

POLITICAL TRIALS AGAINST FRANJO TUĐMAN IN SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA

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Franjo Tuđman (1922-1999), who participated in the anti-fascist partisan movement from the beginning of the Second World War in Yugoslavia, in his military career, reached the rank of general. However, in 1961 he abandoned the military service, dedicated himself to historiography and became the first director of the newly established Institute of History of the Labor Movement. For his views and papers in which he reflected on some historical events, he came into conflict with the communist authorities who accused him being “non-Marxist” and nationalist. In 1967 he was expelled from the League of Communists and forced to retire. However, he did not stand still thus began his career as dissident – he was publishing papers on the history of Yugoslavia and Croatian status in the Federation. During the period of Croatian national movement, known as the Croatian Spring, he expressed his views on the Croatian national question in Yugoslavia even more clearly. This led to his arrest, political trial and his conviction to two years in prison in 1972. In 1981 he was sentenced to three years in prison and a ban on every public activity in the period of five years because he gave some interviews to the Western media. Based on so far published court records of the County Court in Zagreb where Tuđman was convicted both times, Tuđman’s memoirs and various literature, this article will reconstruct Tuđman’s trials and explain their primary role - to silence any dissident activity and to eliminate alternative view on the history and the national issues within Yugoslavia. The documents from the trials show the pattern of mounted political processes in which the verdict was set in advance. But this case will also show that these political processes had counterfeits significant for the collapse of communism in Croatia.

Key words: Franjo Tuđman; political trials; communism; Socialist Republic of Croatia; Socialist Federal Republic of Yugoslavia

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Introduction

One of the main characteristics of all communist regimes and systems is the existence of mounted political trials. Although the term “political trial” is variously defined,¹ the broad definition of political trials includes “the use of the court by the ruling elites or by outgroups and dissenters to achieve political goals by judicial means”.² In his seminal book, Otto Kirchheimer suggests that political trials are those in which “the courts eliminate a political foe of the regime according to some prearranged rules”, and that the “Judicial proceedings serve to authenticate and thus to limit political action”.³

Neither the communist regime in Yugoslavia was an exception in this regard. Moreover, these processes in Yugoslavia were very standard which was shown by Rajko Danilović.⁴ He analysed the philosophical-ethical and political and criminal aspects of the political trials, primarily those due to the so-called “verbal crimes”, or “opinion crimes”. This book is a sound basis for studying and further deepening the knowledge about political trials in Tito’s Yugoslavia. Political trials did not stop even after the death of Josip Broz Tito. Even after his death, there were more than 500 cases of persecution of political dissidents per year,⁵ and one of the first in that queue was Tuđman. Although considered a kind of “soft” variant of communism, there was a huge number of political prisoners, and at the end of the communist rule (the late 1980s), Yugoslavia had the highest percentage of political prisoners of all communist states.⁶

¹ More on the definition of political trials see Otto Kirchheimer, *Political Justice: The Use of Legal Procedure for Political Ends* (Princeton, NJ., 1961); Leon Friedman, “Political Power and Legal Legitimacy: A Short History of Political Trials”, *Antioch Review* 30 (1970): 157-170, accessed May 1, 2017, http://scholarlycommons.law.hofstra.edu/faculty_scholarship/780; Thomas Emerson, “Political Trials”, *Yale Review of Law and Social Action* 1, no. 2 (1971), Article 2: 1-10, accessed May 1, 2017, <http://digitalcommons.law.yale.edu/yrlsa/vol1/iss2/2>; Ronald Christenson, “A Political Theory of Political Trials”, *Journal of Criminal Law and Criminology* 74, (1983), nu. 2: 547-577; Jens Meierhenrich & Devin O. Pendas (eds.), *Political Trials in Theory and History* (Cambridge, 2016).

² L. Bilsky, “Political Trials”, accessed May 1, 2017, http://www.tau.ac.il/law/members/lbil-sky/political_trials.pdf.

³ Kirchheimer, *Political Justice*, 6.

⁴ Rajko Danilović, *Upotreba neprijatelja: Politička suđenja u Jugoslaviji 1945-1991*. [Utilising Enemies: Political Trials in Yugoslavia from 1945 to 1991] (Belgrade, 2010).

⁵ Danilović, *Upotreba neprijatelja*, 85.

⁶ “At least 4,500 people were detained for political reasons during 1989, the great majority of them ethnic Albanians. Of these, some 1.700 were prisoners of conscience”, *Amnesty International Report 1990*, (London, 1990), 263.

Danilović argued that the verdicts in communist Yugoslavia were mostly identical to the indictments and that no case was known in the political process in which the objection to the indictment was adopted in any of the legally prescribed manners.⁷ We can say that the court verdicts in such political trials were constructed before the trial, which was in contravention of Yugoslav laws which contained the presumption of innocence in criminal proceedings.

Political trials were regularly public, although the public in the proper sense of the word was, excluded, because it was “controlled and dosed, as a part of an anticipated and planned scenario”.⁸ Preparations for the main hearing were regularly followed by the press campaign, which needed to condemn the defendants beforehand. The tragedy is, Danilović concludes, that the accused themselves prepared thoroughly for defence and try to deny the allegations of the indictment, wrongly thinking that the judiciary is interested in the truth. It is, however, an illusion that often extends even to the time of serving a sentence, when many convicts believed that they were punished due to “misunderstandings” or “mistake”.⁹

Danilović showed that the position of a lawyer in Yugoslavia was difficult. Some of them were punished as “regime opponents” or “defamers of the people’s power” because they perceived their duties “too seriously”. However, sanctions against lawyers, which were frequent in the first years of communist government, were gradually alleviated, and they were very rare in the 1970s and the 1980s.¹⁰ The position of witnesses was unenviable as well, as there were many cases of persecution of those witnesses who could with their testimony endanger the image which public prosecutor presented.

All this led to the situation in which the politically accused was completely helpless in front of the entire apparatus of repression. It should be mentioned that such a practice meant a practical negation of accused’s human rights.

But what was the purpose of these political trials in Yugoslavia? The declared purpose of these trials was “to protect the social order and security of the country”. However, as Danilović argues, these trials were an important tool in the ideological struggle against any opposition and dissent. Judicial

⁷ Danilović, *Upotreba neprijatelja*, 136.

⁸ *Ibid*, 138.

⁹ Tomislav Jonjić, “Rajko Danilović, Upotreba neprijatelja. Politička suđenja u Jugoslaviji 1945-1991.” [Rajko Danilović, Utilising Enemies: Political Trials in Yugoslavia from 1945 to 1991], *Časopis za suvremenu povijest*, 43 (2011), no. 1: 342.

¹⁰ Jonjić, “Rajko Danilović”, pp. 339, 342.

convictions were the legal way to eliminate any political and other contenders, thus securing a political monopoly of communists.¹¹

The aim of this article is to check these theses in the case of Franjo Tuđman, a dissident who had experienced two trials in Socialist Yugoslavia. The article will also try to analyse their wider socio-political context, to analyse whether its two trials affected the dissent movements in Croatia and Yugoslavia. Also, it should answer whether and how these trials influenced the later political processes, primarily the process of democratisation of the political space in Yugoslavia. This case study will also contribute to the general debate and knowledge about the political trials in communist Europe.

The analysis will be based on the Zagreb County Court records, which of some parts are already published, Tuđman's memoirs and relevant literature. The archival documents of the 1972 trial are preserved in the State Archives of Zagreb. However, the most important part of these materials is already published by Milan Vuković¹² and Mate Artuković and Ljubomir Antić.¹³ Judicial records from Tuđman's second trial are still in the County Court in Zagreb. Unfortunately, despite the request of the authors to see the court file, we have received no response from the court. However, much of these documents were published in 1981 outside Yugoslavia.¹⁴

But before the trials analysis, it is necessary to contextualise the core problem because of which Tuđman ended up in the dock - the national question in Yugoslavia. Firstly, we will give a brief overview of this issue in the socialist Yugoslavia by the beginning of the 1970s.

¹¹ Ivica Miškulin, "Politički kriminalitet u SR Hrvatskoj 1980–1990. (IV. dio): Ljudi izvan zakona" [Political Crime in SR of Croatia 1980-1990. (Part IV): Outlaws], *Vijenac*, 23 (2015), no. 565, accessed May 1, 2017, <http://www.matica.hr/vijenac/565/Ljudi%20izvan%20zakona/>.

¹² Milan Vuković, *Dr. Franjo Tuđman u sudskim dosjeima: (11. siječnja 1972. - 10. lipnja 1990.)* [Dr Franjo Tuđman in court files: (January 11, 1972 - June 10, 1990)] (Koprivnica, 2004).

¹³ Mato Artuković and Ljubomir Antić, *Sudski progoni dr. Marka Veselice: Dokumenti* [Judicial Persecutions of Dr Marko Veselica: Documents] (Zagreb, 2013), p. 45.

¹⁴ Franjo Tuđman, *Na braniku povijesne istine: dokumenti sa suđenja 17-20. veljače 1981. u Zagrebu* [On the Bumper of Historical Truths: Trials Documents 17-20 February 1981 in Zagreb] (Issue place Unknown, 1981); Franjo Tuđman, *Na suđenju dr. Tuđmanu sudilo se Hrvatskoj* [At the trial of Tuđman, Croatia was tried] (London, 1981); Franjo Tuđman, *Stirbt Kroatien?* [Croatia dies?] (Hamburg, 1981); Vlado Gotovac, Franjo Tuđman, Marko Veselica, *Pisma protiv tiranije* [The letters against tyranny] (London, [after 1981]).

The national question in Yugoslavia by the end of the 1960s

Yugoslavia was ethnically and religiously heterogeneous state. Also, since the beginning of the 1960s, its constant feature was the ongoing confrontation between federalists and centralists, even within the ruling League of Communists of Yugoslavia (LCY) itself. Serbian political forces were mostly prone to centralism, that is, the greater role of the federal state and the state centre. On the other side of the political spectrum were those who advocated bigger autonomy of the Yugoslav republics, especially Slovenes and Croats, who had strong national identities. The cause of the Serbian preference for centralism may be sought in the spread of the Serbian nation in areas outside Serbia, but also in the political power that Serbia and Serbs inherited from the Serbian state in 1918. Although the national structure in the highest state and the LCY bodies was balanced, Serbs had a larger share on the lower levels of the state and political institutions. The cause of the high proportion of Serbs in state and political institutions lies in the fact that the Serbs participated in the partisan movement more than any other Yugoslav nation, and because they had a more positive relationship towards Yugoslav state and community than, for example, Croats.¹⁵

Though they did not manage to solve a complicated national question permanently, there was an “official truth” in the public discourse that the national issue in Yugoslavia was resolved by the creation of the Federal People’s Republic of Yugoslavia. This standpoint was propagated through the syntagma of “fraternity and unity of the Yugoslav peoples and nationalities”. The greatest enemy of this “truth” was nationalism. Consequently, all nationalisms in Yugoslavia became subject to repression by the Communist authorities. However, there was a differentiation in repressive treatment of nationalisms. Croatian nationalism was treated as the most dangerous, mostly due to its negative attitude towards the Communist system and the Yugoslav community, while Serbian was sometimes even tolerated because it did not question the Yugoslav community. Croatian emigration, which was the largest of all from Yugoslavia, was broadly labelled as “hostile”.

On the other side, the Serbian nationalism arose during the time of Communist rule and was advocated by some prominent Communist officials. The most prominent representative was Dobrica Ćosić, a notable Serb Communist and member of the Central Committee of the League of Communists of Serbia (CC LCS). His turn towards nationalism began when he publicly opposed the shift of Aleksandar Ranković in 1966, which can be seen as a part of the

¹⁵ Zdenko Radelić, *Hrvatska u Jugoslaviji: od zajedništva do razlaza* [Croatia in Yugoslavia, 1945-1991: From Unity to Dissolution] (Zagreb, 2006), pp. 338-369.

centralist and federalist struggle at the top of the LCY.¹⁶ In 1968, at the CC LCS, Čosić stated that Albanians threaten the Serbs in the Kosovo. He was criticised because of this statement, and soon he left the Communist Party and eventually became the “voice” of the standpoint that the Serbs are the biggest losers in Yugoslavia and have advocated a new transformation of the Yugoslav state following Serbian interests.¹⁷

What was the status of Croatia in the Communist Yugoslavia? The open expression of Croatian national individuality was mainly restrained in the public discourse, and the process manifested even in the degradation of the Croatian language. Also, the economic and political management was highly centralized in Belgrade, which are the main reasons why the Croatian question arose again in the 1960s. The claims that Croatia is economically exploited, that the Croatian people have the biggest number of political prisoners and migrants, and that national culture is neglected became a part of everyday life in Croatia. There were also claims about the privileges of Serbs in Croatian society. Their share in the state and other institutions - especially in the LCY, Internal Affairs, State Security Service, and Yugoslav People's Army (YPA) - was greater than their total share of the population of Croatia. Nevertheless, in Serbian and unitarian political circles emerged a tendency to label the Croatian people as genocidal (through the increase in the number of victims of the Ustasha regime, especially in the Jasenovac concentration camp) and a separatist factor within the Yugoslav community.

However, Ranković's political decline has led to changes in the relations of political forces in Yugoslavia which reflected in Croatia. In March 1967, the “Declaration on the Name and Position of the Croatian Literary Language” was presented to the public. The main demands were the equal status of all the languages of the people of Yugoslavia and to cease with the unitarian practice of imposing the Serbian language as a state language. These demands were based on documents that were previously adopted by the bodies of the LCY.

Despite that, the document was rated as nationalistic and has sparked intense attacks by unitarian forces and even Tito himself. The principal authors of Declaration - like the Society of Writers of Croatia, Matica hrvatska and the Croatian Heritage - were labelled as nationalistic. Prominent members of these institutions and other persons who were related to the Declaration had to resign their jobs and their membership in the LCY. Among them was Franjo Tuđman.¹⁸

¹⁶ Svetko Kovač, Bojan Dimitrijević, Irena Popović, *Slučaj Ranković: iz arhiva KOS-a* [The Ranković Case: from KOS archives] (Zagreb, 2016), pp. 21-44.

¹⁷ Dobrica Čosić, *Istorija jednog doba* [History of an Age], vol. 1-3 (Belgrade, 2009).

¹⁸ Radelić, *Hrvatska u Jugoslaviji*, pp. 134-434.

Franjo Tuđman

During the Second World War, as a supporter of communist ideology, Franjo Tuđman (1922-1999) became a member of the Partisan Movement under the leadership of the communists. After the establishment of the communist government, as a Croatian cadre, he served in the Ministry of People's Defense in Belgrade. After further education, he began with military career climb, reaching the rank of major general.

At the same time, he began his scholarly work. The first two Tuđman's books immediately induced political conflicts between the unitarian and federalist wings in the YPA. In the first one,¹⁹ based on his war experiences Tuđman advocated a decentralised "armed people" concept, which the unitarian wing found unacceptable. In the second book,²⁰ he argued the proportion of the Croats in the Partisan struggle and criticised the constantly imposed labelling Croats as genocidal. His statistically based conclusions were in conflict with the dominant viewpoint in the highest hierarchy of the YPA, which was dominated by Serbian and Montenegrin cadres.

The highest officials in League of Communists of Croatia (LCC) were aware of the political tendencies in Belgrade that sought to undermine Croatia's contribution to the anti-fascist struggle in Yugoslavia. Tuđman's view of the character of the Croatian contribution to the anti-fascist struggle was also supported by Vladimir Bakarić, the undisputed leader of the LCC.²¹ Therefore, most likely in direct Bakarić's initiative,²² Tuđman decided to devote himself entirely to scientific work and was in 1961 declared a director of the newly established Institute for the History of the Labor Movement of Croatia (IHLMC) in Zagreb.²³

¹⁹ Franjo Tuđman, *Rat protiv rata: Partizanski rat u prošlosti i budućnosti* [War against the War: Partisan War in the Past and the Future] (Zagreb, 1957).

²⁰ Franjo Tuđman, *Stvaranje socijalističke Jugoslavije* [Creation of Socialist Yugoslavia] (Zagreb, 1960).

²¹ Dino Mujadžević, *Bakarić: politička biografija* [Bakarić: Political biography] (Zagreb, 2011).

²² Dino Mujadžević, "Sukob Vladimira Bakarića i Franje Tuđmana 1961.-1967.," [The Conflict of Vladimir Bakarić and Franjo Tuđman 1961-1977], *Dr. Franjo Tuđman u okviru hrvatske historiografije*, Herman Kaurić Vijoleta ed. [Dr Franjo Tuđman in Croatian historiography] (Zagreb, 2011), p. 363.

²³ Mira Kolar Dimitrijević, "Franjo Tuđman i organizacija rada u Institutu za historiju radničkog pokreta Hrvatske od 1961. do 1967." [Franjo Tuđman and the organisation of work at the Institute for History of the Workers Movement of Croatia, 1961-1967], *Dr. Franjo Tuđman u okviru hrvatske historiografije*, Herman Kaurić Vijoleta ed. [Dr Franjo Tuđman in Croatian historiography] (Zagreb, 2011), p. 9.

After returning to Croatia, Tuđman entered a circle of federalists who sought the broader independence of Croatia within Yugoslavia. Bakarić, who in the 1950s became one of the leading advocates of the decentralisation of federal political and economic powers, was on the same side.²⁴

Tuđman focused his Institute on researching sensitive historical topics such as the number of victims in the Second World War, and especially in Jasenovac concentration camp. He made conclusions on these issues that differed from the previous official standpoint of Yugoslav historiography.²⁵ Because of his opposition to politicians who represented unitarism and historians who negated Croatian cultural and historical heritage, Tuđman has been labelled as a “nationalist”. That is why he soon fall into disgrace with Bakarić.²⁶

The first criticisms on Tuđman’s account came when it was noticed that the Institute would not deal only with the research of the history of the labour movement and the socialist revolution. The beginning of the end was the criticism that the Institute gave to the contents of the *Survey of the history of the League of Communists of Yugoslavia*, which was published in Belgrade by the Military History Institute and the Institute for the History of the Labor Movement of Serbia.²⁷ The book was published in Serbian, Slovenian and Macedonian, but not in Croatian because it was considered that Croatian is not a language different from Serbian. Moreover, the book was co-authored by the most famous historians in Yugoslavia, but none was from Croatia.²⁸ The core of the critique was the Serb-centric view on the Party history and the neglecting of other Yugoslav peoples.

The party leadership in Belgrade took this critique very negative. According to Mira Kolar Dimitrijević, they asked Bakarić to bring Tuđman in line. Although Tuđman scientifically defended the position of Croatian anti-fascists, V. Bakarić considered that he “went too far”.²⁹ However, Tuđman has continued to lead the Institute in the same direction, despite the warnings. He probably relied on his high military rank as well as the support of some high-ranking people in the LCC.³⁰ Consequently, History Commission of the CC LCC discussed Tuđman’s work in March 1964. But the majority of the members of the Commission had similar views like Tuđman, and they sup-

²⁴ Mujadžević, “Sukob Vladimira Bakarića i Franje Tuđmana”, p. 363.

²⁵ Kolar Dimitrijević, “Franjo Tuđman i organizacija rada u Institutu”, p. 7.

²⁶ Ibid.

²⁷ *Pregled istorije Saveza komunista Jugoslavije* [Survey of the history of the League of Communists of Yugoslavia] (Belgrade, 1963).

²⁸ Kolar Dimitrijević, “Franjo Tuđman i organizacija rada u Institutu”, p. 25

²⁹ Ibid.

³⁰ Ibid.

ported him, defending their role in the Partisan war.³¹ An additional stimulus for Tuđman's work was when, at the 8th Congress of LCY in December 1964, Josip Broz Tito pledged to break with unitarist Yugoslavia and started to decentralise and reform Yugoslavia.³²

Meanwhile, the initiative came from the Serbian political circles (with the support of Aleksandar Ranković), to engrave the number of 600,000 victims on the monument in Jasenovac camp. It was a historical counterfeit, with the intention to crown Croats as a genocidal people. Tuđman and the IHPMC scientifically argued that this number is false and multiplied. Tuđman got support, and the monument was not set up.³³

In this period, Tuđman made his first contacts with the Croatian emigrants. During his research in the USA in 1966, he met the representatives of another, non-communist Croatian intelligentsia.³⁴

However, Tuđman's final break with LCY is related to the Declaration on the Name and Status of the Croatian Literary Language of 1967. Due to the assessment that it is nationalistic, the document provoked strong attacks from the both federal and republic level, and even from Tito himself. Many members of the subscribed institutions were sanctioned. Although Tuđman was not a subscriber of the document, he was suspected as a member of the intellectual circle that wrote it.³⁵

On 3 April 1967, at the meeting of the Presidency of the CC LCC, Vladimir Bakarić openly attacked Tuđman, so he had to resign as Director of the Institute on 5 April. He was expelled from LCY on 27 April because his method of historical research was rated "bourgeois and methodologically opposed to Marx's thought." That was a break of the institutional ties with the movement he belonged to since his youth, even though he had not yet abandoned the Marxist idea.³⁶

³¹ Ibid, pp. 26-27.

³² Ibid, p. 28

³³ Darko Hudelist, *Tuđman: Biografija* [Tuđman: A Biography] (Zagreb, 2004), pp. 405-408.

³⁴ James J. Sadkovich, *Tuđman: prva politička biografija* [Tuđman: The First Political Biography] (Zagreb, 2010), pp. 137-138.

³⁵ Zlatko Čepo, "Dva decenija instituta za historiju radničkog pokreta Hrvatske" [Two decades of the Institute for the History of the Labor Movement of Croatia], *Časopis za suvremenu povijest*, 14, (1982), no. 1: 26; Kolar Dimitrijević, "Franjo Tuđman i organizacija rada u Institutu", p. 32.

³⁶ Kolar Dimitrijević, "Franjo Tuđman i organizacija rada u Institutu", 33; Čepo, "Dva decenija instituta za historiju radničkog pokreta Hrvatske", 26-28; Sadkovich, *Tuđman*, 33-161; Hudelist, *Tuđman*, pp. 329-415.

However, apart from the breakup with the Party, he did not have any legal consequences at that time. Since he was also a member of the Parliament of SR Croatia (1965-1969) and the chairman of the Parliamentary Committee for Scientific Research,³⁷ Tuđman continued with scientific work and got closer to other intellectuals who advocated the reform process in Croatia. Despite the condemnation of the 1967 Declaration, a reform process has continued in Croatia, which later emerged as a cultural and political movement called the Croatian Spring.³⁸

Faced with the impossibility of working in governmental institutions, Tuđman has become increasingly engaged in the work of Matica hrvatska, a leading cultural institution in the Croatian Spring. He was a member of its Executive Board and the Steering Board since 1970, and the President of the Commission for Croatian History since 1971. He continued his work in the Croatian Heritage Foundation, where he was the president of the Commission for North America in 1967-1968.³⁹

Further Tuđman's work resulted in the book in which he considered the role of small peoples in history and their right to self-determination.⁴⁰ He was also active in the Croatian Spring in 1971, teaching and writing about the necessity of Croatian state sovereignty and participated in the discussions on the amendments to the Constitution of SR of Croatia.

At the end of 1971 the Croatian spring was brutally suppressed with the accusation that it was nationalistic. Many of the participants ended up in prisons, including Tuđman.

The first trial

On 6 January 1972, the Sector for the Fight against Crime of the Zagreb Public Security Secretariat submitted the criminal charges against 11 intellec-

³⁷ Franjo Tuđman, *Petrinjska 18: Zatvorski dnevnik iz 1972*. [Petrinjska street 18: Prison diary from 1972] (Zagreb, 2003), 849; Filip Hameršak, "Tuđman, Franjo", *HBL-online*, accessed May 1, 2017, <http://hbl.lzmk.hr/clanak.aspx?id=11922>.

³⁸ More on Croatian Spring see Miko Tripalo, *Hrvatsko proljeće* [Croatian Spring] (Zagreb, 2001), pp. 189-238; Hrvoje Klasić, *Hrvatsko proljeće u Sisku* [Croatian Spring in Sisak] (Zagreb, 2006).

³⁹ Hameršak, "Tuđman, Franjo".

⁴⁰ Franjo Tuđman, *Velike ideje i mali narodi* [Great Ideas and Small Nations] (Zagreb, 1969); more on Tuđman's considerations on the right to self-determination see Albert Bing, "Franjo Tuđman i samoodređenje naroda" [Franjo Tuđman and the Self-determination of Peoples] in Herman Kaurić, *Dr. Franjo Tuđman u okviru hrvatske historiografije*, pp. 79-89.

tuals (Marko Veselica, Šime Đodan, Ante Bruno Bušić, Vlado Gotovac, Hrvoje Šošić, Jozo Ivičević-Bakulić, Zvonimir Komarica, Ante Glibota, Ante Bačić, Vlatko Pavletić and Franjo Tuđman). As Mato Artukovic points out, the very fact that the activity of the suspects (who were all intellectuals) had come under the crime sector speaks that every oppositional activity was considered a criminal offence.⁴¹ The charges were filed against the whole collective but also against each person separately. They were grounded “on suspicion of having committed a criminal offence of counter-revolutionary assault on the state and the social system” and the “criminal offence of association against the people and the state”, which were violations of the Article 100 and Article 117 of the Criminal Law.⁴² So, their “crime” was considered a hardest anti-state act.⁴³ On 11 January 1972, based on these charges, the District Public Prosecutor issued a request for the investigation.⁴⁴

In his prison diary, on 11 January 11, 1972, Tuđman writes that at about 5 o'clock in the morning a militia and some civilians came to his home and took him in investigating prison.⁴⁵ Day later, in the second examination, Tuđman actively defended himself by accusing those who charged him:

“Incriminations which the public prosecutor puts on me in these charges, I find fictitious, and I reject them categorically. My work was public and purely scientific (...) I find that no concrete evidence could confirm the grounds of any of the points that are being put here.”⁴⁶

The public prosecutor has consistently used the tactic of extending the investigation. During the entire investigative procedure, Tuđman had written to the investigating judge that he is seeking “to concretize the reasons for the detention in custody since the prosecutor has no reliable evidence”.⁴⁷ Tuđman wrote many letters to the investigative judge asking him to speed up the process and complaining about the behaviour of the public prosecutor who did not meet the prescribed deadlines.⁴⁸

⁴¹ Artuković, Antić, *Sudski progoni dr. Marka Veselice*, p. 46.

⁴² *Ibid.*, p. 59.

⁴³ *Ibid.*, pp. 83-86; Vuković, *Dr. Franjo Tuđman u sudskim dosjeima*, p. 11.

⁴⁴ The request no. Kt-40/72 is part of the K-355/72 file, consisting of seven parts and has 1239 court pages.

Vuković, *Dr. Franjo Tuđman u sudskim dosjeima*, p. 10.

⁴⁵ Tuđman, *Petrinjska 18*, p. 9.

⁴⁶ Vuković, *Dr. Franjo Tuđman u sudskim dosjeima*, p. 12.

⁴⁷ *Ibid.*

⁴⁸ *Ibid.*, p. 13.

Soon the case against the eleven suspects was divided into four groups, with each group receiving a different judge. Tuđman was investigated in the first group together with Veselica and Đodan.⁴⁹

The investigative detention of suspects was extended until 11 April 1972. During that time, Tuđman protested to the investigative judge, writing that nothing was done in his case and that he was held in detention against all the procedures of the Criminal Procedure Act. In one of the letters, he also reported that he had not been receiving food from home for a long time and that he could not eat prison food for several days because of his stomach problems. Tuđman avoided the prison food because he was afraid he could be poisoned, so he received food from home. However, this practice of receiving food from outside was stopped, and the judge ironically justified this decision with the fear of spreading smallpox.⁵⁰

The investigation was continuously extended with new meaningless incriminations. In a request to extend the investigation of 4 May 1972, the Public Prosecutor claimed that Tuđman intended to destroy the self-governing socialist system, that he tried to create a political party from the *Matica hrvatska*, and that he spread the nationalist ideology.⁵¹ Arguing with those charges Tuđman said:

“Since the beginning of my participation in the revolutionary communist movement, having accepted the Marxist view of the world, I was a Croat and an internationalist, struggling consistently in my practical activity and as a writer and a scholar, for the standpoint that socialism can achieve its historical goals only under the assumption that it deals not only class and social issues but also national issues...”⁵²

On the charges that he travelled abroad to associate with the enemies of Yugoslavia to destroy the socialist system in Yugoslavia, he replied that all his travels and contacts were meeting of historians.⁵³

On 29 June 1972 Tuđman’s case was linked to a case against Ante Bruno Bušić and the case against Dragutin Šćukanac, and they were accused together. Tuđman was a third indicted and charged on three points.

The first point of the indictment said that Tuđman: “as a member of the Steering and Executive Committee and the President of the Commission

⁴⁹ Ibid, p. 15.

⁵⁰ Ibid, p. 18.

⁵¹ Ibid, p. 20.

⁵² Ibid, pp. 20-21.

⁵³ Ibid, p. 21; Tuđman, *Petrinjska 18*, p. 411.

for History of the Matica hrvatska, in accordance with the intentions of the counter-revolutionary nationalist group to which he belonged, abused the organisation of the Matica hrvatska, acted in the direction of removing legally elected representatives of the authorities in the Socialist Republic of Croatia, politicizing the branches and members of the Matica hrvatska, turning the Matica hrvatska into the oppositional nationalist party". Also that he held a speech on June 27, 1971, in which "he tried to create a false belief that only Matica hrvatska was, historically, predestined (...) to reassert the Croatian nation and defend it from exploitation and discrimination".⁵⁴

The second point of the indictment charged him for "the desire to mislead the public with the false impression that the national consciousness of the Croats is restrained in the SFRY and that the denationalisation of Croatian people is happening". According to the indictment, Tuđman conducted this "crime" via his articles in newspaper, magazines and other publications of Matica hrvatska.⁵⁵

The third point accused him of "political cooperation with groups of extreme political emigration and foreign forces" since 1964 "to harmonise the hostile activities" against "the existing democratic self-governing socialism in SR of Croatia" and for "breaking the SFRY and making of an independent Croatian state with the capitalist regime".⁵⁶

Points 1 and 2 imply that Tuđman committed a criminal offence against the people and the state by the counterrevolutionary attack, which was punishable by the Article 100 of the Criminal Law of the SFRY. The point 3 was punishable by the Article 109 of the same Law.

The court rejected Tuđman's objections to the indictment and the extension of his detention. At the last hearing, on 29 September, Tuđman also requested the testimony of writer Miroslav Krleža and retired military General Ivana Rukavina, but the court decided that the proposed witnesses would not be heard "because there is enough data from which the personality of the defendant Tuđman can be judged."⁵⁷

After a lengthy court hearing (16 hearings), on 11 October 1972, the court sentenced Tuđman to a two-year in prison. He was also deprived of his military rank (General-Major) and his passport. In the statement of grounds, the Court completely accepted the points of the indictment.⁵⁸

⁵⁴ Vuković, *Dr. Franjo Tuđman u sudskim dosjeima*, p. 23.

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*, p. 24.

⁵⁷ *Ibid.*, 25-26.

⁵⁸ *Ibid.*, 26.

The verdict ended the investigative custody where he spent nine months.⁵⁹ As he had the right to appeal, he was released and could complain at liberty. He appealed to the Supreme Court of Croatia, which on 26 June 1973 reduced the verdict to one year of imprisonment. Tuđman wrote the application on 6 August 1973 for further mitigation of the sentence for health reasons. The Supreme Court accepted it and reduced the sentence to 9 months, which was the time Tuđman earlier had spent in custody, which meant that he did not need to return to serving a sentence.⁶⁰

Historian James Sadkovich believes that a reduction of punishment was helped precisely by the effort of his wife Ankica who has lobbied at local officials and party potentates.⁶¹ Apart from submitting a petition on 20 August 1972, asking to release her husband from custody,⁶² Ankica Tuđman was sending letters and petitions to numerous high party officials. She was stressing on the continuance of investigation and interference of party authorities into the legal sphere and looking for her husband's release, and later, a reduction of his sentence.⁶³ Moreover, she addressed President Tito twice.⁶⁴ There are theories that the famous writer Miroslav Krleža has intervened on her warnings. Even F. Tuđman himself believed that Krleža introduced Tito with the judicial process against him and that Tito intervened issuing an instruction to the leadership of the LCC not to sentence him to 15-20 years, but on a smaller sentence.⁶⁵

Political processes have almost always resulted in an acquitting verdict, but the punishments were frequently mitigated on higher courts. Some authors believe that the reason for that is the fact that the duration of the sentence itself was of secondary importance to the regime because the primary

⁵⁹ During that time, he wrote his diary *Petrinjska 18* which was also published a few decades later.

⁶⁰ Vuković, *Dr. Franjo Tuđman u sudskim dosjeima*, p. 27.

⁶¹ Sadkovich, *Tuđman*, p. 192.

⁶² Vuković, *Dr. Franjo Tuđman u sudskim dosjeima*, pp. 24-25.

⁶³ Ankica Tuđman, *Moj život s Francekom* [My life with Franjo] (Zagreb, 2006), pp. 141-142, 155-158.

⁶⁴ See Josip Mihaljević, "'Comrade Tito, help!' Letters of prisoners and in favor of prisoners addressed to authorities of communist Yugoslavia as a historical source", *Our daily crime: collection of studies*, ed. Gordan Ravančić (Zagreb, 2014), 340-344.

⁶⁵ Franjo Tuđman, *Usudbene povjestice (članci, proglassi, pisma i rasprave 1958-1989)* [Weird histories: articles, proclamations, letters and debates 1958-1989] (Zagreb, 1995), 579-604; Mihaljević, "'Comrade Tito, help!'", 301; Nikica Barić, "Prvi hrvatski predsjednik dr. Franjo Tuđman o jugoslavenskom predsjedniku" [The First Croatian President Franjo Tuđman about the Yugoslav President Josip Broz Tito], *Dr. Franjo Tuđman u okviru hrvatske historiografije*, 316.

goal was accomplishing a political and media effect by rendering a first instance verdict, while information on a reduction of the sentence was almost not reaching the public.⁶⁶

The opposition activity after leaving the prison

After leaving the prison at the end of 1972, a new era of Tuđman's life began. He lived quietly and was in contact mainly with political dissidents of similar destiny. They gather mostly in private homes.⁶⁷

During 1974 and 1975 significant changes occurred in the Yugoslav political scene. The new federal constitution was proclaimed in February 1974 and was a move towards decentralisation of the state. The positions of the republics were strengthened, and the Yugoslav peoples had the legal right to self-determination. On the other hand, in August 1975 the adoption of the Helsinki Declaration happened. The intent of the document was to reduce the tension between opposing political blocs and to establish global respect for human rights. It was a new hope for political dissidents in communist states, including those in Yugoslavia which was among the signatories of the Helsinki Act.⁶⁸

The Helsinki Act was a new impetus for Tuđman. In the spring of 1975, he replied, in *Der Spiegel* magazine, to Ernst Bloch - German philosopher who labelled Croats as Fascists ("Kroaten als Faschisten"). In response Tuđman defended the Croatian people from such general claims, presenting the historical facts about the respectable numbers of Croats who participated in the anti-fascist movement.⁶⁹

In the mid-1970s, the question of the future of the SFRY after the death of Tito has raised. The State Security Service (SSS) started to work on "enemies of the state". During 1976 and 1977 SSS of Croatia in cooperation with the SSS of Serbia and the Federal SSS began to monitor the mutual contacts between Croatian and Serbian dissidents. Tuđman's talks with Dobrica Ćosić and Milovan Đilas were recorded. The topic of the conversation was the fate of Yugoslavia after Tito's death and the possibility of cooperation between Croatian

⁶⁶ Jonjić, "Rajko Danilović", p. 343; Mihaljević, "Comrade Tito, help!", pp. 301-302.

⁶⁷ A. Tuđman, *Moj život s Francekom*, pp. 158-170.

⁶⁸ Encyclopædia Britannica, "Helsinki Accords", accessed June 2, 2017, <https://www.britannica.com/event/Helsinki-Accords>.

⁶⁹ Tuđman, *Usudbene povjestice*, pp. 312-317.

and Serbian opposition.⁷⁰ In June 1978, Đilas met Tuđman in Zagreb,⁷¹ but the talks on possible cooperation did not yield results.⁷²

In the meantime, Tuđman also had contacts with foreign journalists who were interested in current political issues in Yugoslavia. In February 1977, the journalist of the Sveriges Television (SVT) Bengt Göransson visited Tuđman. The contact person was Branko Salaj, prominent Croatian immigrant in Sweden and Tuđman's friend. The main topic was Croatia's desires in the future after Tito. Tuđman talked about the Croatian right to self-determination, and about his struggle against the propaganda in which Croats appear as fascists (Ernst Bloch).⁷³ In conversation Tuđman claimed that the new wave of Croatian emigration was caused by the fall of Croatian Spring, and that part of the emigration had opted for extreme terrorist activity. He considered this as a result of constant persecution in Croatia and concluded that it is impossible to solve national problems with political terror. He argued that there is an absolute monopoly of the LCY, that there is no right "to the pluralism of socialist thought," and that all those who came into a conflict with the leadership of the LCY became the target of persecution. He recalled the contradictions in the Constitution, according to which peoples have the right to self-determination until the termination, but the possibility of this right is nevertheless prevented by force.⁷⁴

At that time, Tuđman worked intensively on his book *National question in contemporary Europe*, which was published a few years later.⁷⁵ The primary thesis of the book was that the best solution for Yugoslavia was its "Scandinavianisation".

On related topics, Tuđman talked to other journalists - in August 1977 and March 1978 with Vladimir Marković (Belgrade), in November 1977 with Clarem Falcone, correspondent of Italian *Il Tempo*.⁷⁶

In October 1977, Tuđman visited Germany and Sweden. In Germany (Cologne) he met prominent Croatian emigrants asking for help in publishing

⁷⁰ Josip Manolić, *Špijuni i domovina: Moja borba za suverenu i socijalnu Hrvatsku* [Spies and Homeland: My struggle for sovereign and social Croatia] (Zagreb, 2016), pp. 123-124.

⁷¹ Tuđman, *Osobni dnevnik: 1973. - 1989.* [Personal diary: 1973-1989], vol. I (Zagreb, 2011), p. 401.

⁷² Ibid, vol. II, p. 256.

⁷³ Ibid, vol. I, pp. 200-201.

⁷⁴ Tuđman, *Na braniku povijesne istine*, p. 9.

⁷⁵ Franjo Tuđman, *Nacionalno pitanje u suvremenoj Europi* [National question in contemporary Europe] (München / Barcelona, 1981).

⁷⁶ Tuđman, *Osobni dnevnik*, vol. I., pp. 312-313, 346-350, 361-362, 370, 392.

his papers, and in Sweden he had a secret meeting with representatives of the Swedish authorities and political parties.⁷⁷

On 3 February 1978, the Zagreb daily newspaper *Vjesnik* announced that SVT was broadcasting a program titled “Croats: Freedom Fighters or Terrorists?” in which “the enemies of the Socialist Yugoslavia spoke on behalf of the Croatian people”. Some parts of the interviews with Croatian dissidents (Tuđman, Gotovac, Bušić, Čičak) were also broadcasted, which caused media attacks on them. Tuđman wrote to Göransson via Branko Salaj and asked for an explanation for the concept of the TV-show and the use of his interview.⁷⁸ The film had another controversy. Along with the conversations, there were scenes of armed men training in the improvised camp, among them was Bruno Bušić.⁷⁹

In August 1978, Tuđman travelled illegally to Western Europe for the second time. This time he was in Spain where he met the writer Vinko Nikolić, and Bruno Bušić, who was a target of SSS.⁸⁰ Only two months later, on 16 October, Bruno Bušić was murdered by the Yugoslav secret police in Paris. This murder was a big blow to Croatian emigration but also for Tuđman.⁸¹

The next Tuđman move, however, was particularly dangerous. At the Tuđman’s initiative in August 1979, Croatian dissidents organised a meeting at a restaurant in Zagreb. An agreement was reached on the formation of a secret joint opposition leadership that will be made by Franjo Tuđman, Marko Veselica, Vlado Gotovac and Hrvoje Šošić. Their gathering in one place will provide them with an accusation of the illegal political organisation.⁸²

⁷⁷ Manolić, *Špijuni i domovina*, pp. 140-147; “Tuđman nije htio čuti istinu o očevoj smrti” [Tuđman did not want to hear about his father’s death], *Express*, 24 February 2017, 37.

⁷⁸ Tuđman, *Osobni dnevnik*, vol. I., 380-388, 395-396.

⁷⁹ Manolić, *Špijuni i domovina*, 128-129; The Croatian Spring’s downfall caused the third major wave of Croatian emigration after the Second World War. The first was the political opponents of the communist regime migrated mainly in 1945. The second wave were the economic emigrants. The third wave differs from the first two because a large number of intellectuals came to emigration, which strengthened the political institutions of Croatian emigrants. Among the leading organisers of the new emigration was Bruno Bušić, a long-time Tuđman’s associate and friend. The long-term persecution of political opponents carried out by the Communist authorities, which had passed without any condemnation from the democratic world, have radicalised some Croatian emigrants. Some of them even began to conduct terrorist acts, creating a negative image of the entire Croatian emigration. Central Intelligence Agency (CIA), National Foreign Assessment Center, Yugoslav emigre extremist, May 29, 1980, 1-15, accessed June 2, 2017, <http://www.foia.cia.gov>.

⁸⁰ Manolić, *Špijuni i domovina*, pp. 147, 372-373.

⁸¹ Tuđman, *Osobni dnevnik*, vol. I, pp. 410-415.

⁸² Manolić, *Špijuni i domovina*, pp. 148-150; Tuđman, *Osobni dnevnik*, vol. II, pp. 36-44.

In the early 1980s, Tuđman continued with his political activities. Đilas offered him, and he agreed to join the Democracy International Committee to Aid Democratic Dissidents in Yugoslavia, which was founded in the USA. At the end of January 1980, Tuđman gave an interview to Peter Miroshnikoff for the German ARD TV. The main topics were the Croatian question and the future of the SFRY after Tito. Tuđman argued that, in theory, the national issue was ideally settled in the SFRY, but that there is “a disharmony between practice and theory”. He pointed out that Croatia was economically exploited, and that the share of Croats in public and social services (LCY, YPA, Ministry of Interior Affairs) was several times smaller than their share in the population. He also claimed that any public expression of Croatian interests “is proclaimed separatism and nationalism”, and therefore becomes a target of persecution. He also reflected on the future of the SFRY after Tito. He stated that the new collective Presidency of the SFRY would have to satisfy the interests of all the peoples in the SFRY, especially Croats, who were the most dissatisfied.⁸³ The SSS seized the recorded material that was found at Miroshnikoff at the Zagreb Airport, and the journalist was expelled from the country in late February 1980.⁸⁴ At the time, the SDS of SR of Croatia began a new comprehensive campaign of monitoring Croatian dissidents. Their analysis concluded that Tuđman was the most active dissident.⁸⁵

After the death of Tito in May 1980, Tuđman gave a new interview to Michael Bartelemy, correspondent of *Radio France Internationale*. The topic of discussion was again the Croatian question and the future of the SFRY without Tito. Tuđman told him that SFRY as a multi-national community has many problems, but that single-party rule prevents the open discussion. For Tuđman, the national issue in Yugoslavia was a question of democratic freedom and the realisation of those rights for which the Yugoslav leadership advocated on the international level. Also, he claimed that the whole world began to respect human rights and pluralism, even communists in Western Europe.⁸⁶ But the police took away the recorded material and expelled the French journalist.⁸⁷

⁸³ Tuđman, *Na braniku povijesne istine*, pp. 9-10.

⁸⁴ Tuđman, *Osobni dnevnik*, vol. II, pp. 50-66.

⁸⁵ Manolić, *Špijuni i domovina*, pp. 151-155.

⁸⁶ Tuđman, *Na braniku povijesne istine*, pp. 11-12.

⁸⁷ Tuđman, *Osobni dnevnik*, vol. II, pp. 50-66.

The second trial

On 6 August 1980 Tuđman received a call for a hearing - the second prosecution began. Faced with charges, Tuđman begins to prepare his defence and engaged two attorneys - Željko Olujić and Vlado Marić. At the end of August 1980, he received human rights fighters from the USA who were interested in his case, while in the Swedish and German press the political persecution of Tuđman and Gotovac was announced. On 24 October 1980, he had a hearing in the prosecutor's office. At the hearing, he was informed of the counts of the indictment, which were identical to Gotovac's. He was accused of having repeatedly expressed inaccuracies in conversation with foreign journalists and was thus associated with an external factor to commit the criminal offence of hostile propaganda. Tuđman defended by arguing that his attitudes were extracted from the context and then reinterpreted.⁸⁸

In the District Court in Zagreb the indictment against him was filed on 17 November 1980 and was based on the Article 45, of the Criminal Procedure Act.⁸⁹ According to the indictment Tuđman desired to "convince the public opinion in the country and abroad that the position of the Croat people in the SFRY is not equal with other peoples" and that "the social system of democratic self-managing socialism does not allow the free exercise of constitutional rights". The mentioned "crime" took place "in the period between 1977 and 1988, in interviews with foreign journalists".⁹⁰

The first point of the indictment was based on a part of Tuđman's conversation with Bengt Göransson. The second point referred to an alleged interview with Belgrade journalist Vladimir Marković, published in the emigrant journal *Hrvatska država* in August 1978 (No. 279). The third referred to Tuđman's conversation with Peter Miroschnikoff, and the fourth to the interview with French journalist Michael Barteley.⁹¹

The prosecution alleged that he conducted hostile propaganda in co-operation with the external enemy and tried to harm the country. According to the laws of SFRY, it was forbidden to present opinions that could become "a means of damaging or endangering of recognized social values" and that "the abuses of the right to freedom of speech undermine the foundations of socialist self-managing social order".⁹²

⁸⁸ Tuđman, *Na braniku povijesne istine*, p. 12; Tuđman, *Osobni dnevnik*, vol. II, pp. 68-76.

⁸⁹ Vuković, *Dr. Franjo Tuđman u sudskim dosjeima*, p. 30.

⁹⁰ Tuđman, *Na braniku povijesne istine*, p. 7-8.

⁹¹ *Ibid*, p. 9-12.

⁹² *Ibid*, p. 12-14.

The beginning of 1981 brought further political destabilisation in Yugoslavia, primarily due to new disputes between the federalists and the centralists in CC LCY. Tuđman's trial, as well as trials of other Croatian dissidents, was seen as an attempt to block the opening of the Croatian question. Before the beginning of his trial, Tuđman received a call for testimony in the trial against Dobroslav Paraga.⁹³ New trials were the main topic in dissident circles. Foreign media also reported on new political persecution in the SFRY. They expected Tuđman's conviction.⁹⁴

The second trial of Franjo Tuđman began on 17 February 1981.⁹⁵ The representatives of Amnesty International, as well as foreign journalists - correspondents for *Die Presse*, *Neue Züricher Zeitung*, *Süddeutsche Zeitung* and Italian ANSA - attended the trial. Foreign media have announced the trial as the first major political trial after Tito's death.

After facing the indictment, Tuđman defended saying that it is "ungrounded and absurd." He stressed that the quotes used in the charges were pulled out of his conversations and were reinterpreted without taking into account the whole conversation. Despite the indictment, he stated that he stands with all his words in these interviews and that all he said was based on his scientific research, personal conviction and was in accordance with those ideals he "fought for in the social revolution and antifascist war".⁹⁶

As for the interview with Bengt Göransson, he argued that the text was not published in its entirety,⁹⁷ that he did not give the permission for its publication, and claimed that part of his statements was distorted in the *Hrvatska revija* magazine. As for the interview with Marković, which was published in the *Hrvatska država* magazine, he denied that he ever gave an interview to Marković. He had a conversation with him, but Marković did not record it, nor said anything about publishing. As for the victims of the Jasenovac camp, Tuđman stated that the camp was a terrible crime, but that the tenfold figures were used only to emphasise the "collective and lasting guilt of the Croatian people". He presented a history of the Jasenovac victims numbers dispute and his role in that.⁹⁸ He then pointed out that politics can not be stronger than

⁹³ The "crime" of a young student Dobroslav Paraga was the organisation of the petition for human rights and amnesty for political prisoners, which was supposed to be sent to the SFRY Presidency. Dobroslav Paraga, *Goli otok: istočni grijeh Zapada* [The Goli otok: Original Sin of the West] (Zagreb, 1995), pp. 15-16.

⁹⁴ Tuđman, *Osobni dnevnik*, vol. II, pp. 89.-96.

⁹⁵ "Suđenje Franji Tuđmanu" [Franjo Tuđman Trial], *Vjesnik*, 18 February 1981, p. 24.

⁹⁶ Tuđman, *Na braniku povijesne istine*, pp. 15-16.

⁹⁷ Moreover, the whole interview was eight times larger.

⁹⁸ Tuđman's approximations did not differ too much from the later demographic research. See Bogoljub Kočović, *Žrtve Drugog svetskog rata u Jugoslaviji* [Victims of the Second World

scientific work and truth, and that “without the historical truth there is no reconciliation” and that his persecution began after he prevented the placement of the sculptural panel with false figures in Jasenovac.⁹⁹

As for the talks with Peter Miroschnikoff and Michael Bartelemy, he pointed out that he said nothing false or malicious, and that the European journalists were surprised that such harmless interviews could not be published within the SFRY.¹⁰⁰

In his closing statement Tuđman pointed out that even though his interviews were not published in full versions, he stands behind the spoken content. On the accusation of manipulating in his scientific work, he replied that there is no better method than the one based on statistical data and that ideology should not limit scientists.¹⁰¹

He emphasised the absurdity of the indictment that he, in his “criminal offence”, had aid from abroad. The foreign journalists he spoke with worked for respectable media, and they contacted him. They were not hostile to the SFRY at the time, and, until then, they worked regularly in SFRY.¹⁰² The judge and the prosecutor could not deny that everything he had said to journalists he previously published in the reviewed scientific journals.¹⁰³

The trial ended in only three days with a verdict of 20 February 1981, which sentenced Tuđman to three years imprisonment and five years ban on public appearances in print, radio, television, public gatherings or publishing.¹⁰⁴ A mitigating circumstance was his contribution in the Partisan war while aggravating was his repeating of political crime.¹⁰⁵

Though condemned, graffiti “Long live Tuđman!” soon emerged in Zagreb, and Tuđman became an icon in Croatian diaspora. In April 1981, a book, which included official documents of the Tuđman trial, was published

War in Yugoslavia] (Sarajevo, 1990); Vladimir Žerjavić, *Opsesije i megalomanije oko Jasenovca i Bleiburga: Gubici stanovništva Jugoslavije u Drugom svjetskom ratu* [Opsesion and megalomania on Jasenovac and Bleiburg: Losses of Yugoslav People in the Second World War] (Zagreb, 1992); Vladimir Žerjavić, *Yugoslavia - Manipulations with the Number of Second World War Victims* (Zagreb, 1993).

⁹⁹ Tuđman, *Na braniku povijesne istine*, pp. 17-24.

¹⁰⁰ Ibid, pp. 24-27.

¹⁰¹ Ibid, pp. 39-44.

¹⁰² Ibid, pp. 45-46.

¹⁰³ Vuković, *Dr. Franjo Tuđman u sudskim dosjeima*, 32.

¹⁰⁴ Ibid, 40.

¹⁰⁵ “Franji Tuđmanu tri godine zatvora” [Franjo Tuđman was sentenced to three years in prison], *Vjesnik*, 21 February 1981, 12.

abroad, as well as Tuđman's new book the *National Question in Contemporary Europe* (New York, 1981). A copy of documents from Tuđman's trial began to circulate throughout Croatia as well.

Tuđman appealed to the verdict complaining that the trial was illegal, but on 16 October 1981, the Supreme Court of Croatia upheld the sentence. On 12 January 1982, he was transferred to the prison in Lepoglava, despite the health problems.¹⁰⁶ Tuđman appealed to the Federal Supreme Court in Belgrade which in May 1982 rejected the request.¹⁰⁷

Tuđman had health problems during his imprisonment. After being examined in a prison hospital, on 23 February 1983, he was released on three months for treatment. Subsequently, the postponement was repeatedly renewed,¹⁰⁸ until he was conditionally released on 23 November 1984.¹⁰⁹

The reasons for Tuđman's conditional release were political. Serbia's political scene was openly questioning the current position of Serbia and the Serb people in the SFRY, demanding a change of the 1974 Constitution and re-centralisation of SFRY. Also, many critiques of the system and the LCY monopoly accrued, which were much worse than those for which Tuđman was convicted.¹¹⁰ Also, in Slovenia, an open question of the expediency of Yugoslavia arose, and many advocated a process of democratization.¹¹¹

Conclusion

Tuđman's "unacceptable historiographic deformation" in 1967, resulted in his release from the LCY, from the University and the position of director of the Institute for the History of the Labor Movement of Croatia. He became a dissident and was condemned in 1972 in a political trial, as a part of the regime's confrontation with the Croatian Spring.

The second part of the 1970s in Yugoslavia were years of economic crisis and political instability on the internal and international political scene, mostly because of the expectation of the death of a long-standing Yugoslav ruler Josip Broz Tito. Despite persecution after the fall of Croatian Spring,

¹⁰⁶ Tuđman, *Osobni dnevnik*, vol. II, pp. 166-167.

¹⁰⁷ Vuković, *Dr. Franjo Tuđman u sudskim dosjeima*, p. 42.

¹⁰⁸ Tuđman, *Osobni dnevnik*, vol. II, pp. 389, 445.

¹⁰⁹ Vuković, *Dr. Franjo Tuđman u sudskim dosjeima*, p. 43.

¹¹⁰ Radelić, *Hrvatska u Jugoslaviji*, pp. 548-550.

¹¹¹ Božo Repe, *Slovenija u procesu raspada Jugoslavije* [Slovenia in the process of the disintegration of Yugoslavia], *Gračanički glasnik*, 15 (2010), no. 30: 66-79.

Franjo Tuđman was exceptionally active in that period. He gave interviews to foreign journalists always updating them on the Croatian question in Yugoslavia. Tuđman also maintained contacts with Croatian emigrants and other dissidents from Yugoslavia. He wrote papers in which he advocated a scandinavianisation and democratisation of SFRY as the best foundation for a real democratic agreement among its peoples. But, Tito's death was the beginning of a new fight against the most prominent Croatian dissidents. The unitarist wing within the LCY thought that that could stop the opening of the Croatian question.

The second trial to Tuđman was one of the first political trials after Tito's death in SFRY. In the trial, Tuđman practically admitted all the words he said in those interviews but did not take the blame. Tuđman defended by presenting data that significantly broke some of the dogmas of the communist Yugoslavia and showed the unenviable position of the Croatian people in SFRY. In the end, however, he was convicted.

The trials against Tuđman showed the features of the mounted political trials: legal and status degradation of the accused, apparent violations of legality and the right to a fair trial and taking into account pieces of evidence with more than suspicious credibility. The charges were not supposed to be proved because the verdict was mostly pre-ordered in the indictment itself. Tuđman was convicted for his historiographic discussions. His attitudes were interpreted as a "false presentment of the socio-political situation in the country" and were treated as a criminal offence. If we take the Christenson's typology,¹¹² maybe we can place Tuđman's case as a Partisan type of political trial, and him as a combination of dissenter and nationalist.¹¹³

Political trials are always the reflection of the times in which they happened. Such political trials were frequent in the then communist states, and they had a common feature - their purpose was to protect the communist system. But, in Tuđman's case, it was also about protecting the multi-national form of the Yugoslav state, for which the emphasis on a Croatian national sovereignty was one of the greatest threats. The trials against Tuđman show the condition of national and individual freedom in a country that publicly promoted the freedom of individuals and peoples. They indicate that the national question was not resolved and that in the 1980s it was the primary reason for

¹¹² Ronald Christenson suggests a typology that recognises two types of political trials - Political Trials within the Rule of Law and Partisan Trials. He also offers four types of the accused according to the basic issues of politics brought to question by the trial: Trials of corruption; Trials of dissenters; Trials of nationalists; Trials of regimes. Ronald Christenson, "A Political Theory of Political Trials", *Journal of Criminal Law and Criminology*, 74 (1983), no. 2: 547-577.

¹¹³ Ibid, 556.

the political trials in Yugoslavia. Along with the Albanians, the most numerous political prisoners were Croats.¹¹⁴

In the second half of the 1980s, due to the intense pressure of international human rights organisations such as Amnesty International, a lot of information on such trials also reached the world public. With the collapse of the communist system in Europe there will be changes in Yugoslavia where the general amnesty for political prisoners was proclaimed on 29 November 1988. It will allow the release of numerous individuals who have been victims of political trials. Many of them immediately started to organise politically and were successful in the first multiparty elections.¹¹⁵

Tuđman followed the similar path. Firstly he fought for a different interpretation of the newer history, and when he had suffered consequences, he became a political dissident. Tuđman's defence at the second trial became a narrative that strengthened his political charisma among Croats in the country and abroad. The central thesis of Tuđman's defence was later incorporated in the political program of the Croatian Democratic Union, a party he founded in 1989, and his charisma has become the foundation of his political success in Croatia after the collapse of the communist regime.¹¹⁶ In fact, prosecutors eventually helped Tuđman to achieve his political plans.

Politische Gerichtsverfahren gegen Franjo Tuđman in der Sozialistischen Föderativen Republik Jugoslawien

Zusammenfassung

Franjo Tuđman (1922-1999) war Mitglied der antifaschistischen Partisanenbewegung seit dem Beginn des Zweiten Weltkrieges und in seiner Militärkarriere wurde er zum Generalsrang befördert. Aber im Jahre 1961 verließ

¹¹⁴ Jonjić, "Rajko Danilović", 343.

¹¹⁵ Alija Izetbegović had a similar path. He was sentenced in 1983 in a political trial in Sarajevo (together with several others) for "Muslim nationalism" and "enemy propaganda" to 14 years in prison, but in 1988 he was amnestied, and at the beginning of the 1990s he became a leader of Muslims (later Bosniaks) in Bosnia and Herzegovina. For more about the process of Alija Izetbegović see Rajko Danilović, *Sarajevski proces 1983*. [Sarajevo trial in 1983] (Tuzla, 2006).

¹¹⁶ Domagoj Knežević, "Hrvatska demokratska zajednica, od osnivanja do raskida s Jugoslavijom" [Croatian Democratic Union, from its inception to the end of Yugoslavia] (Zagreb: Ph.D. thesis, University of Zagreb, 2015), 29-31, 61-64, 161-217.

er den Militärdienst und widmete sich wissenschaftlicher und publizistischer Tätigkeit. In demselben Jahre wurde er erster Direktor des neugegründeten Instituts für Geschichte der Arbeiterbewegung. Wegen seiner Standpunkte zu gewissen historiografischen Fragen geriet er in Konflikt mit kommunistischen Behörden, von denen ihm eine nicht marxistische Prägung und Nationalismus in seinen wissenschaftlichen Werken vorgeworfen wurden. Da Tuđman auch die Deklaration über die Bezeichnung und Stellung der kroatischen Schriftsprache (1967) unterschrieben hatte, wurde er aus dem Bunde der Kommunisten Jugoslawiens ausgeschlossen und vom Posten des Institutsdirektors entlassen sowie vorzeitig und nicht freiwillig berentet. Danach blieb er doch nicht ruhig, sondern fing seine Dissidenten-Laufbahn an: Er nahm an Tribünen teil und veröffentlichte Studien zu geschichtlichen und zeitgemäßen Themen. Im Jahre 1971, im Laufe der kroatischen nationalen Reformbewegung, bekannter unter dem Namen der Kroatische Frühling (*Hrvatsko proljeće*), drückte er noch klarer seine Standpunkte zur kroatischen Nationalfrage im kommunistischen Jugoslawien aus. Das führte 1972 zu einem inszenierten Gerichtsverfahren, in dem er zu einer zweijährigen Gefängnisstrafe verurteilt wurde, was später auf neun Monate gemildert wurde. Im Februar 1981 wurde er zu einer dreijährigen Gefängnisstrafe und zum Verbot jeder öffentlichen Tätigkeit in der Periode von fünf Jahren verurteilt, und zwar deswegen, weil er Interviews für schwedisches und deutsches Fernsehen, französischen Rundfunk und ein kroatisches Immigrantenblatt gegeben hatte. Aufgrund bis jetzt veröffentlichter Akten des Gespanschaftsgerichtes Zagreb, an dem Tuđman zweimal verurteilt wurde, zugänglicher Literatur, Tuđmans Memoiren und damaliger Presse rekonstruieren die Autoren die gegen Tuđman geführten Gerichtsverfahren und erläutern ihre Primärrolle – irgendwelche Dissidenten-Tätigkeit zum Schweigen zu bringen und alle alternative Auffassungen von Geschichte und damaligen Nationalverhältnissen in Jugoslawien zu eliminieren. Analyse zeigte, dass es um montierte Gerichtsprozesse, bzw. politische Prozesse handelte, in denen die Strafe schon vor der Gerichtsverhandlung bestimmt wurde. Diese Fallstudie zeigte auch, dass solche politischen Gerichtsverfahren negative Folgen selbst für das kommunistische Regime hatten und dass sie eine wichtige Rolle im späteren Zerfall des Kommunismus in Kroatien spielten.

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