnem letu*, "Prispevski za novejšo zgodovino", vol. 32, 1992, no. 1-2, pp. 141-142; M. Gulić, *Ustroj i nadležnost kotarskih/općinskih sudova grada/kotara Zagreb 1945-1970*, "Arhivski vjesnik", vol. 51, 2008, p. 276.

During the first months following the end of the war, the *Edict on Military Courts* from May 24, 1944⁵ was the only basis for trials on the basis of penal law. All trials were carried out by military courts, regardless of their nature (military or civil). The *Edict on Military Courts* did not foresee precise penalties for specific crimes, which meant that the courts could impose any penalty they found to be adequate for the “specific social threat posed by the deed and the culprit.”⁶ Transition to regular courts was marked by the publication of the *Law on Crimes against the People and the State* (August 25, 1945, revised and augmented in July 1946),⁷ which was also to serve as the penal code of the Democratic Federal Yugoslavia.⁸ It was modelled on the Soviet Penal Code, which pronounced the contra-revolutionary activity to be the main and universal form of crime against the state.⁹ But even if the publication of the *Law on Crimes* marked the transition to regular courts, it actually only modified the content of the *Edict on Military Courts* to the altered circumstances after the war. Its baselines were still fit for the times of warfare, with a particular emphasis on the possibility of rebellion against the new government. More accurately said, penal legislation was primarily meant to protect the new regime, first and foremost by preventing its overthrow.¹⁰

The importance of establishing norms concerning the crime of economic cooperation with the enemy is evident from the fact, that the legislative bodies defined it thrice: in the *Decision on the Protection of People's Honour of Croats and Serbs* (April 24, 1945), the *Law on Electoral Lists* (August 11, 1945), and the *Law on Crimes against the People and the State* (August 25, 1945). All of them made a clear distinction between the material and immaterial aspects of the crime of collaborating with the enemy. The material aspect implied placing a company or expert services to the enemy's disposal in order to support and strengthen his economic power and potential for

⁵ M. Kalodera, *Vojni pravosudni organi i pravne službe JNA*, Belgrade 1986, pp. 13-17; M. Šnuderl, *Materialno kazensko pravo v Narodnoosvobodilni vojni Slovenije*, Ljubljana 1947, pp. 6-9; *Dokumenta Centralnog komiteta KP Jugoslavije i Vrhovnog štaba NOV i PO Jugoslavije*, Belgrade 1982, pp. 174-185.

⁶ N. Srzentić, A. Stajić, *Krivično pravo*, p. 62.

⁷ “Službeni list Federativne Narodne Republike Jugoslavije”, vol. 2, no. 59, July 23, 1946; *Zbirka krivičnih zakona sa komentarom*, [Beograd] 1947, pp. 9-25.

⁸ “Službeni list Demokratske Federativne Jugoslavije”, vol 1, no. 66, September 1, 1945; “Borba”, vol. 10, no. 208, August 27, 1945, p. 4; “Službeni list Federativne Narodne Republike Jugoslavije”, vol. 2, no. 59, July 23, 1946; *Zbirka krivičnih zakona*, pp. 9-25.

⁹ Lj. Bavcon, *Kazneno-pravna zaštita države i njenog društvenog uređenja*, Zagreb 1988, p. 179; J. Vodušek Starič, *Ozadje sodnih procesov*, p. 140; S. Cvetković, *Između srpa i čekića. Represija u Srbiji 1944–1953*, Belgrade 2006, p. 158. Even though this term was used to denote contra-revolutionary crimes, it appeared in the title of the penal code only in 1951, as the circumstances were unfavourable for identifying the People's Liberation Struggle and the Socialist Revolution.

¹⁰ V. Koštunica, K. Čavoški, *Stranački pluralizam ili monizam. Obnova i zatiranje posleratne opozicije*, Belgrade 2011, p. 242.

warfare. Immaterial responsibility, according to these acts, referred to the degree of volition, which was presented as a precondition for guilt.¹¹

Another interesting aspect is the very broad definition of property, according to which this category included immobile goods, mobile goods and rights, land, houses, furniture, forests, mining rights, companies with all their organizations, associations, funds, various forms of finances, claims, copyrights, rights to industrial property, and so on. In other words, almost all forms of property were covered.

In carrying out the confiscation, which was the primary method of establishing guilt, it was necessary to coordinate the political and economic interests of the Communist Party. At its Fifth Congress (1948), Dušan Brkić, Minister of Justice, stated that the entire economic sector had emerged from confiscated property, whereby the confiscation procedure was based on the class principle: "These confiscations undoubtedly had, and still have, their revolutionary significance and their class background."¹² By confiscating the property of those who had collaborated with the enemy, the state disabled the economic basis of fascism, and also supplied a wider context for confiscations as a form of penalty.¹³ Thus, by taking away property, the regime sought to create a classless society with economically dependent individuals.¹⁴ The first phase in the confiscation of property (excluding the agrarian reform) was also called *patriotic* nationalization, as it included "acts of repression against all those elements, both local and foreign, that have acted against the people."¹⁵ This leads to the conclusion that, in this respect, the Communist Party of Yugoslavia followed the way of the Soviet Union, openly stating that its plan of nationalizing the means of production was "based on those overt and elaborate laws that were in force in the Soviet Union."¹⁶

Whereas foreigners working for foreign companies were tried according to the *Law on Crimes against the People and the State*, Yugoslav citizens were subject to the *Decision on the Protection of People's Honour of Croats and Serbs*. According to the latter law, a crime or illegal act was defined as an act of voluntarily supporting the occupiers and their assistants economically by placing one's company at their disposal, providing significant work for an economic organization or company useful to the occupier, or providing supplies for the same purpose. By punishing such voluntary economic collaboration, and by taking other measures foreseen by the *Law on Crimes*

¹¹ According to some interpretations, a person can be called to account for his or her deeds (however improvised, unnatural, or politically motivated the trial may be) only if he or she had a choice, an alternative option or space in the situation, in which they committed the crime or any other illegal act. Cf.: J. T. Gross, *Themes for social history of war experience and collaboration*, [in:] *The Politics of Retribution in Europe – World War II and Its Aftermath*, eds. I. Deák, J. T. Gross, and T. Judt, New Jersey 2000, p. 16.

¹² Z. Radelić, *Hrvatska u Jugoslaviji*, p. 183.

¹³ N. Milićević, *Jugoslovenska vlast i srpsko građanstvo 1944–1950*, Belgrade 2009, p. 140.

¹⁴ Z. Radelić, *Hrvatska u Jugoslaviji*, pp. 178-179.

¹⁵ J. Prinčič, *Povojne nacionalizacije v Sloveniji: 1945-1963*, Novo Mesto 1994, p. 30.

¹⁶ *Ibidem*, p. 21.

against the People and the State, the state was protected as the crucial legacy of the People's Liberation Struggle, whereby the voluntary nature of the condemned acts was taken for granted. "And since the object of protection were the most precious legal notions, namely the people and the state, it is understandable that "this laws will cover the majority of culprits and that even the minimum of voluntariness will be considered sufficient as a sign of the crime of economic collaboration."¹⁷

As mentioned above, Courts for the Protection of People's Honour of Croats and Serbs were in charge of the political, ideological, cultural, artistic, economic, and administrative collaboration with the occupier and the activity of "internal traitors". In Croatia, they operated from April 24, 1945¹⁸ until September 8, 1945, when the Presidency of the People's Assembly of the Federal Republic of Croatia published the *Law on Modifications in the Decision on the Protection of People's Honour of Croats and Serbs*, and when the courts' functions were transferred to the people's courts in the respective counties.¹⁹ Those who did not belong to any of the nations in the Democratic Federal Yugoslavia, but were nevertheless resident in Croatia and accused of the aforesaid crimes, were put to trial by the military courts.

According to the mentioned decision, deeds against people's honour included all those acts that "offend the honour of the people or are directed against the basic interests of the peoples and legacies on which Democratic Federal Yugoslavia is based." Thus, the decision did not concern the acts of war criminals or enemies of the people. Besides, punishable deeds included all "actions and propaganda that serves the occupier and his assistants by spreading religious or national hatred or by justifying the occupation or discrediting People's Liberation Struggle." Art. 3 also defined as punishable having maintained any close or friendly relations with members of the occupying army or regime. The decision also touched upon the question of property dissipation. The courts were to decide on the guilt of "persons working in state administration", who failed to do everything to "prevent the shameful defeat and capitulation of Yugoslavia." It was also deemed punishable having served "in the state apparatus [...], as well as simultaneously holding several public and private offices by special privilege." Furthermore, punishable acts included having voluntarily assisted the traitors' political and military organizations economically, participating in them or assisting them in any way. Eventually, "all activity that served the occupier and his assistants"

¹⁷ *O dobrovoljnoj privrednoj suradnji s neprijateljem*, "Slobodna Dalmacija", vol. 3, no. 576, December 4, 1945, p. 2.

¹⁸ "Službeni list Federalne Hrvatske", vol. 1, no. 2, August 7, 1945; *Zbornik zakona, uredaba i naredaba*, vol. 7, Zagreb 1945, pp. 24-25.

¹⁹ *Zbornik zakona, uredaba i naredaba*, p. 488; *Partizanska i komunistička represija i zločini u Hrvatskoj 1944-1946. Dokumenti*, ed. Z. Dizdar [et al.], Slavonski Brod 2005 (hereafter: *Partizanska i komunistička represija*), p. 263; I. Perić, *Hrvatski državni sabor 1848-2000*, vol. 3: 1918-2000, Zagreb 2000, p. 175; B. Zlatarić, *Razvitak novog jugoslavenskog krivičnog prava*, p. 322.

was condemnable.²⁰ In other words, it could mean any sort of collaboration with the occupier, unless the committed acts defined the perpetrator as a war criminal or public enemy as defined by the *Edict on Military Courts*.²¹

Specific penalties were foreseen for these crimes, including the loss of civic honour (exclusion from public life, loss of right to public offices, as well as the loss of civic rights), forced work, partial or complete confiscation of property, and/or exile. The law particularly mentions that the culprit could be punished with more than one penalty at a time. Additional explanations state that the loss of civic honour was the main penalty and could be imposed even in cases when no other penalty was considered appropriate. Confiscation penalty was intended for those persons (although not exclusively) who had “acquired property by means of, or related to, dishonourable behaviour during the occupation,” whereby partial confiscation was pronounced “in proportion to the property in total.” Exile was considered appropriate in those cases when “the culprit’s further residence in a particular place or area was detrimental to public interest.”²² It is important to note that the guilt defined in this decision was not subject to barring by limitation.²³

According to the guidelines, Courts for the Protection of People’s Honour of Croats and Serbs in Croatia were to be established at the district capital, but their territorial jurisdiction could be extended to several districts. The main seat of the court was in Zagreb, and it operated through councils located in various district capitals (Bjelovar, Delnice, Dubrovnik, Gospić, Karlovac, Makarska, Nova Gradiška, Osijek, Petrinja, Slavonski Brod, Split, Sušak, Šibenik – Zadar, Varaždin, Virovitica). Court members were appointed by the Presidency of the State Antifascist Council for the People’s Liberation of Croatia (Zemaljsko antifašističko vijeće narodnog oslobođenja Hrvatske – ZAVNOH), which assigned one among them to the court presidency. By the same token, members of the court were accountable to ZAVNOH. The court’s president was in charge of the council’s agenda, and one of the judges elected through the council presided over it. Each council had a secretary from the ranks of the lawyers, who was in charge of administrative work. The court’s president also nominated a judge-investigator for each council (both the attorneys and the barristers). The courts were in

²⁰ “Službeni list Federalne Hrvatske”, vol. 1, no. 2, August 7, 1945, p. 17; *Zbornik zakona, uredaba i naredaba*, pp. 24-25; F. Čulinović, *Pravosuđe u Jugoslaviji*, Zagreb 1946, p. 204.

²¹ N. Srzentić, A. Stajić, *Krivično pravo*, p. 62.

²² *Partizanska i komunistička represija i zločini u Hrvatskoj 1944-1946. Dokumenti. Slavonija, Srijem i Baranja*, ed. V. Geiger [et al.], Slavonski Brod 2006, pp. 157-158 (hereafter: *Partizanska i komunistička represija – Slavonija, Srijem i Baranja*).

²³ *Law on the Court in Charge of Crimes and Delicts against the People’s Honour of Serbs, Muslims, and Croats in the Federal Republic of Bosnia and Herzegovina* (May 26, 1945) contains an amendment according to which the crimes covered by this law were subject to barring by limitation after twenty years. Cf.: V. Katz, *Komunizam i represija: Sud narodne časti u Bosni i Hercegovini*, [in:] *60 godina od završetka Drugog svjetskog rata – kako se sjećati 1945. godine*, Sarajevo 2006, p. 156.

charge of registering the culprits and convicts (first name and family name, residency, profession, age, a brief description of the crime, and the sentence).²⁴

Soon similar courts were organized in all important institutions (scholarly, cultural, sports), commercial chambers, professional associations, societies and the army, including the Literary Authors' Association, the Croatian State Conservatory, the Croatian People's Theatre, the Composers' Association, and the University of Zagreb, all of which collaborated with the Survey Commission for Establishing the Crimes of Occupiers and Their Assistants. The purpose of these courts was primarily to punish supporters of the previous regime, especially the intellectuals, and to create room for establishing a new relationship with the intellectual elites, which would be more favourable for the regime.²⁵

The trial could be launched at the request of the State Attorney, the Department for the Protection of the People (OZN), the Committees of People's Liberation (NOO), the Committees of the People's Front (NF) or individuals. The criminal charges raised by OZN concerned primarily larger groups of people with special significance. It should be noted that OZN's requests for trials were automatically treated as indictments. They used a uniform formula for describing a particular "crime", regardless of the number of culprits, the circumstances, and so on.²⁶

After launching the trial, the Attorney was obliged to inform the District Directorate of Public Goods, and if there was no such, the district NOO. The culprits were interrogated by investigators from the State Attorney's Office, military courts, and OZN. Interrogations were brief and the minutes did not differ significantly from what had already been stated in the indictment, since the Attorney's Office, which represented the accusation, identified the charges with the indictment.²⁷ The charges included personal data of the culprit, his or her place of residence, profession, financial status, marital status and the number of children. This was accompanied by a signed statement of one or more accusers on the given person. Besides, OZN also stated the nationality and religion of the culprit.²⁸

²⁴ *Partizanska i komunistička represija – Slavonija, Srijem i Baranja*, p. 160.

²⁵ M. Najbar-Agičić, *Sud časti Sveučilišta u Zagrebu kao element politike vlasti prema intelektualcima nakon 1945 godine*, [in:] *Desničini susreti 2009. zbornik radova*, ed. D. Roksandić [et al.], Zagreb 2011, p. 152; T. Šarić, *Kulturna politika vlasti u NR Hrvatskoj – primjer Matice hrvatske 1945–1952*, MA thesis, University of Zagreb, Zagreb 2008, pp. 33-34; I. Goldstein, *Zagreb 1941–1945*, Zagreb 2011, p. 379; M. Mitrović, *Prilog izučavanju Suda časti na beogradskom univerzitetu*, [in:] *Desničini susreti 2009. zbornik radova*, ed. D. Roksandić [et al.], Zagreb 2011, p. 178.

²⁶ M. Čoh, *V imenu slovenskega naroda: Krivi!*, "Zgodovina za vse", vol. 9, 2000, no. 1, p. 70.

²⁷ A fine example of such criminal charges can be found in *Partizanska i komunistička represija i zločini u Hrvatskoj 1944–1946. Dokumenti. Dalmacija*, ed. M. Rupiće [et al.], Slavonski Brod and Zagreb 2011, pp. 463-464 (hereafter: *Partizanska i komunistička represija – Dalmacija*).

²⁸ M. Čoh, *V imenu slovenskega naroda*, p. 69.

During the procedure, the culprit had the right to summon witnesses to his defence. It could be any “appropriate” (especially morally appropriate) person older than 18, but this was not really done in practice. The trials were brief: the Attorney would read the charges, after which the culprit was invited to defend himself. This part mostly coincided with what had been established during the interrogation. After that the Attorney listed the evidence and proposed a penalty based on them. The court’s verdict was based on the judge’s personal conviction. The sentence was carried out at once, to which purpose it had to be forwarded to the bodies in charge (the District People’s Court, the district NOO, the Ministry of Justice) and the convicts were taken to prisons or labour camps. The time span between the arrest, the indictment, and the verdict was very short.

The last paragraph of the Decision states that it was legally valid from the “day of its public pronouncement, and that it covered all crimes, regardless of the time of their commitment.” Additional instructions issued by the Ministry of Justice of the People’s Government of Croatia (May 9, 1945) stated that the Decision referred both to the crimes that have been committed and to those that may be committed in the future.²⁹

This brings us to a controversial moment in the activity of the Courts for the Protection of People’s Honour. Namely, according to the principles of law, if there were no laws considering crimes “offending people’s feeling of honour” at the time when such an act was committed, a trial violated one of the fundamental legal principles: *nullum crimen sine lege, nulla poena sine lege* (no crime without a law, no punishment without a law). The explanation published in the press of the time was that crimes against people’s honour were a novelty in penal law: “These were mostly committed during the occupation of our country, and popular opinion was the first to assign criminal character to such acts.” An additional text states the following: “The people felt deeply the offence that such acts implied and demanded them to be punished. The popular mind preceded a written law on the offence of people’s honour.” It was only subsequently that the legislative body laid down this opinion in legal writing. For these reasons, it was believed that the abovementioned general legal principle had no validity in this case, since – had it been observed – that would have meant “boldly offending people’s honour without punishment, which would contradict both popular opinion and justice. The above stated principle should cede before the will of the offended people and give place to the so-called principle of retrograde activity, according to which one should be held responsible even for deeds committed before the law was written, since that is the demand of the people, which is the basis of all social principles and written legal regulations. That means that popular opinion has been the basis of the *Decision on the Protection of People’s Honour* and that popular opinion is actually the written law, the *Decision* being merely the formal legal expression of that opinion.”³⁰ The penal code of the People’s Federal Republic of Yugoslavia (FNRJ) likewise ignored

²⁹ *Partizanska i komunistička represija – Slavonija, Srijem i Baranja*, p. 157.

³⁰ *Osnovne značajke Suda za zaštitu nacionalne časti Hrvata i Srba u Hrvatskoj, “Slobodna Dalmacija”, vol. 3, no. 181, July 13, 1945, p. 2.*

the given legal principle, since it allowed for the possibility of imposing penalties of all sorts for any kind of crime. This procedure was also endorsed by the State Attorney, Jože Vilfan, who was of the opinion that the given revolutionary principle was dictated by the “changeability of the impact of a particular crime on the stability of the political system, since not everything can be determined in advance. [...] A crime can have little impact today, but can gain critical impact overnight.”³¹

A number of practical problems arose while structuring the courts and court councils in the territory of Yugoslavia, including Croatia, as their organization and initial operation took place with varied intensity. Most problems were related to the lack of professional personnel, which was also the case in other court and investigation bodies (such as the Committee for the Identification of Crimes Committed by the Occupiers and Their Assistants). Besides, some members did not appear in duty, while others held the meetings only irregularly.³²

Most courts in the territory of Croatia started working in the period from early June to mid-July 1945 at the latest. Thus, on June 8, 1945, at the initiative of the local NO, members of the Court for the Protection of People’s Honour for the City of Zagreb and the Zagreb District were nominated. Its president was engineer Branko Tučkorić (Head of the Architectural Department at the Ministry of Architecture) from Zagreb, his deputies being Kata Govorušić (a housewife) and Mladen Zorić (a trade assistant).³³ The professional profile of the court members was indeed variegated (even worse in rural areas).³⁴ Data on the officials of the courts in Serbia and Slovenia reveal a similar pattern.³⁵ What all these people had in common was that they had all participated in the People’s Liberation Movement and that most of them were unswerving supporters of the Communist Party.³⁶

In that regard, reports of state attorneys can yield precious data, since they describe the actual situation “in the field” and show to what extent the overall situation favoured the work of the courts. Thus, the State Attorney of the Lika District (two days after the *Decision on the Protection of People’s Honour* was issued) stated that the situation in his district was rather difficult. The entire apparatus consisted of only three persons,

³¹ Z. Radelić, *Hrvatska u Jugoslaviji*, p. 64.

³² See e.g.: M. Mitrović, *Srpska nacionalna čast pred zakonom 1945. godine*, Belgrade 2007, pp. 27-29; M. Mikola, *Rdeče nasilje: represija v Sloveniji po letu 1945*, Celje and Ljubljana 2012, pp. 284-285; R. Brunšek, *Procesi pred sodiščem slovenske narodne časti v Ljubljani*, “Kronika”, no. 43, 1995, p. 107; M. Kobale, *Sodišče narodne časti*, BA thesis, University of Maribor, Maribor 2010, p. 26.

³³ *Sastavljeni narodni sudovi u Zagrebu*, “Vjesnik”, vol. 5, no. 44, June 10, 1945, p. 5.

³⁴ Z. Božić, *Svi sudci postavljeni su po direktivi Komunističke partije Jugoslavije!*, “Hrvatsko Slovo”, April 7, 2006, p. 13.

³⁵ S. Cvetković, *Između srpa i čekića. Represija*, p. 278; idem, *Između srpa i čekića*, vol. 1: *Likvidacija “narodnih neprijatelja” 1944–1953*, Belgrade 2015, p. 360; M. Mitrović, *Srpska nacionalna čast*, p. 123; R. Brunšek, *Procesi pred sodiščem*, p. 109.

³⁶ M. Mitrović, *Izgubljene iluzije*, Belgrade 1997, p. 77; M. Mitrović, *Srpska nacionalna čast*, p. 24; S. Cvetković, *Između srpa i čekića*, vol. 1, p. 360.

who were supposed to actively work “in the field”, and another aggravating circumstance was the large number of cases, which were accumulating fast. This state of affairs also had a negative impact on the support offered to the courts.³⁷ In the area of Nova Gradiška, the rule was followed according to which the “greater, more persistent, and more crucial enemies were brought to the court and sentenced, especially those who had collaborated with the occupier while being economically powerful.”³⁸ Similar problems can be detected in a report from the district of Karlovac and Banija (July 1945), which says that “the work of courts of people’s honour was weak before my arrival. The reason was that the State Attorneys did not adequately cooperate with other authorities in order to collect the necessary data and to investigate the individuals who had committed crimes against people’s honour.” In order to increase the efficiency of the courts of people’s honour, conferences were held in Karlovac and Petrinja. It was decided that they should jointly (representatives of the court of people’s honour, the military court, OZN, and the district NOO) collect the materials and raise charges against those who had economically assisted the occupier, as well as those who “still clandestinely undermine the popular government, with the goal of bringing them to trial as soon as possible.”³⁹ Almost identical problems are mentioned in the districts of Bjelovar, Osijek, and Varaždin.⁴⁰

An important component of work performed by the courts for the protection of people’s honour was propaganda, which was supposed to alleviate all (or at least some) of the abovementioned problems. Owing to the press, the question of honour reached the “street” (rather than remaining confined to the institutions of the legal system), acquiring the form of gossip and speculations. Almost all newspapers brought the *Decision on the Protection of the People’s Honour of Croats and Serbs in Croatia* (the first being *Slobodna Dalmacija* late in April).⁴¹ This was followed by numerous commentaries, among which one should single out that by Dušan Brkić, Minister of Justice. To sum up, he stated that, although the enemy had been defeated in terms of warfare, he appeared “in other areas of our state and public life, and his activity would continue to appear in other forms and using other methods. However, this Decision will be applied in the future, since it is our duty to disclose and remove from public life all those who may continue to work against the people with their crimes or in any other

³⁷ *Partizanska i komunistička represija*, pp. 98-99.

³⁸ *Partizanska i komunistička represija – Slavonija, Srijem i Baranja*, p. 269.

³⁹ *Partizanska i komunistička represija*, pp. 195-196; *Partizanska i komunistička represija i zločini u Hrvatskoj 1944-1946. Dokumenti. Zagreb i Središnja Hrvatska*, ed. V. Geiger [et al.], Slavonski Brod and Zagreb 2008, pp. 515-516 (hereafter: *Partizanska i komunistička represija – Zagreb i Središnja Hrvatska*).

⁴⁰ *Partizanska i komunistička represija – Zagreb i Središnja Hrvatska*, pp. 266, 554 and 631.

⁴¹ *Odluka o zaštiti nacionalne časti Hrvata i Srba u Hrvatskoj*, “Slobodna Dalmacija”, Glasilo Jedinstvenog narodno-oslobodilačkog fronta Dalmacije, vol. 3, no. 150, April 30, 1945, p. 7.

way disturb the regular flow of the difficult, yet great work of renovation and rebuilding our country.”⁴²

In the course of June, this rhetoric was additionally sharpened, stating that “all shame should be erased among us.”⁴³ The image of the culprits was associated with that of the misfits, cowards and egoists who did not care for the suffering of their own people, which is why they chose to “sell the soul of the people” for their own benefit.⁴⁴ Although there were not many denunciations during the first half of July, on July 21 the State Attorney analysed all the segments of importance in the operation of the courts, stating that their verdicts were also significant for the ensuing elections, since persons sentenced to the loss of civic honour also lost the right to vote, having been erased from the constituency.⁴⁵

The first trials to be presented in the press were those against industrialists and entrepreneurs, that is, persons with considerable property. Thus, the court in Šibenik pronounced its first verdict on the basis of the *Decision on the Protection of People's Honour of Croats and Serbs in Croatia* to the mega-industrialists Stipe and Frane Šare.⁴⁶ In Split, brothers Frane, Niko, and Mate Bonačić, owners of a company, were the first to be put on trial.⁴⁷ In Osijek, the court proclaimed as guilty Ljerka Planer, among others, who had “worked for the Ustasha by her own free will, practicing ballet for the operetta.” Besides, she had collected alms for the wounded. She confessed to having committed all these acts and, although she claimed that she had done so for the reasons of humanity, the Attorney demanded a major punishment. Thus, she was sentenced to ten years of loss of people's honour, two years of forced labour, and the confiscation of all her property.⁴⁸ It is evident that these first trials resulted in verdicts with extended temporal punishments.

⁴² *Zaštita nacionalne časti Hrvata i Srba u Hrvatskoj*, “Glas Slavonije”, Glasilo Jedinostvene narodno-oslobodilačke fronte za Slavoniju, vol. 3, no. 57, May 29, 1945, p. 6.

⁴³ M. Mikola, *Sodni procesi na celjskem 1944-1951*, Celje 1995, p. 91; M. Mikola, *Rdeče nasilje*, p. 284; R. Brunšek, *Procesi pred sodiščem*, p. 106.

⁴⁴ R. Brunšek, *Procesi pred sodiščem*, p. 106.

⁴⁵ *Ibidem*, p. 109.

⁴⁶ *Okružni sud u Šibeniku osudio je suradnike okupatora, špekulante i privredne sabotere Franu i Stipu Šaru*, “Slobodna Dalmacija”, vol. 3, no. 155, May 13, 1945, p. 5.

⁴⁷ *Protunarodni rad splitskih trgovaca braće Bonačić. Stigla ih je pravedna kazna*, “Vjesnik”, vol. 5, no. 40, June 6, 1945, p. 4; M. Mitrović, *Srpska nacionalna čast*, pp. 241-243. There was a separate process against Leandro Bonačić, one of the proprietors, who had fought in the Yugoslav army, and his trial took place on June 13. Even though he had joined the army in November 1944, which was accepted as an alleviating circumstance, the court sentenced him to five years of loss of civic honour, two years of forced labour, and the confiscation of all his movable and immovable shares in the company. Cf.: *Osudjen suradnik okupatora Leandro Bonačić*, “Slobodna Dalmacija”, vol. 3, no. 169, June 15, 1945, p. 2.

⁴⁸ *Počelo je suđenje za povrede nacionalne časti*, “Glas Slavonije”, vol. 3, no. 65, June 17, 1945, p. 1.

Further texts include examples that show the entire range of cultural and economic collaboration with the occupier (individuals and entire companies) and profit gain. This means that the tried persons included those in political positions, members of the administrative apparatus, cultural workers, industrialists and merchants, while punishable activities included almost all public performances, publication of lyrical poetry, and even “particularly conspicuous contacts with the officers of the occupying army”. A particularly highlighted case was that of Dragutin and Milan Schulhof, owners of the joint-stock company Tipografija, who were accused of having voluntarily printed and published “Budak’s newspaper *Hrvatski narod*”.⁴⁹ Even though it was judged that this “companionship with the Ustasha” was merely a way to save Schulhof and his family from the persecution in NDH, he was sentenced to ten years of loss of people’s honour, two years of forced labour, and the confiscation of all his property. Reporters took great care to describe in detail the atmosphere in the courtroom and the attitude of the audience, present at the trials in great numbers. Thus, one of the reports states that the court’s verdicts were received with enthusiasm by the numerous audience “[...] as almost everyone knows the culprits as those who used the difficult wartime situation in order to increase their wealth even more, offering their services to the occupier and inflicting damage upon their people.”⁵⁰ Operation of the courts is also mentioned in a report published in the *Oslobođenje* newspaper (Sarajevo), according to which “these legal regulations were created at the time when our peoples had to make a passage from wartime circumstances to a peaceful construction of their country, and when they had to cleanse themselves from all those who had been traitors and worked against their own people. [...] Thus, these acts were meeting the crucial needs of our people at the time when they were made”.⁵¹ It is therefore no wonder that the courts were in permanent contact with the editorial boards of newspapers, as these served to “publish and popularize the verdicts.”⁵²

It is interesting to consider the various functions these trials had. In two cases from Gospić, it was essential that both should be held on the same day “in the great hall of the Workers’ Centre, in order that the widest audiences should be present.” Besides, the regime “counted with a political effect that could be achieved on the masses by bringing a Croat and a Serb to the people’s court on the same day.” Even though their crimes were different, they were basically, according to the official interpretation, both “directed against the basic interests of the peoples and the legacy of the People’s Lib-

⁴⁹ *Osudjeni bivši vlasnici i direktori “Tipografije” Dragutin i Milan Schulhof*, “Vjesnik”, vol. 5, no. 79, July 21, 1945, p. 5; *Partizanska i komunistička represija – Zagreb i Središnja Hrvatska*, pp. 556-558.

⁵⁰ *Ratne zločince stiže zaslužena kazna. Osude suda za zaštitu nacionalne časti Hrvata i Srba u Hrvatskoj u Brodu*, “Glas Slavonije”, vol. 3, no. 75, July 8, 1945, p. 3.

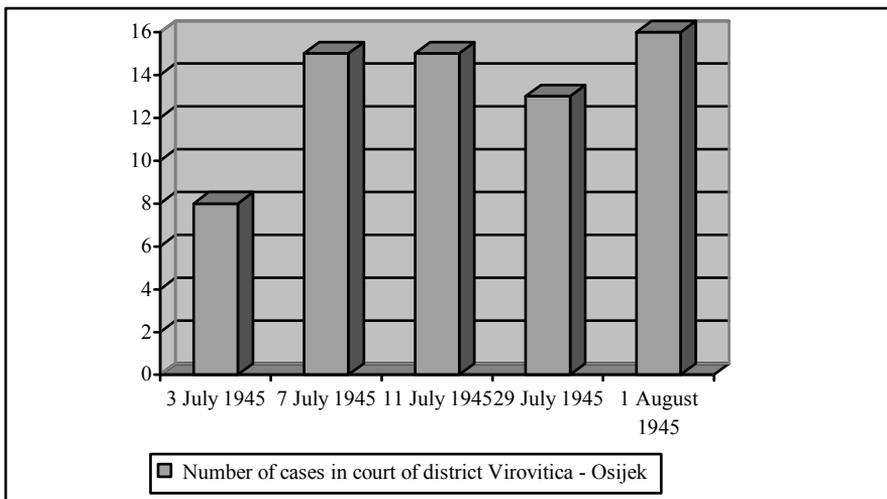
⁵¹ V. Katz, *Komunizam i represija*, pp. 150-151.

⁵² Croatian State Archive in Zagreb (hereafter: HDA), section 421 – State Attorneys Office, Socialist Republic of Croatia, confidential documents 1945, no. 16/45, August 19, 1945.

eration Struggle, which is why the link between them is only natural and politically favourable”.⁵³

One reads in the same report that it was considered important in those two weeks to bring various cases before the Court for the Protection of People’s Honour to a fast close, which was causing delay with other cases. The same was noted in the Osijek district, where practically all operations at the Attorney’s Office were reduced to trials before the Court for the Protection of People’s Honour. By July, 256 persons had been arrested, 99 of them sentenced, and “some” released.⁵⁴ The available register of the Virovitica-Osijek district shows that the time span between the arrest, the submission of the documents to the court and the verdict was very short: only two months on the average. Verdicts based on the *Decision on the Protection of People’s Honour* were mostly spoken only a few days after the submission of documents (occasionally on the next day), without a delay. The available data show that the court in Osijek, within 60 days of its activity, processed four cases per day on the average. The data for July, the most intense working month, show far higher numbers.⁵⁵

Graph 1. Number of cases in court of district Virovitica-Osijek



The study by M. Grahek Ravančić.

In larger cities, approximately 30-40 cases were processed daily. The pressure could also be felt in the Bjelovar district: its report states that “some of the ‘major culprits’ have not been brought to trial because in many cases where the *Decision on the Pro-*

⁵³ *Partizanska i komunistička represija*, p. 213.

⁵⁴ *Partizanska i komunistička represija – Slavonija, Srijem i Baranja*, p. 266.

⁵⁵ S. Sršan, *Sud za zaštitu nacionalne časti Hrvata i Srba u Hrvatskoj za okrug Osijek-Virovitica 1945 godine*, “Glasnik arhiva Slavonije i Baranje”, 8, Osijek 2005, p. 266.

tection of People's Honour could be applied, the Military Court had already spoken the verdict, considering the fact that those persons were proclaimed enemies of the nation and war criminals."⁵⁶ In the area of Virovitica and Varaždin, "monitoring notices" were often written and submitted, as the authorities were dissatisfied with the work done.⁵⁷

People's district courts were in charge of carrying out the penalty of forced labour. Those in Dalmatia, the Littoral zone and Istria sent their convicts to the labour camp of Vrana (Biograd na Moru), those from the area under the jurisdiction of the district NOO in Osijek to Bohn (a former brickworks) near Vinkovci, and those from other regions to Stara Gradiška.⁵⁸ Judging from the documents, forced labour was also practiced at the labour camp of Buzet near Glina.⁵⁹ As for the confiscations, the verdict was to be sent to the administrative departments of the district NOO, the Ministry of Justice, and the NOO in the convict's region of residence.

Data from the Ministry of Justice and the Courts for the Protection of People's Honour allow for the conclusion that 1083 verdicts were issued after September 18, 1945.⁶⁰ According to the Ministry, these data are incomplete, but they cover around 80% of all verdicts issued in Croatia. At the end of the letter, it is noted that this number refers to "the total of accused persons in whose case the trial ended with a verdict." That would mean that the number of verdicts was smaller, regarding the fact that in some cases a single verdict ended a trial against several persons. From this total number, 1039 verdicts refer to Croats, 42 to Serbs, and 2 to Slovenes.

As for Serbia, estimates range from one thousand to several thousand persons.⁶¹ The available data allow for the conclusion that courts of honour were more "efficient" in Serbia than elsewhere. This is confirmed by a number of appeals complaining about the new legislation and claiming that the enemies were judged too severely, especially compared to the criteria applied in other federal republics. More precisely, it was pointed out at the session of the Unified People's Liberation Front (*Jedinstvena narod-*

⁵⁶ *Partizanska i komunistička represija – Slavonija, Srijem i Baranja*, p. 386.

⁵⁷ *Ibidem*, p. 378; *Partizanska i komunistička represija – Zagreb i Središnja Hrvatska*, p. 631.

⁵⁸ *Partizanska i komunistička represija – Slavonija, Srijem i Baranja*, p. 159; *Zbornik zakona, uredba i naredaba*, pp. 83-85; S. Sršan, *Sud za zaštitu nacionalne časti*, p. 264.

⁵⁹ *Partizanska i komunistička represija*, pp. 215-216; *Partizanska i komunistička represija – Zagreb i Središnja Hrvatska*, p. 545.

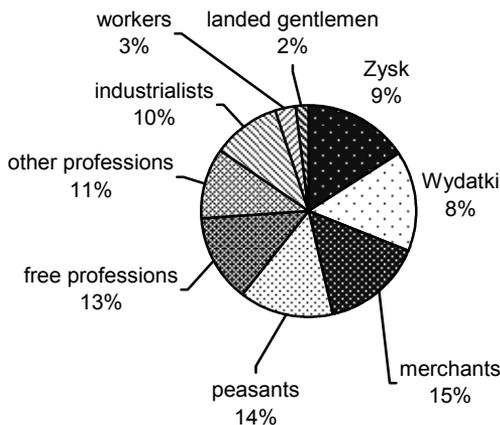
⁶⁰ *Partizanska i komunistička represija*, pp. 250-264; *Partizanska i komunistička represija – Slavonija, Srijem i Baranja*, pp. 429-436; *Partizanska i komunistička represija – Zagreb i Središnja Hrvatska*, pp. 711-718.

⁶¹ M. Mitrović, *Srpska nacionalna čast*, p. 73; S. Cvetković, *Između srpa i čekića*, vol. 1, p. 360. At the congress of the Communist Party of Serbia, Blagoje Nešković stated that military courts in Serbia had sentenced to death 300 persons before May 1945; in addition, military courts and courts for the protection of people's honour had sentenced 462 persons to the loss of civic honour, 1464 persons to the confiscation of property, and 363 person to forced labour.

nooslobodilačka fronta, JNOF) of Serbia that one and the same crime brought 12 years of imprisonment in Croatia and an execution in Serbia.⁶² There are no specific data for Slovenia, but according to the estimates of the Slovenian State Attorney, some 3000 cases were processed there.⁶³ This also reveals certain correspondence between the available estimates for Slovenia and Serbia.

Most indictments were based on Art. 2 of the *Law on the Protection of People's Honour of Croats and Serbs in Croatia*. As for the social status of culprits, most verdicts concerned industrialists, craftsmen, merchants, and public officials.⁶⁴ As an illustrative example, I will single out the data for the Virovitica-Osijek district, which indicate that most accused and sentenced persons in that area belonged to the category of former employees in public or administrative institutions. Generally speaking, they were persons of higher financial status, and almost 70% lived in the city of Osijek.⁶⁵ A similar situation could be observed in Serbia and Slovenia.⁶⁶

Graph 2. Data for Croatia according to the incomplete number of 1083 verdicts



The study by M. Grahek Ravančić.

Data from the archive of the Court for the Protection of People's Honour in the Karlovac District, i.e. its register, reveal that 46 verdicts concerning 82 persons were

⁶² M. Mitrović, *Izgubljene iluzije*, p. 76 (n. 7); M. Mitrović, *Srpska nacionalna čast*, p. 23 (n. 9); S. Cvetković, *Između srpa i čekića*, vol. 1, p. 360.

⁶³ M. Mikola, *Zaplembe premoženja v Sloveniji 1943–1952*, Celje 1999, pp. 146–147; M. Kobale, *Sodišče narodne časti*, p. 82.

⁶⁴ *Partizanska i komunistička represija*, pp. 260–261.

⁶⁵ S. Sršan, *Sud za zaštitu nacionalne časti*, p. 266.

⁶⁶ N. Milićević, *Jugoslovenska vlast i srpsko građanstvo*, p. 329; S. Cvetković, *Između srpa i čekića. Represija*, p. 283.

spoken by the court.⁶⁷ Even though a part of the documentation is missing, the register shows the names of the sentenced persons, and if compared to the data from the report of the Ministry of Justice in the Federal Republic of Croatia sent to the Public Attorney on September 18, which indicates that 30 verdicts were spoken by the Court in Karlovac (all of them leading to a sentence), it is quite evident that the report is incomplete. The Court's register shows that its activity was brought to a close on September 11, while the report itself is dated September 18. This means that the reason for communicating erroneous data was not hurry or the impossibility of closing the cases or sending in the results.

Moreover, the report states that 169 verdicts were spoken in the City of Zagreb. However, data from the archive of the People's District Court in the City of Zagreb indicate that the Court for the Protection of People's Honour processed 466 cases. The report on the transfer of cases between the Court for the Protection of People's Honour and the District Court of Zagreb, dated September 15, mentions 784 persons documented in the register: 358 in the (K) register, 423 in the (R) register, and 3 in the secret register (SU).⁶⁸ This clearly shows that in this case, the numbers again surpass the ones in the Report by far. According to the available data, even the number increased by 20%, as noted in the Report, would not correspond to the actual situation, since in this case the difference is multiplied by more than four. The same trend can be observed in the Karlovac court, where the difference is multiplied almost by three. A somewhat milder, yet manifest augmentation trend can be established for the courts in Osijek and Slavonski Brod. The Report also shows that the courts in Dalmatia (Split, Makarska, Šibenik-Zadar, and partly Sušak) almost regularly pronounced verdicts that led to a sentence. The pressure is likewise evident in the headlines of *Slobodna Dalmacija*, the daily newspaper that covered the trials most exhaustively. To be sure, the archives are largely in disarray, and a part of the verdicts is evidently missing.⁶⁹ It is nevertheless possible to reach the conclusion that the actual numbers are almost three times higher in all of Croatia than the ones stated in the Report: more precisely, the courts of honour would have spoken some 3000 verdicts, not including the special courts (such as those in charge of cultural institutions).

The percentage of liberating verdicts in Croatia was under 10%, and in some places, such as Petrinja, Split, or Šibenik, not a single person was proclaimed not guilty. In that regard, an especially interesting document is the report of the Public

⁶⁷ State Archive in Karlovac (hereafter: DAKA), section 0530 – Court for the Protection of People's Honour, Karlovac District, Register Kz 1945 (before September 11, 1945).

⁶⁸ State Archive in Zagreb (hereafter: DAZG), section 1216 – People's District Court for the City of Zagreb (1945–1949), box 9, SU: 290/1945, September 15, 1945.

⁶⁹ This problem becomes even greater, if the data from the Croatian archives are compared with those from the Slovenian ones, in which there are documents testifying to the specific organization of courts in various Slovenian regions, including the lists of employees, which facilitates the insight into the structure of the courts. In Croatia such documents are either very rare or completely missing. As far as I am informed, there is a very similar problem with the source material concerning Serbia.

Attorney for the Šibenik district from May 7, in which he launched the following call: “Patriots of the city of Šibenik, workers and employers, peasants from the surroundings! You have felt on your own shoulders the blows of the occupation, the calamities caused by the criminal hiding of goods in the deep and secret bunkers of wartime profiteers and the rich! Now organize yourselves and demonstrate against this criminal activity [...], discover and denounce these criminals to the People’s Courts, help us make them harmless and demand of the People’s Courts to put them to trial by popular justice.”⁷⁰

How those individuals were made “harmless” is vividly described by dr. Milan Prelić, who presided at the court: “a convicted person cannot be appointed to any public office or be in charge of any administrative duties [...] Such a person has no right to any public function [...] He or she cannot open or run a shop [...] All that, as it is clearly manifest, makes the punished person dead for public life”.⁷¹

Despite the large number of verdicts, the Communist Party was obviously dissatisfied. Thus, Dušan Brkić, Minister of Justice, observed at the First Counselling Session of the Heads and Leaders of OZN in Croatia (July 1945) that “Courts for the Protection of People’s Honour have not fulfilled their task, because our district committees and courts did not recognize their significance as revolutionary courts, they did not understand that those were the ways to evict the enemy from our ranks swiftly and energetically. We were granted only a brief period of time for the activity of these revolutionary courts [...] in order to cleanse the country in a shortest possible time from hostile elements by sentencing them to death or imprisonment, in order to disable the enemy and take the matter into our own hands [...] We failed to react fast enough. The bourgeoisie had never favoured the People’s Liberation Struggle and we failed to take the matter into our own hands. The Court of People’s Honour was formed a few days ago. It would have been necessary to emphasize the urgency of operation in these revolutionary courts.”⁷² A letter by Edvard Kardelj, Vice-president of the Government of Democratic Federal Yugoslavia, addressed to Boris Kidrič, President of the Government of the People’s Republic of Slovenia (June 25, 1945), adopts a similar tone: “In three day at the latest, the courts of people’s honour will be dissolved and the military courts will only put military personnel to trial, everything else will be taken over by the regular courts. You have no reason whatsoever to be as slow in cleansing as you have been so far.”⁷³

⁷⁰ *Partizanska i komunistička represija – Dalmacija*, pp. 447-448; *Narodni sud nemilosrdno kažnjava ratne bogataše i špekulante*, “Vjesnik”, vol. 5, no. 20, May 13, 1945, p. 4.

⁷¹ M. Mitrović, *Srpska nacionalna čast*, p. 206; S. Cvetković, *Između srpa i čekića. Represija*, p. 278.

⁷² *Partizanska i komunistička represija*, p. 235; *Partizanska i komunistička represija – Slavonija, Srijem i Baranja*, pp. 343-344; *Partizanska i komunistička represija – Zagreb i Središnja Hrvatska*, pp. 577-578; R. Brunšek, *Procesi pred sodiščem*, p. 108.

⁷³ M. Ferenc, *Prikrito in očem zakrito. Prikrita grobišča 60 let po koncu druge svetovne vojne*, Celje 2005, p. 18.

On September 8, 1945, along with the dissolution of the Courts of People's Honour, the *Edict on the Amnesty of Persons Tried on the Basis of the Decision on the Protection of People's Honour of Croats and Serbs in Croatia* was proclaimed. Cases that were still in the process were now transferred to the district courts.⁷⁴

The Edict pardoned those sentenced to forced labour on the basis of the *Decision on the Protection of People's Honour*, regardless of the length of the penalty, where the convicts were older than 55, as well as those where they had been sentenced to two years of forced labour. Those sentenced to a period between two and five years were pardoned a half of the penalty, those sentenced to a period between five and ten years a third of the penalty, those sentenced to a period of ten years or more a quarter of the penalty, and for those sentenced for life the length of the penalty was reduced to 20 years. However, the Edict did not mention sentences of the loss of people's honour and the confiscation of property, money fines or exile penalties.⁷⁵ Pardon appeals were accompanied by evaluations issued by the Ministry of the Interior (for those who were serving the labour penalty in penal institutes) or the committees of NOO or NF. The appeals often included statements in favour of the convict as well. Eventually, the appeals were deliberated upon by the Presidency of the People's Liberation Council in individual federal republics.

Data on the pardoned persons, which the Ministry of Justice demanded on September 17, 1945, were mostly late, which is probably the reason why there is no complete documentation in the archives.⁷⁶ Thus, according to a report from September 21, 1945, in the area under the jurisdiction of the Court for the City of Zagreb, 136 persons were pardoned.⁷⁷ The power of conviction that the evaluations had is evident from the swiftness of decisions on individual pardoning: after only a few months penalties of forced labour were pardoned partially or completely.⁷⁸

Dissolution of the courts was followed by numerous discussions, since some of the crimes did not fit in the *Law on Criminal Acts against the People and the State*, which was now in charge.⁷⁹ The debates also concerned the retroactive implementation of the law, whereby it was confirmed that it had its "legitimate foundation, since it was during World War II that crimes emerged that the previous legislators could not have

⁷⁴ HR-DAZG, section 1216 – People's District Court for the City of Zagreb (1945–1949), box 9, SU 290/45, September 10, 1945; HR-DAZG, section 1216 – People's District Court for the City of Zagreb (1945–1949), box 9, no. 6791/45, September 10, 1945; *Ukaz o amnestiji. Opraštanje i sniženje kazni izrečenih od suda za zaštitu nacionalne časti*, "Glas Slavonije", vol. 3, no. 137, September 12, 1945, p. 2.

⁷⁵ HR-DAZG, section 1216 – People's District Court for the City of Zagreb (1945–1949), box 9, no. 6791/45, September 10, 1945.

⁷⁶ HR-DAZG, section 1216 – People's District Court for the City of Zagreb (1945–1949), box 9, no. 7266/45, September 17, 1945.

⁷⁷ HR-DAZG, section 1216 – People's District Court for the City of Zagreb (1945–1949), box 9, SU: 317/1945, September 21, 1945.

⁷⁸ V. Katz, *Komunizam i represija*, p. 160.

⁷⁹ M. Kobale, *Sodišče narodne časti*, p. 89 (with bibliography).

foreseen.” According to the interpretations of the time, not all the decisions of the *Law on the Protection of People’s honour* were retroactive, since some crimes had been incriminated already in the Penal Code of the Kingdom of Yugoslavia (January 27, 1929).⁸⁰

Courts for the Protection of People’s Honour were revolutionary and directed against wealthy citizens and private property, with the aim of creating a public sector under direct control of the regime, which is evident from the fact that the confiscated property was not returned, even in cases when the convict was pardoned.⁸¹ Besides losing their property, convicts were deprived of their civic rights, including the election right, which eliminated a part of political opponents in the constituency. Besides, the wealthy social layer of entrepreneurs was thus excluded from economy and politics. The sentence of forced labour implied physical isolation of individuals from their living environment, since forced labour took place in mines or forests. According to the data of the Central Committee of the Communist Party of Slovenia, courts for the protection of people’s honour were supposed to complete their work “within a predefined period”, which was to suffice in order to confiscate and nationalize 80-90% of industry.⁸² These numbers coincide with those from Serbia, where 80% of state property in post-war industry was obtained through confiscation.⁸³

It was often emphasized that the loss of people’s honour, especially if not accompanied by forced labour or property confiscation, was a mild penalty as “the convict did not have any honour in the first place, and is hardly to blush for this sort of penalty”. Moreover, the court did not care about the culprit himself or his reputation: each case was viewed from the standpoint of the people as a whole, who had “placed its reputation and its people’s pride above property, above life, above everything”. It was thus concluded that people knew how to value those who had abandoned it: for this reason, all verdicts were spoken in the name of the people.

It should be noted that the courts for the protection of people’s honour operated in the framework of the legal system that was mostly only in the making. This was clearly stated by Jakov Blažević, who said that one should “become acquainted with the new laws” and ensure their “precise and swift implementation”. According to him, the *Decision on the Protection of the People’s Honour of Croats and Serbs* were intended to punish all those who had “[...] inflicted damage to their people and still present a permanent danger and inflict general damage on their people owing to their position, the extent of social damage and threat, and the nature and extent of their criminal mind. Applying these regulations blindly to those who have been seduced, unaware, and whose scope of activity and influence were small or negligent, would mean subverting the sense of the aforesaid *Decision* and contrary to the political pro-

⁸⁰ Ibidem, p. 90.

⁸¹ Z. Radelić, *Hrvatska u Jugoslaviji*, p. 63.

⁸² Ibidem; J. Vodušek Starič, *Prevzem oblasti 1944–1946*, 274, pp. 279; J. Vodušek-Starič, *Ozadje sodnih procesov*, p. 146.

⁸³ S. Cvetković, *Između srpa i čekića*, vol. 1, p. 361.

gramme of reconciliation and forgiveness, contrary to the rightful policy of openness of the Yugoslav People's Liberation Front."⁸⁴

Justice, which is in its nature inevitably imperfect, was not in Western Europe nevertheless entirely "worthless", and not all of its verdicts were incorrect.⁸⁵ However, in its temporal framework and power, it was limited to the period immediately following the end of military operations and can, as such, be classified as post-war retaliation – a phase of "healing" the society. There is certainly more than one answer to the operation of Courts for the Protection of People's Honour in Croatia (and Yugoslavia). This paper is only an attempt at positioning the penalties/retaliation within the adequate context of post-war Croatian/Yugoslav history, not only as an integral part of the struggle for political supremacy, but also as a genuine, although substantially defective, attempt at "settling accounts" with the legacy of fascist occupation.

Summary

IN THE NAME OF THE PEOPLE: COURTS FOR THE PROTECTION OF PEOPLE'S HONOUR OF CROATS AND SERBS IN CROATIA (1945)

Courts for the Protection of People's Honour of Croats and Serbs were in charge of political, propaganda, cultural, artistic, economic and administrative cooperation with the occupier and "national traitors", and these courts prosecuted defendants in such cases. The Courts were in operation from 24 April 1945, according to the Decision on the protection of the national honor of Croats and Serbs in Croatia, and they worked up to 8 September 1945, when their cases were overtaken by the district people's courts. Namely, according to the provisions of these courts, penalized persons were arrested as perpetrators of acts that were interpreted as an insult of the national honor, or if their actions were directed against fundamental interests of the people and heritage of Democratic Federal Yugoslavia (DFJ). According to the aforementioned Decision, the Court was in charge of all the deeds that had been already carried out, but also for deeds that could be executed in future. The procedure at the Court could be started by the Public Prosecutor's Office, the Department for the protection of the people, Committees for the People's Liberation or by individuals. Judgments of the Court were immediately enforceable, and were to be delivered for the execution to the relevant authorities. Prescribed penalties for the said alleged acts were loss of national honor (exclusion from public life, the loss of the right to a public office as well as the loss of civil rights), forced labour, partial or complete confiscation of property, or a fine and

⁸⁴ *Upoznajmo naše nove zakone i borimo se za njihovu točnu i brzu primjenu*, "Vjesnik", vol. 5, no. 66, September 6, 1945, p. 1.

⁸⁵ M. Conway, *Justice in Postwar Belgium: Popular Passions and Political Realities*, "Cahiers d'Historie du Temps present", no. 2, 1997, p. 7.

deportation. During their short work, these courts, acting as well as revolutionary courts, brought a series of unfounded judgments, whose consequences were far-reaching for most of the Croats, as well as for other citizens of the Democratic Federative Croatia. The best evidence are numerous, preserved judgments of these courts.

Keywords: legislation, Croatia, Yugoslavia, 1945

Słowa kluczowe: prawodawstwo, Chorwacja, Jugosławia, 1945

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