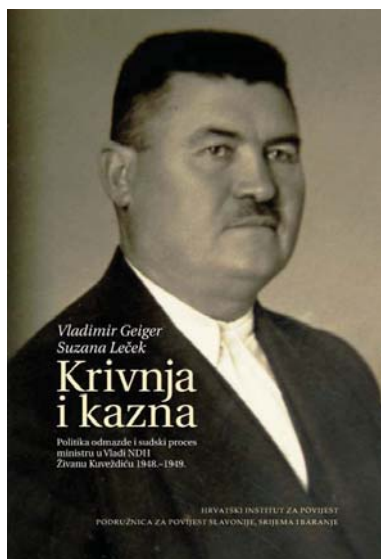


Vladimir Geiger and Suzana Leček, *Krivnja i kazna: Politika odmazde i sudski proces ministru u Vladi NDH Živanu Kuveždiću 1948.-1949.* [Guilt and Punishment: The Retribution Policy and the Trial of Živan Kuveždić, a Minister in the Government of the Independent State of Croatia, 1948-1949] (Slavonski Brod: Hrvatski institut za povijest – Podružnica za povijest Slavonije, Srijema i Baranje, 2018)

Summary

Research into the history of wartime collaborators and the post-war retaliation process has raised several issues.

The first issue is the great difference between western and eastern Europe. Numerous studies have confirmed that there were also “two post-war periods” However, there was not only the difference between West and East, there were also significant differences among the states in each of these two parts. A brief overview has shown that Croatia and Yugoslavia were particularly fierce in settling scores with collaborators, as well as with all groups declared “national enemies”.



The second issue is that individuals were less relevant in times when politics calculated in great numbers. However, it can be said that there were differences among the states in their attempts to individualize the process of punishing collaborators (primarily, but not exclusively, in the West). These states tried to validate their legitimacy by emphasizing the differences between them and the Nazism/fascism that had been overthrown in the understanding of rights and justice. However, in states such as Yugoslavia, in which one totalitarian system was immediately replaced by another, such a distinction was not made.

The third characteristic of the post-war retaliation process was the crucial influence of politics. In all the European states, eastern or western, politics decided on the intensity, the extent and duration of retribution, based on the strategy of how to build a future.

In states which had chosen the “victim” strategy (such as Italy and Austria) or the “resistance movement” (for example France), either there was hardly any settling of scores with the collaborators or else the process lasted for a short period of time and was restricted in extent. However, states engaged in the establishment of a new revolutionary order (Yugoslavia being one of them) built their legitimacy on black-and-white images of themselves and the enemy. The “enemy” comprised not only the collaborators, but also the enemies of the revolution, hence these states carried out a “cleansing” process to an incomparably greater extent. After the war this “ongoing revolution” needed to demonize the defeated totalitarianism for years, even decades.

The trial of Živan Kuveždić was just one of hundreds of thousands in post-war Europe, and in view of the fact that he was a government official, the trial can be compared to hundreds of trials in which members of the state leadership of the collaborationist regime were brought to trial. Aside from this typical similarity, almost no other similarities can be found among these trials. The outcome of the trials was, however, dependent on the location of the trial and according to this, Kuveždić would, for the same allegations, have been differently punished in each of the European states. Though historians are extremely unwilling to make assumptions, on the basis of everything we know, Kuveždić's trial can however, to a certain degree, be put in the context of retribution in other European states. As a minister without portfolio, in fact as a local supporter of members of the resistance movement, in many other states he would have been acquitted of all charges; in some of them he would have been imprisoned, either for a short time or the imprisonment would have been diminished by general pardons. He would perhaps have got the death penalty in Bulgaria in January 1945 or in the USSR (concerning which there is still no research to be found for a more reliable comparison).

Before the war Kuveždić was active in the Croatian Peasant Party, not only as a politician but as the initiator enforcing numerous useful actions which provided concrete benefits for his home village Ilača and the Šid district (economic associations and campaigns, the establishment of local cultural institutions and associations and others).

Immediately after the establishment of the Independent State of Croatia, he joined the Ustasha regime. It was a voluntary act, but nevertheless was not due to any ideological affiliation to the Ustasha movement (as claimed by the prosecution during the trial), and initially not even with the objective of protecting the people in his district (as claimed by Kuveždić in his defence). We assume that, at least in the first few days, this was a logical continuation of his active role in his home district, and a positive attitude toward the establishment of the state that would have ensured that Syrmia would permanently belong to Croatia (after the Kingdom of Yugoslavia had attempted to use

administrative measures to split it off). His later membership in the Ustasha regime, even in the political leadership, was characterized by a more complex motivation (a mixture of the need to protect the people he felt responsible for and of fear) and by more complex activities (his membership in the government leadership, i.e. in the Parliament in the government of the NDH, the Independent State of Croatia, on the one hand and on the other hand his opposition to the Ustashas on the local level). The Ustasha regime became a millstone for him with no way out: he did not want ministerial duty (he even feared it); he did not approve of any of the occurrences at the end of the war and after 1943 he carried out only formal duties. Even his escape from Croatia was not of his own will. He did not even escape from the Allied refugee camps, even though he had the chance. However, lacking the necessary education, at the age of 60 and in poor health, he could hardly start a new life anywhere, hence he gave in to the inevitable.

In August 1948 he was handed over to the new Communist authorities. Because the new government's documents on the trial are preserved, we can determine how individuals were treated and we can surmise what had determined the behaviour of individuals of the defeated Ustasha regime. From Kuveždić's statements we experience a person, an individual confused by the great events that had caused him to lose his sense of direction. What was left, if we exclude his interpretation of many things in his own favour, was his sincere notion that the good things he had done, namely saving *concrete people*, was more significant than the fact that together with other, more influential and more capable people than himself, he had authorized legal regulations on the basis of which *abstract people* were affected. His first impression of not being guilty and his eventual confession ("now I realize") that his consent to the legal regulations had had bad consequences, filled him with initial optimism that his case would have a positive ending in his favour. However, judicial system was set up in such a way as to ensure the conviction of those meant to be convicted. Starting with the laws, which provided comprehensive but unspecific definitions of war crimes providing for the most severe punishment, through to the legal interpretation given by the District Court, where he was convicted, all this led to the most severe verdict. However, exactly this legal vagueness as well as the free interpretation of facts used by both the prosecutors and judges, tell that the judicial system was not in charge of the decision-making process on guilt and punishment.

Politics still made the decisions and imposed the death penalty on Kuveždić. There was nothing new in his not having deserved the most severe punishment by his personal guilt. Perhaps the most difficult thing about this trial was the fact that for the new government he was even rather insignificant. They clearly estimated that neither was Kuveždić of any particular use nor

could a condign punishment be imposed because the trial remained in the shade of other events. However, although he was not exploited in the media, which would at least have indicated political pragmatism, they did not even try to give him a fair trial nor did they attempt to present themselves in a more human light by pardoning him. Eventually, the new regime must be perceived as it was, as a system that was repressive enough still to need a “demonic” opponent as a counterbalance and as an excuse.