

From the abyss they came, into the abyss they were thrown: Crime and punishment in the WW2 Bosnian Frontier

Vladan Vukliš

Archives of the Republic of Srpska; archivist; historian;
vladanv@live.com

Verica M. Stošić

Archives of the Republic of Srpska; assistant director;
stosicv@gmail.com

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Abstract: In the spring and summer of 1941, after the downfall of the Kingdom of Yugoslavia and the establishment of the Independent State of Croatia, the people of Banjaluka and the surrounding region of Bosanska Krajina were cast into a living hell. Viktor Gutić, a local lawyer who was placed at the top of the regional hierarchy by the fascist movement and the quisling state it had created, unified the functions of state administration and a militarized party apparatus. He soon implemented his policies of mass terror directed at Serbs, Jews and Roma, but also against those others who did not accept the new regime. After the violence spiraled out of control, Gutić was removed by the authorities from Zagreb. He fled to Italy after the victory of the partisan communist resistance movement ended the war, but in 1946 he was extradited back to Yugoslavia, where he stood trial alongside two of his wartime aides.

Key Words: Independent State of Croatia; war crimes; war crimes tribunals; post-war justice; Viktor Gutić; extradition; archival records; Feliks Nedelski; Nikola Bilogrivić

Note: In early 2017 the Archives of the Republic of Srpska and the Association of the Archival Employees published *Ustaški stožer za Bosansku Krajinu: Studija Milana Vukmanovića i izbor iz građe*, edited by Verica M. Stošić and Vladan Vukliš. The following paper is an English version of the introductory text, translated by Vladan Vukliš as the lead author of the introduction. Technical notes from the origi-

nal text pertaining to the rest of the publication were omitted or shortened, while other parts were expanded with additional narrative and references.

Bosanska Krajina, a region occupying roughly one third of Bosnia and Herzegovina to the northwest, and whose name could be translated as “the Bosnian frontier” (referred to here as “Krajina”), arguably never went through a more tragic period in its history than in the spring and summer of 1941, after the so-called “April War” that annihilated the Kingdom of Yugoslavia, the beginning of the Axis occupation and the establishment of the fascist Independent State of Croatia (Nezavisna Država Hrvatska - NDH) under Ante Pavelić. To understand the events of the time, one would need a narrative that exposes the facts and processes that relate to the history of this region and its roughly one million inhabitants belonging to three major and several smaller religions and ethnicities — the major ethnic groups being the Serbs, Muslims and Croats — as well as to its different social classes and political organizations, and populated environments, including small villages, bigger townships, and the largest city of Banjaluka, with its 20.000 inhabitants. This narrative would describe the ascendance to power of a small group of radical nationalist and clerical individuals organized into a Croatian fascist party who referred to themselves as “*ustaše*”. In Banjaluka and the wider region of Krajina, they were led by Viktor Gutić, a local lawyer. Supported by the Axis occupation authorities, with a mandate from the political leadership of the NDH, Gutić assumed the position of power that united the functions of regional government and a militarized party apparatus, commonly known as “*Ustaški stožer*”, or simply the “*Stožer*” (meaning “the headquarters”). To understand the events of the time, the reader would also require an exposition on the structures, processes and violent policies that took innocent lives as they came to the fore, until they were interrupted — albeit abruptly but never in their entirety — when Gutić was removed from his formal position of power in August 1941.

Of course, such an historiographical narrative was already formulated in the early 1980s when a local researcher, Milan Vukmanović, at that time a former director of the Archives of Bosanska Krajina and an associate of the city’s Historical Institute, published his four-part “*Neka pitanja o obrazovanju i djelovanju Ustaškog stožera i Povjereništva za Vrbasku banovinu u Banjaluci od aprila do avgusta 1941. godine*” [Some issues regarding the formation and activities of the ‘*Ustaški stožer*’ and the Directorate for

the former County of Vrbas in Banjaluka from April to August 1941].¹ Our motivation to unearth a text of such high quality was plentiful, given the recent degradation of critical historical consciousness and the mass proliferation of revisionist narratives whitewashing the war crimes and the political failures of the quisling and collaborationist governments and movements. Those who perpetuate this conservative reversal also tend to condemn wholesale the policies and actions of the People's Liberation Movement (Narodno-oslobodilački pokret - NOP) and the new state growing out of its victorious campaign, especially its retorsive and punitive activities directed against those responsible for war crimes and collaboration, which today are denounced as "show trials" and widespread "repression" on behalf of the new communist "totalitarian regime".²

The idea to republish this text in book form, therefore, also posed a larger conceptual question: if we are refreshing and republishing a narrative that deals with committed war crimes, should we not also fully close the circle and uncover the process of bringing to justice those who were responsible? Since crime called for punishment, and, indeed, the latter was carried out, our response was obvious. Thus, as we prepared Vukmanović's text for re-publication, we also incorporated transcripts of archival records of seminal importance into the volume: the minutes of the investigative hearings of the case against Gutić conducted by the officers of the Yugoslav state security services, the indictment of Gutić and his two associates — Feliks Nedelski (Niedzielski) and Nikola Bilogrivić — submitted by the county public prosecutor, and the verdict issued by the Supreme Court of the People's Republic of Bosnia and Herzegovina.³ The following text, therefore, is the result of that research, which sought to connect fully the opposing curves of crime and punishment. It was written by the editors as an introductory text for the book, but here it stands as an independent paper. Methodologically, it explores a new body of archival records while applying ideas ta-

¹ M. Vukmanović, "Neka pitanja o obrazovanju i djelovanju Ustaškog stožera i Povjereništva za Vrbasku banovinu u Banjaluci od aprila do avgusta 1941. godine", *Istorijski zbornik* (Banjaluka), no. 2 (1981), 3 (1982), 4 (1983), 5 (1984).

² For an example of a recent critical rebuttal of these narratives, see: M. Radanović, *Kazna i zločin. Snage Kolaboracije u Srbiji: odgovornost za ratne zločine (1941-44) i vojni gubici (1944-45)*, RSL, Beograd 2015; also, more specifically: M. Radanović, *Oslobođenje: Beograd, oktobar 1944*, RSL, Beograd 2014, especially pp. 364-412.

³ See: V. M. Stošić, V. Vukliš (eds.), *Ustaški stožer za Bosansku Krajinu: Studija Milana Vukmanovića i izbor iz građe*, Banjaluka 2017.

ken from both archival and legal sciences that engage with the concepts of evidentiality and criminal responsibility. It deals with the circumstances of 1941 primarily through the lens of later events, the apprehension and criminal prosecution of those who were responsible. Since these subjects have not been addressed until now, they are treated here with particular attention and detail.

* * *

Conventional reasoning tells us that there cannot be a wrongdoing which leaves no trace, for the same reason that there is no crime without a victim. Any crime leaves a basic trace in a form of what legal science calls *corpus delicti* — the very fact of a wrongdoing composed of a causal intentional act and its consequence in any form. In the case of mass war crimes, which are, by necessity, a systematic series of intentional acts of injury, the body of these crimes presents itself in its brutal obviousness: the victims used to be alive, they used to work, they spoke, they lived, they were a part of a family, they had possessions. In short, they existed before and then no longer. In the interim, they were silenced, sacked, taken from their loved ones, robbed, went missing, murdered. Acts leave traces, and those traces carry the marks of intent and responsibility. More importantly, just as there is no crime without a victim, there is no crime that is perfect, especially if it is a war crime. Not everyone dies. Some people survive, they save themselves or are saved by others; they flee, they tell their story; in extraordinary conditions, some organize, resist, and eventually destroy the criminal machinery and bring those responsible for its operation before their own tribunals. Finally, what was once a trace then becomes evidence, and what was lived as a trauma now becomes a testimony.⁴

When in mid April 1941 the new levers of power were established, the desire for rapid implementation of the *ustaše's* fascist political program set in motion a mechanism that soon turned the lives of the people of Kra-

⁴ Archival literature of Australian provenance connects, through their “records continuum model”, the elements of *trace* (of a transaction), *evidence* (of activity) and *memory* (aggregated through functions and organized in wider archival units) into a single “evidentiality axis”, where all of these forms taken by records become manifestations of a single movement on an unbroken trajectory in spacetime; see, for example: S. McKemmish, “Recordkeeping in the Continuum: An Australian Tradition”, in: A. J. Gilliland, S. McKemmish, A. Lau, *Research in the Archival Multiverse*, Monash 2016, pp. 122-160.

jina into a living hell. It is important to stress, however, that this collapse of everyday normalcy was performed step by step through a systematic expansion of concentric circles of dominance, coercion and terror. The new apparatus, constructed out of what used to be marginal organizations of the Croatian and Catholic political right-wing (*ustаше*, *križari* and other groups), and backed by the Axis occupying forces (Germans in the north, Italians in the south), took over the existing administrative system and soon cleansed it of those who were identified as the supporters of the previous monarchic regime. This cleansing of the executive ranks was then expanded to the immediate vicinity, with legalized violence, mainly in the forms of eviction and confiscation, directed against the Jews and influential Serbs, including bureaucrats, affluent families, intellectuals and Orthodox priests, who were living in mainstreet areas. On 24 April the “Stožer” issued an executive order stating that “all persons of birth or descent” from Serbia and Montenegro must leave the territory of the NDH. This affected many administrators, intellectuals, teachers, priests, technicians and other professionals. During the month of May, the new apparatus conducted legalized robbery and marginalization of Serbs and Jews as it issued layoffs, charged mandatory “contribution” fees, performed further evictions and allowed violent outbursts of state-sponsored fascist militias. Some places, such as Sanski Most, saw mass murders, followed by ever-larger waves of violence against those of Serb, Jewish and Roma background, now expanding outward into the countryside. The climax in the implementation of this genocidal movement was the so-called “Saint Elijah Day massacre” (Ilindanski pokolj), commenced in the last days of July, during which, according to the later indictment, “tens of thousands of men, women and children - of Serb nationality [i.e. ethnicity]” were slaughtered. The high point of this slaughter, however, coincided with the coalescing of what had been to this point a dispersed resistance movement into an organized uprising against the Axis and quisling machinery, driven, for the most part, by the activists of the Communist Party of Yugoslavia. Itself a multi-ethnic organization driven by members of all backgrounds, the Communist Party pushed itself to the forefront of the resistance against the *ustаше* and struggled to gain the support of not just those forced to defend themselves, namely Serbs, but of all those forced to live and serve under the new murderous regime - including Croats, Muslims and others.⁵

⁵ For more information on the first year of the uprising see: D. Lukač, *Ustanak u Bosanskoj Krajini*, Beograd 1967; for a more recent case study on violence in

To better understand the rest of this history, in our first digression we turn to the main culprit, the *stožernik* himself. Viktor Gutić was born in 1901 in Banjaluka, where he finished lyceum. He then moved to Zagreb where he studied and graduated from law school. Gutić moved back to Banjaluka where he worked to become a full time lawyer in 1938. From the first days of his political activity he was involved with the Croatian reactionary right-wing. During high school in Banjaluka, he was a local leader of the Croatian Nationalist Youth organization. In the mid-1920s, in a move which one decade later led him to the ranks of the *ustaše*, he left the Croatian Peasant Republican Party because of its loyalist turn. Because of his illegal political activities he was sentenced to prison term.⁶ When the NDH was established, Gutić became the “commissioner” (*stožernik*) of “Stožer” for the so-called region of “Bosnian Croatia” (or “Croatian Krajina”) and the chief executive of the Directorate for the liquidation of the former county of Vrbas in Banjaluka. This joint position bestowed on him the unified powers of the state administration and the party apparatus. He was moved to the Ministry of Interior in Zagreb when the Directorate was disbanded in mid-August 1941, due to the unrelenting and unforeseen crisis caused by the execution of his hyper-radical policies. From April to August 1942 he was the high count (regional governor) in Karlovac, after which he was brought back to Zagreb, where he remained until the last days of the war. There is ample evidence to support the claim that Gutić was the main mover and organizer of the mass slaughter of peaceful civilians in four villages surrounding Banjaluka (Drakulić, Šargovac, Motike and Rakovac) in February 1942. As the war came to an end, Gutić, like many other war criminals, managed to flee across the Austrian border. The power he wielded in Banjaluka and Krajina was based on both the levers of the state administration and the pyramidal structure of the *ustaše* party organization and its militias, whose members occupied key positions in the new system of quisling authorities. Gutić and his closest associates composed a conspiratory syndicate which, albeit informal, in meetings behind closed doors, decided on the life and death of the people of Krajina. Every decision that was made in these meetings was put into effect through the lower ranks of the *ustaše* movement.

the region, see: M. Bergholz, *Violence as a Generative Force: Identity, Nationalism, and Memory in a Balkan Community*, Cornell University Press, 2016.

⁶ Archives of the Republic of Srpska (ARSBL), 559, biographical notes.

As we backtrack to the issues regarding evidence, one might notice a complete absence of minutes, so often typical of meetings behind closed doors. That, of course, does not mean that there are no other textual traces. First and foremost, all policies that were wrapped in a cocoon of officialness were written down in formal correspondence and made public through the media. The press itself served as a powerful tool through which Gutić incited his followers to violence. Thus, we should not be surprised that the excerpts from *Hrvatska Krajina* — the leading newspaper of *ustаше* in Krajina — were extensively used as evidence in criminal proceedings, and they were cited in both the indictment and the ensuing verdict. And even though the execution of policies was often implemented unofficially or verbally, it was still materialized in other forms of archival traces. Refugees who fled to the territory of occupied Serbia dictated statements about their ordeal before the clerks of the Commissariat for refugees. In a similar manner, exiled priests testified about the events in Krajina before their peers through depositions and reports.⁷ All of these testimonies speak of repression and genocidal activities performed across all territories under the jurisdiction of Gutić. Some relate brutal details of the physical aspects of violence against innocent civilians. Others elaborate on the political economy of genocide, conducted through a systematic dispossession of those who were marginalized. Together, these pointed, beyond any reasonable doubt, to a unified organization of these criminal activities, and thus to prime suspects in the highest places of the ruling hierarchy. The “economics of genocide”, if we may refer to them in such terms, were thoroughly examined by Vukmanović,⁸ and they are apparent in the key records of the criminal proceedings. Still, its workings can be seen most vividly in direct depositions of witnesses. For example, the testimony of a retired teacher from Banjaluka dated 11 April 1944 describes the events following mass arrests and deportations of Serb families and the seizure of their property:

“From all of this we can see how the goal behind the deportations of Banjaluka’s Serbs to concentration camps was the robbery of Serb property. Immediately after the deportations commenced, along came *usta-*

⁷ See for example the records recently published in: Б. Стојнић, Р. Пилиповић, В. Ђурић Мишина, *Свједочења о затирању: Прилози за историју страдања Срба Епархије бањалучке 1941. године*, Бањалука – Београд 2016, pp. 73-191.

⁸ М. Vukmanović, “Neka pitanja o obrazovanju i djelovanju...”, in: V. M. Stošić, V. Vukliš (eds.), *Ustaški stožer za Bosansku Krajinu*, pp. 101-120, 128-147.

še with cars and trucks that they parked in front of the homes of evicted Serbs, taking all of their furniture and belongings and hauling them to storage units of the 'Restoration Directorate' [Ravnateljstvo za ponovu]. There were several of these storage spaces. Many of these emptied homes were occupied by local Croat *ustaze*, or those Croats sent to Banjaluka as state or party administrators after the downfall of Yugoslavia. [...] One of the characteristics of the thieving reign of terror of *stožernik* Gutić was the blackmail of the more affluent Serbs in Banjaluka. Viktor Gutić sent personal letters to respected local merchants asking for millions in cash, allegedly intended for the Independent State of Croatia, although he never gave them any evidence that the money they had given him really went to the state. In the letters he sent to these Serbs asking for money for the NDH, Gutić warned that he will not accept any interventions or excuses along the lines of one not having sufficient funds or that they will pay at a later date. I must stress that all of this extorted money was received by Gutić personally, for which he issued receipts."

In a similar manner, a tradesman from the town of Laktaši, in his deposition from 14 April 1943, describes how he was robbed on several occasions, under the guise of "searching for hidden goods". Lard, flour, children's dresses, suits and cloth were all taken from him, second time personally by Ibrahim Kolonić, a police agent from Banjaluka, under a direct order from "Stožer". And even after he paid his "contribution", he was taken to the county jail in Banjaluka known as the "Black House", after which he emigrated to Serbia.⁹ There is obvious repetition in these testimonies, since they all talk similarly about how the victims were treated: marginalization, intimidation, robbery, arrest and, finally, expulsion or death. The mechanism of systematic violence was lubricated through material means that came from constant pillage of anything one could think of, from cash to any given item to real estate property. Under the umbrella of Axis occupation, a meager several dozen of the prewar local *ustaze* — what used to be a marginal group at best — were rapidly multiplied by an influx of newcomers who came mostly from the ranks of the lumpen underworld, and who welcomed the war as an opportunity to exercise their deep-seated sadistic desires and previously unthinkable means of material betterment.

A new set of evidence was assembled as soon as the first testimony was taken, not from a victim, but from a perpetrator or an accomplice. Du-

⁹ Both testimonies in: Archives of Yugoslavia (AJ), 110, DOS 1466.

ring the Second Banjaluka Operation of the People's Liberation Army of Yugoslavia (Narodnooslobodilačka vojska Jugoslavije - NOVJ), in the fall of 1944, when partisan units took most of the town and held it for several days, a significant number of the high ranking *ustaše* and their activists was captured.¹⁰ The Partisan criminal judiciary placed several of them before tribunals held in liberated Sanski Most immediately afterwards.¹¹ The highest ranking *ustasha* tried at these proceedings was Dr. Oskar Vilfan, the president of the quisling Extraordinary People's Court in Banjaluka, who was responsible for the judicial murder of more than a few innocent civilians.¹² Records accumulated by partisan tribunals, especially minutes of hearings of the accused, would serve as evidentiary materials in the criminal process against the top ranking official during the first four months of the NDH in Krajina, Viktor Gutić.

Finally, after the liberation in the spring of 1945, all of the records amassed in "enemy archives" all over Yugoslavia, in offices, registries and storage rooms of various military and administrative units, could now be utilized by the investigative institutions of the new Yugoslav state.¹³ The only records then still needed to complete the puzzle were the ones that were accidentally or deliberately destroyed by the excesses of war, or those created and captured by the Axis forces and then successfully taken away by their respective units.¹⁴ In any case, what was left behind provided ample evidence for any major wrongdoing. Furthermore, alongside new efforts to collect published and unpublished records as evidence, there was a push towards gathering oral testimonies. While new police services conducted hearings of suspects or those already facing punishment, other subjects of the investigative branch wrote down the statements of victims and witnesses. The National Investigative Commission on War Crimes of the Occupation and Auxiliary Forces in Yugoslavia (Državna komisija za utvrđivanje

¹⁰ For a wartime history of Banjaluka see: D. Lukač, *Banja Luka i okolica u ratu i revoluciji, 1941-1945*, Banjaluka 1968.

¹¹ *Глас Народно-ослободилачког покрета у Босанској Крајини*, 13 Oct. 1944.

¹² A copy of this verdict in: Historical Museum of Bosnia and Herzegovina (HM BiH), NOP, 635.

¹³ Of course, parts of the captured "enemy records" were already used in war-time tribunals; see for example: Dž. Čaušević, *Partizansko pravosuđe u BiH 1941-1945*, Banjaluka 1988, p. 141.

¹⁴ Many of these will be used in later research; see for example German records seized by the US Army, held in the National Archives and Records Administration (NARA), RG 242.

zločina okupatora i njihovih pomagača - DK), established in late 1943 with a mission to “determine the responsibility of, as well as to seek and bring to justice all those responsible for crimes” committed during the occupation, was developed by summer 1945 into a wide top-down network that meticulously collected records and testimonies on crimes committed by the occupiers, quislings and their collaborators.¹⁵ Already that summer the Investigative Commission for the County of Banjaluka sketched out the basic facts with regards to the circumstances and actors of the first stage of criminal activity in the town itself and its surrounding villages. In a report sent before the State Investigative Commission for Bosnia and Herzegovina (Zemaljska komisija za utvrđivanje zločina okupatora i njihovih pomagača NR BiH - ZK) in Sarajevo on the 30 June, the County Commission, backed by the hearings of several victims and witnesses conducted by the subordinate City Commission, established that the initial arrests were performed by the abovementioned Ibrahim Kolonić, who, at the time of the report, was facing trial in Banjaluka. It was established beyond any reasonable doubt that Viktor Gutić was “the main order-giver, organizer and architect behind all of the crimes that were committed at that time in Banjaluka, Sanski Most, Prijedor and other places, which can be ascertained from his public speeches as well as from witness’ statements which are delivered as an appendix to this report”. The lead accomplices mentioned in the report were Stjepan Momčinović, the secretary general of “Stožer”, Etoze Soravija, a personal secretary to *stožernik*, Ferdo Stilinović, the president of the County Court, Gutić’s brother Blaž, the chief of police, Đuro Krešić, a county judge, Ahmet Beglerbegović, a butcher, Niko Čondić, a contractor, Vilko Butorac, a clerk in the “Napredak” association, Đuro Kan, a manager in the Lauš coal mine, Asim Đelić, the bodyguard of *stožernik*, Mirko Kovačić, a butcher and Feliks Niedzielski, the vice governor and the second-in-command in “Stožer”.¹⁶

Basing their findings on collected evidence sent before them by the subordinate commissions, both the ZK and the DK issued decrees on established responsibility for criminal misconduct during the occupation. Those decrees provided the initiative for the Yugoslav judiciary to conduct regular criminal procedures. Through diplomatic channels as well as *via* the representatives of the DK before allied missions in Europe, these rulings repre-

¹⁵ See V. Vukliš, “Završni izvještaj dr Dušana Nedeljковића o radu Državne komisije za utvrđivanje zločina okupatora i njihovih pomagača”, *Топола* (Доња Градина), II (2016), pp. 164-243.

¹⁶ ARSBL, 64, 414/1945.

sented *prima facie* evidence on which extradition requests were based. In that respect, the work of the DK in gathering evidence on crimes committed under the authority of Viktor Gutić would soon come to fruition.

The story of the arrest of Viktor Gutić is in itself an historical legend that has been retold and rewritten as an interesting tale. But the version of this tale that states how he was illegally kidnapped by Yugoslav spies is simply not true. All evidence states otherwise. The part of the story that is factual, however, is the one that relates how Gutić was accidentally spotted in Venice by a Jewish refugee from Banjaluka, who eventually fled to Italy. This man was Mosko Kabiljo (Cabillo), a prewar registry clerk in the County Financial Directorate, who fled from Banjaluka to the coastal town of Split, where he remained for a while, during which time he procured forged documents for his fellow Jewish compatriots.¹⁷ Years later, Kabiljo told his story to Žarko Lastrić, a former regular NDH army officer who was a part of the underground resistance movement,¹⁸ as well as to the first postwar county prosecutor in Banjaluka, Veljko Đorđević, who conveyed it to Aleksandar Ravlić, a local writer and journalist. Kabiljo saw and recognized Gutić while he was sitting in a restaurant on Piazza San Marco with his close wartime associate Vilko Butorac.¹⁹ This was probably the moment when the famous photograph was taken of Gutić and Butorac standing on the *piazza* and feeding pigeons.²⁰ Allegedly, Kabiljo located an allied soldiers' patrol that soon seized the two men. He then persuaded their commanding officers that they had captured notorious war criminals, after which the two were kept in custody. Months later, in official Yugoslav records, their arrest was dated 29 July, 1945.²¹

Although based on incomplete research, we can now present, in broad strokes, the following sequence of events. On 29 October, 1945, the Ministry of Internal Affairs of Yugoslavia (Ministarstvo unutrašnjih poslova – MUP) sent the abovementioned photograph showing Viktor Gutić and “his secretary” Vilim Butorac in Venice, “where, allegedly, they now reside”, to the DK with a remark that “the English” had apparently “arrested them

¹⁷ J. Danon, V. M. Stošić, *Memoari na Holokaust Jevreja Bosanske Krajine*, Banjaluka 2010, pp. 290-291.

¹⁸ ARSBL, 209, IV/147, p. 66.

¹⁹ A. Ravlić, “Gutić uhvaćen u Veneciji”, *Vjesnik* (Zagreb), 21 Apr. 1968.

²⁰ AJ, 110, photo no. RZ-I-149

²¹ ARSBL, 559, biographical notes – police file on Gutić; the same date is also stated in the hearings minutes; see: V. M. Stošić, V. Vukliš (eds.), *Ustaški stožer za Bosansku Krajinu*, p. 187.

around August 21st”.²² On 5 November, the DK asked the Ministry of Foreign Affairs (Ministarstvo inostranih poslova - MIP) to send a telegram to Josip Smodlaka, the chief of the Yugoslav delegation to the Allied Control Commission for Italy in Rome. This telegram states:

“In Taranto Dr Viktor Gutić the well known *ustаше* war criminal and his secretary Vilim Butorac are held under arrest STOP Most urgently ask for their extradition STOP The evidence of committed crimes are soon to follow but do immediately take any necessary measures so that the two are kept in prison and to prevent any attempt at suicide STOP Inform us about your actions *via* telegraph.”²³

Given the fact that the dossier on the war crimes committed under the authority of Viktor Gutić — at that point based on excerpts from the official *ustаше* press and the statements of many refugees — approached nearly a hundred pages,²⁴ the DK was able, very shortly afterwards on 9 November, to issue a decree that proclaimed Viktor Gutić a war criminal. Listing his crimes as treason, forced removal of population, destruction of churches, mass murder, torture, terror, robbery, arson, collaboration with Axis powers and a war effort against NOP and NOVJ, the decree states that Gutić committed “countless of the abovementioned crimes on the Serb population”. The introductory statement claimed that it was specifically Gutić who was carefully selected to be the executor of Pavelić’s plans for the region of Krajina, where the Serbs were an ethnic group that was an absolute majority. Gutić, of course, “set a record for the incitement of *ustаше* gangs”, surpassing any other so-called responsible politician of the NDH. The initial remarks in this statement of grounds address the murder of Orthodox priests and the destruction of churches, and are followed by remarks on mass robbery, premeditated mass conversion to Catholicism, and finally mass murder. In listing the evidence, in addition to excerpts from the *Hrvatska Krajina* newspaper, the decree states the names of 21 witnesses, mostly peasants and housewives, as well as several priests, clerks, merchants, innkeepers and tradesmen. The additional list of victims for whose death Gutić was being held liable, contains 216 individual names followed by cumula-

²² AJ, 110, box 11, unit 18.

²³ Diplomatic Archives of the Ministry of Foreign Affairs of Serbia (DAMIP), 1945, fol. 14, dos. 5686.

²⁴ AJ, 110, DOS 1466.

tive numbers of unnamed people who perished in mass executions around Prijedor, Sanski Most and Ključ.²⁵

One day later, on 10 November, the DK sent its decree with appendices to the MIP with a request for extradition that would be issued through the Yugoslav Embassy in London and directed to the British Government. Smodlaka informed the MIP on 21 November that he had asked for an extradition *via* authorities in Rome.²⁶ But as the weeks went by, there was no news from London. Judging by ensuing events, the people in the DK became restless and made a calculated jab at a British diplomacy. On 20 December, the Belgrade daily newspapers *Politika* and *Borba* published a statement by the DK which informed the Yugoslav public that the “*ustаше* hangman Dr Viktor Gutić is freely strolling around Venice”. Illustrated with the abovementioned photograph,²⁷ the statement went on to say the following:

“The Commission [DK] established that Dr Viktor Gutić resides in Italy. For this claim there is incontrovertible evidence, including a photograph which clearly portrays Gutić as a tourist feeding pigeons at the Piazza San Marco in Venice. And yet, Gutić has not been turned over to our authorities. Our people expect, and rightfully demand, that this henchman is turned over to our people’s tribunals, because the Allies themselves have promoted a principle which states that all war criminals should be extradited to those countries where they have committed their war crimes.”

The British Embassy in Belgrade reacted with a protest note directed at the MIP on 15 January 1946, stating their shock and disbelief at the statement of the DK. Yugoslav diplomatic services, on their behalf, reprimanded the DK for their words, while at the same time asking the Embassy in London whether the request for extradition was delivered, when it was delivered and under which reference number, to which ambassador Leontić responded that the request was issued on the 3 January. In short order, the DK responded to the reprimand, stating that they found the British protest note to be baseless. They went on to point out that the DK did not have its own delegation in Italy, for it was not yet authorised, and so it was forced to base its work on the information acquired through private channels. Thro-

²⁵ AJ, 110, F4536.

²⁶ DAMIP, 1945, fol. 14, dos. 5686; AJ, 110, box 11, unit 18.

²⁷ “Усташки целат др Виктор...”, *Политика* (Београд), 20 Dec. 1945, p. 6.

ugh one such channel they were informed that Gutić was being held under arrest in Taranto. Through another they received a photograph of Gutić as a free man in Venice. As his extradition came to a standstill, “the latter information was thus confirmed”.²⁸ Of course, even though their conclusion was completely speculative, the complaint from the DK about the lack of their own delegates in Italy, as opposed to the situation with missions in Germany and Austria and the UN Committee in London, was completely accurate.²⁹ As a consequence, the DK insisted, none of the suspected war criminals were extradited from Italy. We may muse about whether this diplomatic venture speeded things up, but it is obvious how the story had a significant resonance, as even the subsequent indictment repeated the claim that Viktor Gutić had been strolling around Venice as a free man. In any case, the Foreign Office informed the Yugoslav Embassy in London on 28 January that the UK government issued an approval for the extradition as well as the necessary instructions for the military authorities in Italy.³⁰ It is worth adding, however, that this procedure did not apply to Vilko Butorac, as he managed to escape from captivity in Venice, allegedly by bribing the guards.³¹ Nonetheless, the DK issued two decrees regarding Butorac — on 5 March 1946 and 14 April 1947 — stating his responsibility for a series of wrongdoings, including the theft of Serb property through the Mortgage Bank (Hipotekarna banka) in Banjaluka, the shooting of prisoners in Jasenovac and the judicial murder of over 90 Serbs in Doboј by means of the extraordinary court.³² Butorac escaped justice for good as he managed to find his way to Argentina.

11 February, 1946 is mentioned in several documents as the date when Gutić was transferred to Yugoslavia.³³ This should be taken with a grain of salt, considering the fact that Smodlaka corresponded until the end of that month with a brigadier named Carr regarding the arrangements for

²⁸ DAMIP, 1946, fol. 42, dos. 2388.

²⁹ V. Vukliš, “Završni izvještaj dr Dušana Nedeljkovića...”, p. 177. As it turned out, Gutić was held in a prisoners of war camp in Grottaglie near Taranto; see: Z. Kukurika, *Glas* (Banjaluka), 27 Sep. and 18 Oct. 1965.

³⁰ DAMIP, 1946, fol. 42, dos. 2388.

³¹ ARSBL, 209, IV/147, p. 66.

³² AJ, 110, F8780.

³³ ARSBL, 559, biographical notes – police file on Gutić; minutes of the hearing on 4 June 1946; see: V. M. Stošić, V. Vukliš (eds.), *Ustaški stožer za Bosansku Krajinu*, p. 187.

Gutić's extradition.³⁴ Furthermore, several other dates from the 1946 timeline should be seen as questionable. The column written by Zdravko Kukrika in 1965, based on archival records and personal testimony (Kukrika himself was a member of the "secret police"), gives 6 March as the day when Gutić was transported from Zagreb *via* train to Banjaluka, after which he was immediately brought before the investigator.³⁵ But the local newspaper *Glas* told its readers that Gutić — "the mover behind the slaughter of the Serb people of the Bosnian Krajina and the murder and expulsion of all decent Croats and Muslims" — was brought to Banjaluka on 9 May,³⁶ which coincided with the Victory in Europe (VE) Day. In both cases, it was a public event, as an angry crowd waited at the train station. We are also not clear about the 18 September date, when, according to some sources, the State Security Directorate (Uprava državne bezbjednosti - UDBa, pronounced "udba") handed him over to the county prosecutor.³⁷ What we can say unequivocally is the following. Formally commencing the investigation, the County Public Prosecution opened the file on Gutić when they received the criminal arraignment issued by the ZK on 14 May.³⁸ The minutes of hearings used by Milan Vukmanović³⁹ and also by us in this research⁴⁰ were composed during two stages: the first from 4-22 June, and the second from 9-22 September. According to the prosecutor's log entry, the warrant for arrest by the prosecution was issued on 3 November,⁴¹ which fits with the new evidentiary materials. These materials were compiled by the UDBa and the courts by the middle of September, and by the prosecution offices during the month of November. It is also apparent that the investigation on Gutić was merged with two other cases — those of Bilogrivić and Nedelski — during that same month, and the combined file was sent off to the County Court in Banjaluka on 28 November.⁴² This brings us to our second

³⁴ DAMIP, 1946, fol. 42, dos. 2388.

³⁵ Z. Kukrika, "Gutić je uhvaćen", *Glas* (Banjaluka), 20 Sep. 1965, p. 4.

³⁶ *Glas* (Banjaluka), 11 May 1946, p. 2.

³⁷ Z. Kukrika, "Sve postaje jasno", *Glas* (Banjaluka), 25 Oct. 1965; ARSBL, 559, biographical notes - police file on Gutić.

³⁸ ARSBL, 626, 10, entry I:1568/46.

³⁹ ARSBL, 559, biographical notes - the hearing of Gutić.

⁴⁰ V. M. Stošić, V. Vukliš (eds.), *Ustaški stožer za Bosansku Krajinu*, pp. 185-245.

⁴¹ ARSBL, 626, 10, entry I:1568/46.

⁴² ARSBL, 626, 10, entries I:1568/46 (V. Gutić) and I:1804/46 (F. Niedzielsky) were merged into the entry I:959/46 (N. Bilogrivić), which was the final investigative reference number stated in the indictment.

digression, which deals with those who would jointly stand trial with Viktor Gutić.

Nikola Bilogrivić, born in 1893 in Tuzla, remained at his post as a local priest in Banjaluka throughout the war. Immediately after the old regime was toppled, Bilogrivić brought a group of likeminded individuals with him to the compounds of “Stožer” to celebrate the victory, placing himself at Gutić’s disposal. Alongside his aide, a priest named Zvonimir Brekalo, he had the honor of blessing the first *ustaše* flag in Banjaluka. He then organized a Catholic pro-regime militia that served the “Stožer” and the armed forces as auxiliary units. The criminal proceedings brought Bilogrivić’s role in the conversion of Serbs to the fore: as they tried to escape persecution through accepting Catholicism, Bilogrivić made them meet high standards of piety, granting conversion only after receiving a sanction from the authorities. During the celebration of a mass in the village of Pavlovac, Bilogrivić in his sermon called upon Croats to support “their government” and help cut the “other branch of the vine” that has been weighing them down. At a high point of mass violence in the month of July, he wrote and published a panegyric dedicated to *stožernik* Gutić. He took part in many events, giving speeches at some, often praising Gutić, but also praising the demolition of the Orthodox church that had been located in the center of Banjaluka. In the newspaper *Hrvatska Krajina* he defended the new state and its fascist principles, and after the Second Banjaluka Operation (in the fall of 1944) he complimented the “heroic *ustaše*’s defense” of the town. Besides abusing his religious authority, therefore, his connection to the regime exceeded the limits of highest criminal liability, as ample circumstantial evidence clearly demonstrated. In a report written by the regional government of the County of Sana and Luka (Banjaluka) for the Ministry of Internal Affairs, it was noted how the local priest “Dr Bilogrivić is always present at the secret meetings of Gutić and his closest associates”, sitting in even when life and death decisions were made. According to some testimonies, Bilogrivić regularly visited the offices of the political police during 1943, seeking information on Croats and Muslims who had joined the communist partisan guerillas in order to pass that information onto German officials and operatives.⁴³ His connection to the regime is vividly illustrated by one direct piece of evidence, unused in the criminal proceedings. In spring 1941, while the new state systematically pillaged its Jewish and Serb

⁴³ V. Novak, *Magnum Crimen: Pola vijeka klerikalizma u Hrvatskoj*, Beograd 1986, pp. 717-719.

population, Catholics themselves were plundered by their own church through its local representative, the priest Bilogrivić, with the help of the looming authority of his friend, *stožernik*. When he publicly asked through the press for “voluntary” contributions to the church — what seemed more like an informal, but compulsory religious tax — on 27 May, Bilogrivić warned his flock: “Mr. *Stožernik* is interested in your turnout, as the way in which you are supporting your priest is indeed odious and demeaning. He wants the lists of names and contributions by July 15th so he may see for himself who has met their obligations, and with how big of an endowment.”⁴⁴ During his trial, Bilogrivić stated in his own defense that he did not feel guilty, although “from the contemporary perspective there is [some] objective culpability”.⁴⁵ On 18 September 1945, based on the arraignment issued by the Yugoslav Regional Military Command in Banjaluka, Bilogrivić was placed in the investigative custody of the county prosecutor.⁴⁶

Feliks Neđelski (originally Niedzielski) was born in 1912 in Banjaluka. He was a son of a Polish immigrant and a Serb Orthodox woman from Varaždin. Very active in the Catholic clerical political organization of the “crusaders” (*križari*), he became the regional president for Banjaluka in 1937. After defending his doctorate in legal science in Zagreb, in 1940 he rose to the top of the organization, becoming its national president. During the April War, while Gutić was trapped by his obligations as a military reservist in Bihać, Neđelski was sent off by the *ustаше*’s main national headquarters in Zagreb to Banjaluka with the task of organizing a full takeover of the regional government. He held several different positions under the occupation and war. He was a vice-*stožernik* and a vice governor in Banjaluka, a vice count in Tuzla and again in Banjaluka, a vice governor in the Ministry of Internal Affairs in Zagreb, as well as a national commander of the fascist youth organization of the NDH. Based on the arraignment issued by the County Prosecution Office in Tuzla, the prosecutor in Banjaluka opened the investigation on Neđelski on 17 June 1946.⁴⁷ He was found in one of the POW camps, where he was detained after he was turned back to Yugoslavia by the Allied authorities on the Austrian border. According to Pero Baškot, an UDBa officer, he stoically faced the investigators.⁴⁸ He based his

⁴⁴ Quoted in: *Dokumenti o protunarodnom radu i zločinima jednog dijela katoličkog klera*, Zagreb 1946, pp. 355-356.

⁴⁵ *Glas* (Banjaluka), 8 Feb. 1947; ARSBL, 559, biographical notes - trial materials.

⁴⁶ ARSBL, 626, 10, entry I:959/46.

⁴⁷ ARSBL, 626, 10, entry I:1804/46.

⁴⁸ ARSBL, 559, biographical notes - testimony of P. Baškot.

defense on a claim that he disagreed with the actions of the *ustaše*.⁴⁹ That did not, however, stop him from performing his duties as a high ranking official all throughout the war. Today's clerical authors see Neđelski as a victim of a "communist show trial" solely because of his intellectual dissent as a Catholic critic of Marxism. They claim that "in Banjaluka he helped and saved many people, especially Serbs, from the wild elements of the *ustaše* movement", for which he was eloquently named "the Serb mother" (*srpska majka*) and for whom some "850 Orthodox families" signed a petition for release.⁵⁰ This statement has absolutely no evidentiary basis, however. Its trail of references leads to a dead end in a 1953 Cold War era biography of Cardinal Alojzije Stepinac published in the United States without any footnotes or stated sources.⁵¹ The only concrete testimony about Neđelski intervening for those in need comes from Hrvoje Magazinović, whose several comrades — all of them followers of a Serbian fascist Dimitrije Ljotić — were released from custody upon his request.⁵² Still, the release and free pass for several Serb fascists does not merit granting Neđelski the title of "the Serb mother". In his own defense, which was based primarily on his claimed disagreement with *some* actions, Neđelski never mentioned these alleged interventions.⁵³ One must assume that there was a certain degree of disagreement between Neđelski and Gutić, but the recent claim about his "escape" from Banjaluka in June 1941 is far fetched, to say the least.⁵⁴ One must also ask the following question: if Neđelski was a victim of disfavor by the extremists, how was it that upon his return to Banjaluka at the end of 1943 he enjoyed the support and protection of Gutić's friends, who were led, at that time, by a noted war criminal, Mirko Kovačić?⁵⁵ On the other hand, Neđelski said that he was unaware that *ustaše* were committing mass crimes, and that it took him until the end of 1944 to realize that "the

⁴⁹ ARSBL, 559, biographical notes - trial papers.

⁵⁰ D. Dijanović, "Dr. Feliks Niedzielski: Istaknuti katolički aktivist i zagovornik hrvatske samostalnosti", Portal Hrvatskoga kulturnog vijeća, 6 Nov. 2013; more details in I. Čulo, "Između ideala i stvarnosti", in: F. Niedzielski, *Socijalni nauk, društvo i država: Eseji, članci, studije*, Glas Koncila, Zagreb 2012.

⁵¹ R. Pattee, *The case of Cardinal Aloysius Stepinac*, Milwaukee 1953, p. 116.

⁵² Quoted in: I. Čulo, "Između ideala i stvarnosti", pp. 34-35.

⁵³ ARSBL, 559, biographical notes - trial materials.

⁵⁴ I. Čulo, "Između ideala i stvarnosti", p. 27, 36.

⁵⁵ M. Vukmanović, "Okupacioni organi i ustaški režim u Srednjoj i Zapadnoj Bosni 1944. godine", in: *Izlazak Banjalučana na slobodnu teritoriju: 28. septembar 1944*, Banja Luka 1985, pp. 141-142.

course of” the NDH — which he did not perceive as a fascist state — was “quandary”.⁵⁶ In other words, despite everything he knew and was formally obliged to know, throughout the entire war Neđelski played the part of a high ranking official in what the post-war law rightfully referred to as a “terrorist apparatus”, whose “normal” functioning caused everyday injury and death of innocent people.

Due to the perplexed and unresolved trajectory of the original documents that also prevented them from being fully traced, the circumstances of Gutić’s hearing could only be researched to this point. The hearings themselves were conducted in a house in Banjaluka originally owned by the Džinić family, where the offices of UDBa were stationed. Gutić was kept tied up in a solitary cell so he could not attempt suicide. During the hearings, his legs were kept tied. The hearings were conducted by Šemso Tabaković and Mikan Marjanović, the officers of the County Department of UDBa. It appears that the hearings were eventually taken over by officers sent from Sarajevo by the UDBa’s department for the Republic.⁵⁷ Such a course of events may explain the existence of two different sets of recorded minutes. One set was used by Aleksandar Ravlić,⁵⁸ Dušan Lukač,⁵⁹ and Milan Vukmanović⁶⁰ and was eventually reprinted in our recent publication. Another set was used and quoted by Zdravko Kukrika,⁶¹ but we have yet to come across any copies of these records. Of course, given the fact that many elements from our version were repeated in Kukrika’s text, the latter set might well be a complete and original version of the same documentation.⁶²

What makes Kukrika’s feuilleton interesting are the many details that we assume must have come from an interview with one of the investigators, namely, an UDBa captain, probably Tabaković himself. There is no other way to explain the detail it provides on scenery, secondary characters and nuances that are both visual and psychological: a small room on the

⁵⁶ ARSBL, 559, biographical notes - trial materials; also, the verdict.

⁵⁷ ARSBL, 559, biographical notes - testimonies of Š. Tabaković and P. Baškot.

⁵⁸ A. Ravlić, feuilleton “Viktor Gutić i njegova strahovlada”, *Vjesnik* (Zareb), 20 Apr. to 14 May 1968.

⁵⁹ D. Lukač, *Banjaluka i okolica u ratu i revoluciji 1941-1945*, Banjaluka 1968, pp. 89-90.

⁶⁰ ARSBL, 559, biographical notes on Gutić.

⁶¹ Z. Kukrika, feuilleton “Ko je bio Viktor Gutić”, *Glas* (Banjaluka), especially from 20 Sep. to 25 Oct. 1965.

⁶² Local UDBa sent the evidence and the minutes to the prosecutor on 18 September 1946; ARSBL, 626, 3, war crimes papers.

second floor, the desks of the captain and the typist, framed photos of Tito and Ranković above the young woman's head, and the chair for the accused placed at the opposite side of the room. On the first day of the hearings, according to Kukrika, when the lead suspect dictated his biography, the first strokes of his defense strategy were noted by the investigating officer: Gutić allowed for the possibility that "here and there he was placed in awkward situations - but he committed no acts which should, in his opinion, be subjected to criminal prosecution". In fact, he was merely executing "orders of the government in Zagreb". Following the eerie silence of a mutual stare, the captain concluded "for the day", after which he reported to his superior. The alleged conversation follows:

— Gutić wants to present the movement of the *ustaše* as a Croatian people's movement that fought against the Serb hegemony, the king's court and the Serb bourgeoisie. With one sentence, albeit not clearly, he would want to leave an impression that the same struggle was directed against the Croatian bourgeoisie...

— Sure, he wanted to join the [communist] partisans as well...

— Believe me, that's the essence of his biography, the way he framed it. Here are the minutes.

— I was joking. I assumed that this would be the axis of his defense, with one addition: he was following orders from above, scrupulously and methodically - but he was following orders!

— Exactly! He already said that.

— I've read his file. There's more than enough criminal evidence. Now you know his defense, these two lines, and, eventually, one more: "I don't remember!" I think you need to break him psychologically on two issues: the criminal program of their movement in its entirety and, second, the fact that he performed certain activities for which he did not or could not receive direct orders.

— Yes sir, I understand.

— Continue tomorrow. Let him sleep on it. He may do the smart thing and change his defense strategy.⁶³

Of course, he did not. And whichever version you read, the essence remains the same. Whenever responsible individuals face justice, their mindset triggers a self-righteous tale of an enduring, perpetual motion of perplexed, bizarre circumstances, governed, on the one hand, by terrifying

⁶³ Z. Kukrika, "Gutić je uhvaćen", *Glas* (Banjaluka), 20 Oct. 1965, p. 4.

laws of power under which he himself had to operate or perish, and, on the other, by total chaos and lawlessness from which he rises, unconstrained by the weight of his unquestionable authority, without the memory of a single criminally relevant fact. For his violence-inciting speeches quoted by the press he said that there was no stenographer, it was all misinterpreted. Even though he never issued a rebuttal, he did find the time to replace the editors twice. For those who were murdered, he was familiar with their whereabouts while they were alive, but was quite often not even aware of their deaths. He protested the actions of those beneath him, but he did not punish them. He relayed orders from above, but did not know what was happening below. He made many decisions, and answered many questions, but he did not seem to remember much. If he did, it was beyond him. The extraordinary court? Well, that was the law. His signatures on death sentences? He trusted the judges. Hostages? He never engaged in “drivel” with the chief of police, his brother. Incitement against the Serbs? He was talking about their dynasty and the Serb hegemonists. Pillage, expulsion, murder? That was the law, or sometimes lawlessness, and sometimes even “popular pressure”. He did not agree, but he had to do so. Also, again, he does not remember. Likewise, he did not have the time, he had more important things to attend to. And thus, during that hell-on-earth of summer 1941, while the person with the most authority in the region allegedly only transmitted information from above and was too busy to note the consequences, the deadly machinery put in motion by him and his closest associates, through some strange succession of inexplicable events, somehow mauled thousands upon thousands of innocent people.

The end of the investigative hearings was presented by Kukrika in the following manner. Gutić’s final statement for the record was a long political tirade ending with a gloomy prediction of the destiny of the South Slavs in a future third world war. The captain found this repulsive and cowardly, but he kept the thought to himself. After Gutić was taken away and the typist collected all of the papers into a single bunch, she wrote down the captain’s final observation: “There is something pathological in this man... Crime draws criminals, and they respect and follow only those who are worse than they are! Throughout the war I haven’t met a single [war] criminal who was willing to face the consequences of their crimes...” This observation was permuted into a sentence of the arraignment: “Gutić and the *ustаше* organization that he directed have drawn people into crime and then prepared them for new crimes; therefore, Gutić is not only guilty for

the bloodshed and the killings he ordered but also for training his henchmen to be even more effective.”⁶⁴

Beyond conducting the hearings of suspects, there was an additional effort to collect even more witness testimony and related records. There was a move parallel to those of the police and judicial institutions, by the Communist Party organizations, which engaged their members with institutional affiliation in a more coordinated activity. The party’s County Committee for Banjaluka wrote to the subordinate committees on 1 July 1946: “Very soon the infamous enemy of the people and a war criminal Viktor Gutić, the organizer of mass terrorist measures and of the mass slaughter of Serbs in Krajina during 1941, will be brought before the popular tribunal.” For the investigation to reach its desired conclusion, eight tasks were to be carried out by the party members. The first two tasks are the most important:

“We must locate and hear out witnesses of *ustaše*’s public events, in which Dr Viktor Gutić took part as a *stožernik* from Banjaluka. We should especially focus on those who witnessed his tour around Krajina, who heard his angry, inciting speeches against the Serbs, which he recited in almost every town in Krajina, the former County of Vrbas, at public gatherings, formal banquets etc. [and ask them] what was said in these speeches and what was the effect on the masses. [...] We must locate and hear out witnesses of many mass terrorist measures directed against the Serbs of Krajina, the arrests, imprisonment, mandatory contributions, violent expulsion, robbery, and especially the mass slaughter of the Serbs throughout the whole of Krajina. We should take heed that the end result is a clear image of how this slaughter was organized and executed and how many victims it left in its wake.”

The Committee also issued instructions for witness selection, specifying seeking out those who appear to be the most trustworthy, primarily victims who still carry the scars on their bodies, especially those who, through sheer luck, survived their own executions. These include women — mothers and widows — whose men were savagely taken away from their families and murdered. But there was an additional request: “We should especially keep in mind that the witnesses should not only be Serbs, but also Muslims and Croats, who could share many testimonies, particularly those who were given the task of getting rid of the bodies in gravesites or rivers.” The

⁶⁴ Z. Kukrika, “Sve postaje jasno”, *Glas* (Banjaluka), 25 Oct. 1965, p. 4.

party activists were expected to invest “much effort and self-sacrifice”, and through discussion and coordination to do as much as possible, so that the task at hand would be performed as quickly and effectively as possible. The end result was to be materialized in a sizeable body of proof that pointed to “all of these monstrosities” before the tribunal. They provide as an example the recent trial of Chetnik commander Dragoljub Mihailović. Likewise, Gutić’s trial was to be of “great political significance”, as it should bury the failed policies of Vlatko Maček and the former moderate opposition parties. Finally, it was hoped that the result of this trial might help in the effort to expedite the extradition of the war criminals who escaped justice, primarily Ante Pavelić, who still enjoyed “freedom sponsored by the international reactionaries”.⁶⁵

Before moving forward, we must make yet another digression. Readers should have noticed by now how the documents of the time named names and used no generic terms. In that respect, the people who were murdered solely because they were Serbs were referred to in no other way but as the Serbs. In fact, both the press columns and the crucial records qualify Gutić’s crimes as a mass terror against the Serb population. Why is this important? According to the line of reasoning promoted by contemporary Serb nationalist historical revisionism, the communists and their regime were guilty of the denationalization of the victims, if they, as it is often said, ever discussed the victims at all. A recent local example of historical narration advances a ludicrous claim that communist-controlled “anti-memory” went so far as to “rationalize”, “not infrequently” even, the *ustаше*’s violence against the Serbs.⁶⁶ Setting aside both the complex issues of historical memory in socialist Yugoslavia and the fantasies of contemporary nationalists, we shall stress only what has been obvious from the inception: the history of “Stožer” and its crimes was never robbed of its essence, namely, that the primary political activity of the new regime was in effect a joint criminal venture whose sole task was the full political, economic and physical annihilation of Serbs, Jews and Roma in the region of Krajina.

Finally, on 25 December 1946, the county public prosecutor, Veljko Đorđević, signed indictment E:1181/46 and had it delivered to the County Court in Banjaluka. This document employed the special “Law on crimes against the people and the state” to accuse Gutić, Neđelski and Bilogrivić

⁶⁵ ARSBL, 633, box 3.

⁶⁶ See Д. Илић, “Анатомија заборавља”, in: В. Шмуља, С. Кузмановић, Љ. Милекић, *Анатомија заборавља*, Бања Лука 2014, pp. 5-6. Of course, not a single proof has been put forward to support this claim.

of crimes against the people, cooperation with the occupying forces, organization of the terrorist apparatus and treason. In order to fully understand the following sequence of events, we need to take a look at the legal context. According to the amendments to the aforementioned law put into effect on 16 July, in “especially important cases the trial shall be conducted in both instances” by “the supreme courts of the people’s republics at a request of the prosecutor of the republic”.⁶⁷ As the archives of the republic’s prosecutor for Bosnia and Herzegovina have not been preserved, we were not able to locate the original request. Still, it is possible to ascertain from the fragmentary records of the Supreme Court of the People’s Republic of Bosnia and Herzegovina that this request was indeed issued. A tribunal in Sarajevo composed of the Supreme Court judges — Dr Mihailo Ilić, Oton Svoboda and Vehid Begić — in a session on 24 January 1947, accepted the jurisdiction over criminal case Ko 42/1947 conducted by the County Court in Banjaluka against Gutić and his associates and decided that “this tribunal” should “take over this case, set up and inquiry and lead the whole procedure in both the first and final instances”.⁶⁸

In these cases, if there was a guilty sentence, the only remaining legal remedy was a plea for pardon sent to the Praesidium of the People’s Assembly of Yugoslavia in Belgrade. Certainly, we are open to a discussion with regards to the ethical aspects of such a procedure, but we will use this final digression to stress two important points. First and foremost, the post-war procedures at both Nurnberg and Tokyo were conducted through one-instance trials, which set the standard for other high-profile war crimes tribunals. This practice was formalized in Yugoslavia through the “Law on crimes against the people and the state”.⁶⁹ Second, it is quite obvious that the case against Gutić, Bilogrivić and Neđelski was conducted with full legality, which means that any motion for an annulment should be out of the question.

On the last day of January 1947, the newspaper *Glas* announced that on Saturday, February 1st, a tribunal of judges of the Supreme Court seated in Banjaluka, would be faced by Viktor Gutić, the “organizer of the bloodiest slaughter in Krajina, a thousandfold murderer, the worst evildoer

⁶⁷ *Službeni list FNRJ*, 59/1946; first version: *Službeni list DFJ*, 66/1945.

⁶⁸ Archives of the Supreme Court of the Federation of Bosnia and Herzegovina (AVSFBH), Kv 2/1947.

⁶⁹ See for example N. Lambić, “Pravne mere prema fašističkim zločincima i njihovim žrtvama”, in: *Mesta stradanja i antifašističke borbe u Beogradu 1941-44*, ur. M. Pisarri, R. Rädle, Beograd 2013, pp. 290-291.

on the people of this area”, Feliks Neđelski, “a known ideologue of bloody fascism”, the leader of the *ustашe*’s youth, and Nikola Bilogrivić, “the guardian of souls of the *ustашe*’s flock”.⁷⁰ On that Saturday morning, Banjaluka was covered in snow. From the county jail known as the “Black House” all the way to the pre-war “Falcon House” — one of the few buildings big enough to host this trial — streets were filled with masses of people. As the convoy passed through the crowds, each day people were “shouting, jumping, spitting, throwing things”, and each time this “noise of shouts and rabble” threatened to “stop the cars, to pull the accused out onto the pavement, to execute the killers...” Witnesses vividly remember the feeling:

“We thought, a trial, what for? Weren’t their crimes so known to all of us that the trial was a waste of time! Do you understand? We wanted to simply obliterate them, and even that would not suffice...”

“There was a woman standing next to me, holding a seven year old son... She lifted him up on her shoulder and through all that noise she was telling him: ‘Look, son, he killed our father! ... When you grow up, don’t let these beasts run amok any more! Remember son, don’t let them!’”

The conference hall was packed. Members of the tribunal sat down facing the audience, alongside the court recorder Ljubinko Milić. The prosecutor sat to the left, and the accused were placed to the right with their attorneys.⁷¹ The speakers were placed in front of the building and in several locations across town, so everyone could hear the conduct of the proceedings. A news report stated that the process against “the three known *ustашe* dignitaries and instigators of mass crimes against the Serb people” has begun. Over the course of nine days, starting with the reading of the 50-page indictment and concluding with the verdict, this public event was marked with witness testimony, quotes from documents, speeches by the defense and uproar from the audience. The accused based their defense on the claims they had stated during the investigation. Gutić did not plead guilty: he asserted that he did not remember much, and that he was a mere tool at the hands of those above him, often unaware of the actions of those below him. Neđelski also pleaded innocence: he did not “act politically”, he was a mere official, his activities as the second-in-command were limited to

⁷⁰ “Pred Vrhovnim sudom u Banjoj Luci...”, *Glas* (Banjaluka), 31 Jan. 1947, p. 5.

⁷¹ Z. Kukrika, “U ime naroda”, *Glas* (Banjaluka), 1 Nov. 1965, p. 4.

his duties as a civilian vice governor for the former county, although he did admit to recruiting young men into fascist militia. Responding to Neđelski's repeated remarks about his disagreements with the course of events, the prosecutor asked whether he protested publicly through the press or maybe even illegally through leaflets, and received no answer. Bilogrivić stated that "subjectively" he did not feel guilty, his conversion campaign was an effort to save those in jeopardy, and it is now "clear to him" that Gutić is a war criminal, just like Pavelić.⁷² On 9 February, the prosecutor Đorđević in his closing argument repeated the essence of the indictment, abstracted the course of the proceedings, and finished with an ode to the victims and to those who carried the struggle to its conclusion:

"Who are the accused, Viktor Gutić, Feliks Neđelski and Nikola Bilogrivić? The answer is known to the burnt villages, scorched hearths and strewn gravesites of our combatants all across Bosanska Krajina who died to protect their brethren and carried out the heaviest, superhuman endeavors in the struggle against the *ustaše* henchmen, against those created by these [three] criminals, who instilled in them a savage hatred for the fighters for brotherhood, equality and the freedom of our nations."

Ivan Jurjević, the attorney for the former *stožernik*, in his closing argument "concluded that he as a defense lawyer can not formulate any defense whatsoever, for it is not allowed by those innocent victims fallen at the bloody hand of Viktor Gutić". Unlike the other two defense attorneys who were also appointed *ex officio*, Jurjević opted for a stance that, in the eyes of the public, sacrificed professional for political correctness. Dr Asim Džinić, attorney for Neđelski, attempted to formulate a defense based on the defendant's line of reasoning. A similar attempt was made by Dr Viktor Debeljak in defending Bilogrivić. Two days later, at 10 AM, on February 11, 1947,⁷³ the tribunal decreed a final-instance verdict: all three of the accused were found guilty of war crimes as defined by article 3, sections 3, 4 and 6 of the "Law on crimes against the people and the state". The verdicts were: Gutić — execution by hanging, Neđelski — execution by a firing squad, Bilogrivić — execution by a firing squad.⁷⁴ The recital was met by a wild

⁷² "Suđenje najvećim ustaškim zlikovcima...", *Glas* (Banjaluka), 8 Feb. 1947, pp. 3-4; ARSBL, 559, trial papers.

⁷³ "Vrhovni sud Narodne Republike...", *Glas* (Banjaluka), 15 Feb. 1947, p. 7.

⁷⁴ V. M. Stošić, V. Vukliš (eds.), *Ustaški stožer za Bosansku Krajinu*, pp. 316-317.

applause, followed by a silent babble while the court read out its statement of grounds. Outside, the people kept shouting and applauding. A police officer witnessed the moment when the prisoners were taken out: “The whole town was there... more, actually, much more. The masses of people, terrifying, scary... They wanted the sentence to be carried out then and there, on the street, with their own feet!”⁷⁵

Immediately after issuing its verdict, the Criminal Council of the Supreme Court asked the Internal Division of the County People’s Council in Banjaluka to delegate “a trusted official” who would take a six-day journey from Banjaluka to Sarajevo, then to Belgrade, again to Sarajevo and come back to Banjaluka, to deliver the case file to the national Assembly’s Praesidium. A day later, the Ministry of Justice of Bosnia and Herzegovina received the three copies of “pleadings with lists, a court’s resolution and reports” — with the added plea submitted by the Catholic Bishop’s Chancellery in Banjaluka on behalf of Father Bilogrivić — for “further procedure”. Finally, on 17 February 1947, the president of the County Court in Banjaluka, Dušan Stojnić, informed the Penal Division of the Ministry of Internal Affairs that the national Praesidium on 14 February had issued decree no. 662/47, which had dismissed the pleadings.⁷⁶ The only task left to perform was to carry out the sentences.

At the break of dawn, at 5 AM on 20 February, on the grounds of the former military barracks situated in the middle of today’s neighborhood of Borik, Viktor Gutić was brought to the scaffold. According to Kukrika, many people who had heard about the time and place came to see the event with their own eyes. They stood in silence. Gutić, allegedly, was so petrified that he was not able to stand and had to be carried to the gallows. When it was done, one of the officers uttered the words: “It’s finished. Gutić came from the abyss. We have thrown him back into it.” That same morning, alongside two Chetniks, Neđelski and Bilogrivić were executed by a firing squad.⁷⁷ From the abyss they came, into the abyss they were thrown.

⁷⁵ Z. Kukrika, “U ime naroda”, *Glas* (Banjaluka), 1 Nov. 1965, p. 4.

⁷⁶ AVSFBH, Kv 2/1947.

⁷⁷ Z. Kukrika, “U ime naroda”, *Glas* (Banjaluka), 1 Nov. 1965, p. 4; ARSBL, 111, pov. 135, 136, 137/47.



Viktor Gutić with his top aides and German officers in the center of Banjaluka, spring 1941 (HMBiH, ZF, 933 i 12003)



Nikola Bilogrivić (first from the left) and Viktor Gutić (third from the left) in Sanski Most, May 1941 (HMBiH, ZF, 947)



Feliks Nedeljski as the president of the Great Crusaders Brotherhood



Viktor Gutić (in the middle) and Vilko Butorac (in uniform) with their associates in Banjaluka (HMBiH, ZF, 953)



Vilko Butorac (2) and Viktor Gutić (1) on the Piazza San Marco in Venice, summer 1945 (AJ, 110, RZ-1-491)



Veljko Đorđević, chief county prosecutor for Banjaluka: family collection photo (left); while reading an indictment for Gutić, Neđelski and Bilogrivić during their trial in February 1947 (*Glas*, 8 Feb. 1947.)



Gutić, Nedelski and Bilogrivić before the tribunal in February 1947 (*Glas*, 8 Feb. 1947)



A report on the execution of Viktor Gutić (ARSBL, 111)

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Iz tame izašli, u tamu vraćeni: zločin i kazna u
Bosanskoj Krajini u Drugom svjetskom ratu

Sažetak: U proljeće i ljeto 1941. godine, nakon uspostave Nezavisne Države Hrvatske, stanovništvo Banjaluke i okolne Bosanske Krajine bačeno je u svojevrstan pakao. Viktor Gutić, banjalučki advokat, stavljen je na vrh regionalne državno-partijske hijerarhije od strane ustaškog rukovodstva, objedinivši političko-partijske i državno-upravne funkcije militarizovanog aparata pod ingerencijom jedinstvene funkcije „stožernika“. Odmah je počeo sprovoditi u djelo politiku masovnog terora uperenog protiv Srba, Jevreja, Roma te svih ostalih koji se nisu slagali sa novim režimom. Nakon što se ovaj nasilnički talas terora oteo kontroli poluga centralne vlasti pri tom izazvavši masovan ustanak naroda Krajine, Gutić je smijenjen sa svog položaja i povučen u Zagreb. Krajem rata pobjegao je u Italiju, ali je tamo ubrzo zatim prepoznat i uhapšen. Izručen je Jugoslaviji 1946, da bi u februaru 1947, zajedno sa dvojicom ratnih saradnika, bio osuđen na kaznu smrti.