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Tivolska 42, 1000 Ljubljana

Glavni urednik
dr. Renato Podbersič (Slovenija)

Uredniški odbor
ddr. Igor Grdina (Slovenija), dr. Tamara Griesser Pečar (Avstrija), dr. Damjan Hančič (Slovenija), dr. Marica Karakaš Obradov (Hrvaška), dr. Tomaž Kladnik (Slovenija), dr. Jože Možina (Slovenija), dr. Jelka Piškurić (Slovenija), dr. Igor Salmič (Slovenija)

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D i l e m e

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Tamara Griesser Pečar[1]

Show Trials in Slovenia: The Case of Ljubo Sirc[2]

Abstract

Ljubo Sirc was a member of the Stara pravda group. In 1943, he fled to Switzerland in order to explain the situation in Slovenia to the Yugoslav government and the British Allies, but they would not listen to him. After the Tito-Šubašič Agreement, he joined the Partisans. After the war, he was an interpreter and had contact with British, American and French representatives in Ljubljana. He also tried to organize a political opposition. Ljubo Sirc was accused of spying and treason and was sentenced to death in the so-called Nagode trial. His sentence was then commuted to twenty years of forced labour. After seven and a half years, he was set free in 1954. Because the secret police wanted him to collaborate and because he found no work, he illegally left Yugoslavia and went to Great Britain, where he was a professor of economics in Glasgow. After 34 years, he came back to Yugoslavia for the first time. His verdict

1 Dr. Tamara Griesser Pečar, zgodovinarka, Dunaj/Wien, tamara.griesser@gmx.at.

2 The author acknowledges the financial support from the Slovenian Research Agency (research core funding No. P6-0380).

was annulled, but he got only a small part of his and his family's property restituted. In 1992, Sirc was the presidential candidate of the Liberal Democracy of Slovenia.

KEY WORDS: Ljubo Sirc, Stara pravda group, Udba, Nagode trial, show trials in Slovenia

Izvleček

Ljubo Sirc je bil član skupine Stara pravda. Leta 1943 je pobegnil v Švico, da bi pojasnil jugoslovanski vladi v begunstvu in britanskim zaveznikom razmere v Sloveniji, vendar ga niso poslušali. Po sprejetju sporazuma Tito-Šubašič se je pridružil partizanom. Po vojni je delal kot tolmač in bil v stiku z britanskimi, ameriškimi in s francoskimi predstavniki v Ljubljani. Poskušal je organizirati tudi politično opozicijo. Ljubo Sirc je bil obtožen vohunjenja in izdaje ter v tako imenovanem Nagodetovem procesu obsojen na smrt. Pozneje je bila njegova kazen znižana na dvajset let prisilnega dela. Leta 1954 je bil po sedmih letih in pol izpuščen. Ker ga je tajna policija hotela prisiliti v sodelovanje z njo in ker ni našel zaposlitve, je pobegnil iz Jugoslavije in odšel v Veliko Britanijo, kjer je služboval kot profesor ekonomije v Glasgowu. V Jugoslavijo se je prvič vrnil šele po 34 letih. Njegova obsodba je bila razveljavljena, kljub temu pa mu je bil vrnjen le majhen del osebnega in družinskega premoženja. Leta 1992 je bil Sirc predsedniški kandidat Liberalne demokracije Slovenije.

KLJUČNE BESEDE: Ljubo Sirc, skupina Stara pravda, Udba, Nagodetov proces, montirani procesi v Sloveniji

Curriculum Vitae: Ljubo Sirc

Ljubo Sirc was born in Kranj in the Upper Carniola region on 19 April 1920. When the Germans occupied parts of Slovenia, including Upper Carniola, Ljubo Sirc and his family moved to Ljubljana, which was then under Italian occupation. The Germans confiscated all of their property, including the textile factory that his father, Franjo Sirc, had founded in 1920. Ljubo Sirc was a student at that time. He graduated in law and economics at the University of Ljubljana in 1943.

He joined the liberal group Stara pravda, which like some 15 other groups entered the Liberation Front on 25 August 1941. Because the Stara pravda group kept believing in the existence of the Kingdom of Yugoslavia and protested against the monopolization of resistance, the group was expelled from the Liberation Front at the beginning of 1942. In 1943, Pravda asked Sirc to escape to Switzerland in order to explain the situation in Slovenia to the Yugoslav government in exile and the Allies, but nobody really listened to him; he was probably too young at the time. After the Tito-Šubašič Agreement, Sirc returned to Slovenia via France, Italy and Dalmatia and served as a legal adviser in the Partisan Fifth Overseas Brigade and then as an interpreter in the Artillery of the VII Corps. After the war, Ljubo Sirc worked in the Press Office as an interpreter. He also tried to organize a Yugoslav legal democratic opposition.[3]

On 24 May 1947, the secret police (Udba) arrested him. At a show trial that began on the 29th of July, he was accused of spying and treason and was sentenced to death on the 12th of August. After he had appealed against the death sentence, his

3 Centre for Research into Post-Communist Economies (CRCE), box 7, Ljubo Sirc: Note on Slovenia, 11 October 2008. The private Archive of the CRCE was transferred from London to Ljubljana after the death of Ljubo Sirc.

sentence was commuted to twenty years of forced labour. In 1954, he was released. Sirc described his wartime experiences and the trial in an autobiography entitled *Between Hitler and Tito.*[4] He had already published some of the chapters in the yearly Slovenian miscellany *Zbornik svobodne Slovenije* in Buenos Aires.

In 1955, he escaped and found refuge at his aunt's home in London, where he then worked at the BBC. In 1960, he obtained his doctorate in economics at the University of Fribourg in Switzerland. He began his academic career at the University of Dhaka in East Bengal. From 1962 onward, he gave lectures on international economics at the University of St Andrews and – from 1965 until his retirement in 1983 – at the Adam Smith Business School of the University of Glasgow. In 1957, he joined the Liberal International. In 1964, he became a British citizen. In 1983, he was one of the founders of the Centre for Research into Communist Economies (CRCE) in London, together with Lord Harris of the Institute of Economic Affairs and Sir Antony Fisher of the Atlas Economic Research Foundation. In 1996, the Centre changed its name into the Centre for Research into Post-Communist Economies.[5]

In 1991, the Nagode trial was annulled. The confiscated family property has been only partly restituted. Sirc was the presidential candidate of the Liberal Democracy of Slovenia (Liberalna demokracija Slovenije).

On 25 June 2001, Ljubo Sirc received the insignia of Commander of the Order of the British Empire from Queen Elisabeth for his activities in favour of freedom.[6] He wrote several

4 Ljubo Sirc, *Med Hitlerjem in Titom,* Ljubljana 1992. The footnotes were contributed by the historian Jera Vodušek Starič.

5 http://www.crce.org.uk/about/, 19 April 2019.

6 Ljubo Sirc, *Dolgo* življenje *po smrtni obsodbi,* Ljubljana 2010, p. 523; CRCE, box 7, Letter of Ljubo Sirc to Queen Elisabeth, 11 October 2008.

books on economic topics: *Economic Devolution in Eastern Europe,* New York, Washington 1969; *Outline of International Trade,* London 1973; *Outline of International Finance,* London 1974; *The Yugoslav Economy under Self-Management,* London 1979; What *Must Gorbachev Do?*, London 1989: *Why the Communist Economies Failed,* London 1994.[7]

He died on 1 December 2016 in Glasgow and was buried on 28 January 2017 in Kranj beside his parents.

Communist Revolution and Seizure of Power

After the Second World War, the Communists in Slovenia seized power by exploiting the multi-faceted liberation struggle against the occupiers during the war for their plans. Thus, it was possible to identify the liberation struggle with the communist resistance and to exclude representatives of the non-communist currents as "collaborators". This falsification of history has been politically active to this day. In this section, it is worth remembering the exhibition *The Dark Side of the Moon*, which was created at the initiative of the author Drago Jančar, and the collection of articles and documents with the same title and the subtitle "The Short History of Totalitarianism in Slovenia 1945–1990",[8] which shows Slovenian history in a slightly different light than this was done before.

In actuality, the Communists had begun to build their state organization already during the war. The history of the Second

7 Sirc, *Dolgo* življenje *po smrtni obsodbi,* pp. 603–604.

8 *Temna stran meseca: kratka zgodovina totalitarizma v Sloveniji 1945–1990* (ed. Drago Jančar), Nova revija, Ljubljana 1998. See also: *Temna stran meseca II: soočenje in refleksija 20 let kasneje [Dark Side of the Moon: Confrontations and Reflections 20 years later]* (eds. Tamara Griesser Pečar, Miha Drobnič), SCNR, Ljubljana 2019.

World War in Slovenia can only be understood if two levels of events are considered: the occupation and the resistance against it, as well as the revolution that caused a civil war. There is the outer warfare and the occupation situation, then the situation and the mood of the population, who had to live and survive somehow, and finally the development of resistance movements with their initially different organizations. There were considerable differences in the answers to the question of how to carry out the resistance against the occupying powers, how and how far it was strategically reasonable and legally as well as morally defensible. Furthermore, the crucial role was played by the idea of what must come after the foreign rule is successfully shaken off.[9]

In the eyes of the traditional side (the pre-war legal parties) and traditionally-oriented forces (Chetniks, various legions, Village Guards) the Yugoslav monarchy did not cease to exist even though the country was under occupation. As a professor of international law, Dieter Blumenwitz pointed out, according to the "three-elements doctrine", Yugoslavia did not cease to exist after the occupation. A state only perishes when it definitively rejects one of the characteristics of statehood – population, territory and state authority – permanently and without the possibility to regain it.[10] The communists, however, claimed that Yugoslavia ceased to exist when the king and his government left the country in 1941.

The aim of the traditional side was to act in a way that would leave as few victims as possible on the Slovenian side. Therefore, the military organization had to be prepared but would only join the Western Allies when they approached

9 More on this: Tamara Griesser Pečar, *Das zerrissene Volk. Slowenien 1941–1945,* Wien-Köln-Graz, 2003.

10 Dieter Blumenwitz, *Okkupation und Revolution in Slowenien (1941–1946). Eine völkerrechtliche Untersuchung,* Wien-Köln-Graz 2005, pp. 29–35.

the Slovenian border. Their intelligence services continued to operate until the autumn of 1944, when they were discovered. They sent a lot of data on the occupiers to the government in exile as well as to the British.

On the other hand, there was the Communist Party, which had been an illegal party since 2 August 1921. It was then that the National Assembly passed the Law on the Protection of Public Security and Order and prohibited the Communist Party. The reason for the law was the assassination of the Minister of the Interior Milorad Drašković on 21 March 1921.[11] The Communists misused the resistance (Liberation Front, Partisans) during the war as a unique opportunity to realize the "socialist" revolution and to gain total power after the end of the war. Already on 16 September 1941, the Supreme Plenum of the Liberation Front led by the Communists passed the so-called "*revolutionary laws*". There was the decision of the Supreme Plenum to transform itself into the Slovenian National Liberation Committee, which proclaimed monopoly over the resistance in Article 2. The Protection decree, which was the basis of the so-called "*revolutionary judiciary*", was the Communists' formal basis for the terrorizing and killing of persons who were not prepared to conform to the decisions of the Communist Party. According to the doctrine, anybody who organized a resistance against the occupiers outside the Liberation Front was a traitor, and traitors were to be sentenced

11 Before that, on 29 December 1920, the Yugoslav government issued the so-called Obznana, with which the operation of all Communist organizations was prohibited. More on this: Lovro Šturm, "Začetek revolucionarnega kazenskega prava na Slovenskem in njegovi odmevi po drugi svetovni vojni", *Acta Histriae* 25, Koper 2017, pp. 720–722; Lovro Šturm, "Slovenia. Law and Non-Law after 1941", in: *Slovenia in 20th Century: The Legacy of Totalitarian Regimes* (ed. Mateja Čoh Kladnik), Ljubljana 2016, pp. 281–282.

to death. The decree foresaw special secret courts, but there were no provisions about how they should operate. In actuality, no such courts existed, and Partisan courts had not been established before 1943. The "liquidations" were carried out by the VOS or the Security and Intelligence Service, which was founded by the Communists in August 1941.[12]

The time immediately after the war was the time of severe repression in Slovenia, filled with an "*obvious trampling on human rights*," as Prof. Lovro Šturm, former president of the Slovenian Constitutional Court and minister of justice, evaluated the regime's behaviour. "*Characteristic of this period are mass graves, immediate violations of human rights and the actual denial of fundamental freedoms, often with brute force. This was the period of revolutionary violence and reign of terror that the party needed for its acquisition of power and its reorganization*."[13]

Now began the persecution of all political opponents and all potential sources of danger for the new rulers. In May 1945, the British handed over about ten to twelve thousand members of the Home Guard (Domobranci), or rather members of the Slovenian National Army, to the Yugoslav Communists, thus handing them over to a cruel fate. Over 15,000 Slovenians lost their lives because of post-war violence.[14] Representatives of the

12 Tamara Griesser Pečar, "September 16, 1941. The Outbreak of Civil War", in: *Slovenia in 20th Century: The Legacy of Totalitarian Regimes* (ed. Mateja Čoh Kladnik), Ljubljana 2016, pp. 29–52.

13 Lovro Šturm, "O kratenju človekovih pravic in temeljnih svoboščin v Sloveniji v obdobju 1945–1990", *Temna stran meseca*, Ljubljana 1998, p. 70.

14 Vida Deželak Barič, "Casualties of WWII in Slovenia and the Civil War", in: *Slovenia in 20th Century: The Legacy of Totalitarian Regimes* (ed. Mateja Čoh Kladnik), Ljubljana 2016, pp. 163–167.

so-called "white" and "blue guard",[15] remnants of the former political parties, members of the Catholic Action, representatives of the Catholic Church, employees of the Intelligence Service, but also simply members of wealthy classes, above all entrepreneurs, were prosecuted. Anyone who was not a member of the Liberation Front or the Partisan units was under suspicion and many of them ended up in court. The so-called "courts of national honour" (Sodišča narodne časti) operated between the 5th of June and 25 August 1945. All those who allegedly insulted the "national honour" were condemned, imprisoned, deprived of their reputation, work and health, and very often handed over to death.

The judiciary became a political instrument in line with a strategic overall concept, which in any case contradicted the principle of the separation of powers. The Communist Party controlled everything, including the entire repressive apparatus and judicial system. The courts became instruments of the Communist Party for suppressing the opposition. A chain of court proceedings had already begun during the war, in 1943 with the Kočevje trial (Kočevski proces, 9–11 October 1943) and continued after the war. Among others, the following post-war trials took place: the trial against Narte Velikonja (sentenced to death and executed on 25 June 1945), the trial against eleven people of the Gestapo and the White Guard (23 June 1945), the Christmas trial (26 November–23 December 1945), the trial against Rupnik (Rožman) and co-accused (23–30 August 1946), the trial against Mirko Bitenc and accused (12–16 April 1948), and the Nagode trial (29 July–12 August 1947). There was also a number of trials against diocese priests and members

15 These expressions come from the Russian revolution. With the "white guard", the Communists described opponents from the traditional side, legions and Village Guards; the "blue guard" were the Chetniks.

of religious orders: the trial against Dr. Stanislav Lenič and co-defendants (23 December 1947), trials against Franciscans, Jesuits, the Congregation of the Mission (CM), the Merciful Sisters, the Magdalen Sisters etc. In many of these trials, completely different types of defendants, who often had nothing in common, ended up under the same charge.

The simplest legal norms were ignored: the defendants had no adequate defence, burdensome material was brought in on a large scale and was to a great extent constructed, whereas the material and testimonies in favour of the defendants were neglected. Collective responsibility was introduced. All possessions, including personal belongings of the condemned, were confiscated. Verdicts had been determined before the trials even started. The trials often ended with death sentences.

As Ljubo Sirc pointed out: "*It was not necessary for a person to receive a sentence in order to lose his possessions. Kidrič, then the President of the Slovene Government and later the Yugoslav economic dictator, was given a villa confiscated during the war by the Gestapo from the Jewish family of Ebenspanger. The owner and her mother had to live in one single room. It was common practice simply to take over property confiscated earlier by the Nazis […] In addition for the appetite for villas, the Communist leaders also had a taste for cars […] There were hardly* [the time after the war is meant here] *any cars in circulation except those confiscated and used by the Party hierarchy.*"[16]

16 Ljubo Sirc, "Memoirs and Reminiscences. Strange Trials", *The South Slav Journal,* Spring 1988, vol. 11, No. 1, pp. 38–39.

The Nagode Trial

Criminal proceedings against "internal enemies" of all kinds were connected. The fact that politics dictated the course and the outcome of the trials is also evident from the minutes of the Central Committee (CK) of the Communist Party of Slovenia of 4 June 1947, when they discussed the Nagode trial, one of the most prominent show trials under the Communist regime in Slovenia: "*The trial should be considered as a blow against the Political Middle, that is, the bourgeoisie, and given an anti-state spy character; sufficient material is available. Avbelj should represent the indictment, the trial should take place as soon as possible*."[17] Trials were also the subject of the meeting of the Politburo of the Central Committee on 9 July 1947.[18]

The so-called Nagode trial, named after the principal defendant, the construction engineer Črtomir Nagode, the head of the Stara pravda group, took place between the 29th of July and 12 August 1947.[19] There were 15 intellectuals put on trial, most of whom were liberals, but some were former members of the Communist Party of Slovenia. The defendants were Črtomir Nagode, Ljubo Sirc, Leon Kavčnik, Boris Furlan, Zoran Hribar, Angela Vode, Metod Kumelj, Pavla Hočevar, Svatopluk Zupan, Bogdan Stare, Metod Pirc, Vid Lajovic, Franjo Sirc, Elizabeta Hribar and Franc Snoj, who was added during the trial. The public prosecutor was Viktor Avbelj.[20] The actual aim of this

17 ARS, AS 1589, CK ZKS, box 2, a. u. 36; Darinka Drnovšek, *Zapiski politbiroja CK KPS/ZKS 1945–1954, Viri* 15, Ljubljana 2000, p. 85.

18 ARS, AS 1589, CK ZKS, box 2, a. u. 37, Zapisnik seje 9. 7. 1947.

19 More about the trial: Mateja Jeraj, Jelka Melik, *Kazenski proces proti* Črtomirju *Nagodetu in soobtoženim,* Archives of the Republic of Slovenia, Ljubljana 2015.

20 Viktor Avbelj (1914–1993) was the deputy of the head of the Slovenian secret police and president of the Presidium of the Socialist Republic of

trial was to prevent any political opposition in the country, but the prosecution accused the defendants of collaborating with Draža Mihailović as well as with foreign Western intelligence services in favour of imperialist countries and to the detriment of the national liberation movement. The defendants had "*as members of the anti-civilian organization committed criminal acts aimed at destroying the existing state organization of the FLRJ*[21]" and "*eliminated the fundamental democratic, national, economic achievements of the liberation struggle: the federal system of the state, the equality and brotherhood of the Yugoslav peoples and people's power*."[22]

Three of the accused were sentenced to death: Slovenian politician and geologist Črtomir Nagode, former minister of the Yugoslav government in exile in London Boris Furlan, and Ljubo Sirc, but only Nagode was executed. The sentences of Furlan and Sirc were commuted to twenty years of forced labour. All of the others were sentenced to long prison sentences – several twenty-year prison sentences –, deprivation of civil rights (two to five years) and confiscation of their property. Franjo Sirc, the father of Ljubo, who had no contact with the British and Americans in Ljubljana and was not involved in any politics, was because of his son's activities and because he was a successful businessman – he helped to industrialize Kranj, where he had a factory with 250 employees –, sentenced to ten years of imprisonment.[23] He was gravely ill when he was

Slovenia between 1962 and 1965. In 1992, he committed suicide. More on this: Andrej Rahten, Rok Kraigher, Avbelj, Viktor, *Novi slovenski biografski leksikon,* ZRC SAZU, Ljubljana 2013, pp. 322–324.

21 Federativna ljudska republika Jugoslavija (Federal People's Republic of Yugoslavia).

22 ARS, SI AS 1237, t. u. 257; Jeraj, Melik, *Kazenski proces proti* Črtomirju *Nagodetu in soobtoženim,* p. 160.

23 After the war, Franjo Sirc worked for the Ministry of Industry as an adviser for the cotton industry. More about Franjo Sirc: Jože Žontar, *Ka-*

arrested, and nobody really understood why he was arrested and persecuted. He was released after four years because of his illness and died a month later. Kumelj committed suicide in prison in September 1947.

Consul William Hilary King, who succeeded Scopes in Ljubljana, reported about the trial to the British Ambassador in Belgrade, Charles Brinsley Pemberton Peake: "*A brief reading of the newspaper reports, however, will suffice to make it clear that the trial was first and foremost a political propaganda stunt, whose double aim was first to show Britain and America as the irreconcilable enemies of the new Yugoslavia, and second, finally to frighten off anyone who might still think that it is possible to associate with officials of the Western countries and get away with it.*"[24]

In January 1991, the Supreme Court of the Republic of Slovenia annulled the sentences against Nagode and his fourteen co-defendants.

Charges against Ljubo Sirc

Because Ljubo Sirc worked as an interpreter after the war, he met many American, English and French representatives who were in Slovenia at that time. Thus, he met the British Consul Frank Christopher Waddams[25] in Slovenia because he was in-

znovana podjetnost. Kranjski trgovec in industrialec Franjo Sirc, Ljubljana 2005.

24 TNA FO 371/67466, Hilary King to Charles Peake, 22 August 1947. See also: CRCE Briefing Paper: Ljubo Sirc, Portrait of a Political Policeman, November 2003, p. 5.

25 Sirc does not give the name of the consul, but in September 1945, the consul in Ljubljana was Frank Christopher Waddams. He was the consul from the 27th of July until November 1945. Jeraj, Melik, *Kazenski proces proti* Črtomirju *Nagodetu in soobtoženim,* p. 112.

vited at the end of September to translate his complains about Slovenian authorities at the office of Marijan Brecelj, who was the vice-president of the Slovenian government at that time. The consul invited Sirc for a drink and openly asked him if he was an agent of the secret political police OZNA. When he realized that Sirc was no such thing, he said: "*Well, my boy, you are playing a very dangerous game. Here I am taking you for an OZNA agent, while OZNA is also probably taking you for a spy.*"[26]

Sirc tried to establish a political opposition in Slovenia together with six or seven members of the former Pravda group. They met once a week at Nagode's flat. According to the Tito-Šubašič Agreement, it should have been possible to establish a multi-party system, but of course, Communist authorities did not care about that. The group wanted to "*find a way of showing the West that the Communists had no right to speak for the people of Yugoslavia.*"[27] The group members tried to link up with the opposition in Zagreb and Belgrade and used several occasions to try to speak with foreign diplomats. Then, on 11 November 1945, the elections took place. The Communists won with more than 85% in Slovenia (with more than 90% in Yugoslavia), but these elections were not free, because no opposition was allowed. The voters had the option to put their beads into two boxes. Those who were against the Communist regime could put their beads into the so-called black box. This was prepared in such a way that one could hear the beads touch the bottom of the box. This was registered by the secret police OZNA because its members controlled nearly all polling places. Many people could not vote because they disappeared

26 Ljubo Sirc, "Interpreting the Complaints", *The South Slav Journal,* Autumn 1988, vol. 11, No. 2-3, p. 52.

27 Sirc, "Interpreting the Complaints", p. 53.

from the electoral rolls. According to special instructions of the Party, which were that there was no place for the enemies of the people and the new Communist authorities, the electoral rolls were "cleaned up". In quite a few polling places the results were forged, because the beads from the black boxes were emptied into "white" ones.[28] One of the persons whose right to vote was taken away was also Dr. Črtomir Nagode.[29]

Sirc described his arrest and the trial in his memoirs *Between Hitler and Tito* and in *Dolgo* življenje *po smrtni obsodbi* (A Long Life after the Death Sentence).[30] In a paper in which he characterized a high ranking member of the secret police in Slovenia, Mitja Ribičič, Sirc remembered: "*As head of the Second Department, Mitja Ribičič was, of course, in the charge of scenario although he later claimed that he exclusively supervised the legality of proceedings and possibly collected some intelligence. I was arrested just before midnight on 24th May 1947 and taken in front of Ribičič who interrogated me until early the next morning. I was asked to describe an outing with the British Consul, his wife and children. We had driven to the mountains, and from that, this Ribičič concocted the tale that I had spied on all the factories on the only possible road, although I had not been near one of them. After this first interrogation, I was not allowed to sleep for a fortnight and for the fortnight after that was allowed only to sleep at weekends. The scenario also included one of Ribičič's subordinates pretending to be a messenger from Slovene exiles in Austria. At the trial, a colleague of Ribičič, Viktor Avbelj-Rudi*

28 Martin Šteiner, "'Prve demokratične' volitve v novi Jugoslaviji", *Zgodovinski* časopis, No. 51, Ljubljana 1997, pp. 103–105.

29 Ljubo Sirc, "Poskus demokratske opozicije 1945–1947", *Zbornik svobodne Slovenije,* Buenos Aires, 1963, p. 92.

30 Med Hitlerjem in Titom, pp. 279–400; *Dolgo* življenje *po smrtni obsodbi,* pp. 177–400.

acted as prosecutor. He was an OZNA[31] *general who, copying Vishinsky,*[32] *did his best to insult and ridicule the defendants.*"[33]

After his return from the Soviet Union in 1945, Mitja Ribičič was the deputy of Ivan Maček in the time of mass murders in Slovenia and the head of the secret police OZNA. In the UDBA, he was the head of the Second Department, which dealt with "political enemies". In 1969, he admitted that not one of the trials, including the Nagode trial, would hold on (not even) to the current criteria of criminal proceedings which were then valid in Yugoslavia.[34]

Ljubo Sirc summarized the reasons for his death sentence as follows: "*The reasons for the verdict were:*

1) That I entertained friendly relations with the British consuls Frank Waddams and Sir Lawrence Scopes[35] *and Ted Kay,*[36]

31 Sirc speaks about the OZNA (Department for the Protection of the People) all the time. The secret police was actually called OZNA from its founding on 13 May 1944 until March 1946. Then the military and civil part were separated. The military part was named the Counterintelligence Service – KOS (Kontraobveščevalna služba), and the civilian part was named the State Security Administration (Udba).

32 Andrey Yanuaryevich Vyshinsky was a state prosecutor in the Moscow trials during the Stalin era and in the Nuremberg trials.

33 CRCE Briefing Paper: Ljubo Sirc, Portrait of a Political Policeman, November 2003.

34 SI AS 1589/IV, t. u. 2601, Zapisnik razgovora, ki je bil 26. 3. 1969 na sedežu CK ZKS; Mateja Jeraj, Jelka Melik, *Kazenski proces proti* Črtomirju *Nagodetu in soobtoženim. Epilog,* Archives of the Republic of Slovenia, Ljubljana, 2017, p. 198. Ribičič was the chief prosecutor of the Socialist Republic of Slovenia in 1951 and 1952.

35 Leonard Arthur Scopes was consul in Ljubljana from 31 October 1945 until 6 June 1947. Jeraj, Melik, *Kazenski process proti* Črtomirju *Nagodetu in soobtoženim*, p. 112, 114. Scopes left Ljubljana very suddenly after Sirc was arrested.

36 Theodore H. Kay was the assistant of Scopes in case of his absence in Lju-

the French Consul Gabriel Heuman and the US Red Cross official Jack Hoptner. Further, I tried to find out what had happened to the passengers of the two US airplanes which were shot down over Slovenia by communists. This friendship with Westerners and friendly gestures to Western victims of communist fury were criminalized as spying.

2) That I helped leading Yugoslav democratic politicians in their attempts to organize an opposition, which was legitimate under an agreement with Tito sponsored by Britain and America. This was turned into a conspiracy against the state."[37]

The British Consul reported to Ambassador Peake his observations on the trial: "*…the majority of the people of Ljubljana have not dared to have any social contact with British personnel. In this context, it is interesting to note that the third death sentence was passed on Ljubo Sirc, who was the only person among the accused to be friendly with the British Consul. It would, therefore, suggest that friendliness is itself taken for espionage, for which the perpetrator must pay the highest penalty. Virtually no other person, besides Furlan and Sirc dared to behave openly as the friend of British Consul.*"[38]

When Mitja Ribičič informed Sirc that his sentence was commuted to twenty years forced labour, Sirc wanted to know what would happen with his father, who had been sentenced to ten years. Sirc dared to say "*that surely Ribičič realized that my father had done nothing that could be punishable. 'Oh well'*

bljana (from July to September 1946 and at times in June and July 1947). Jeraj, Melik, *Kazenski process proti* Črtomirju *Nagodetu in soobtoženim*, p. 112.

37 CRCE, box 3, Ljubo Sirc, My own case of persecution.

38 TNA, FO 371/67466, R 2043. Letter from Theodore Kay to Sir Charles Brinsley Pemberton Peake, 27 August 1947.

was the reply. 'if he has not done what we have accused him of, he has certainly done something else. It will do him no harm to be re-educated.'"[39]

Until the end of 1951, he did not even think of coming out of prison. He was convinced that every effort in that way would be in vain. His mother of course tried to find out whether there was a possibility to get him out of prison, but she was always told that her son was an enemy and that he was not ready to change for the better. As Sirc wrote later, that meant three things for the Communists. It was necessary to confess guilt, even though the person was not guilty. Second, one had to praise the wisdom of the Communist Party and its leaders, and third, one had to be prepared to spy on his co-prisoners and report what they were doing and thinking. In 1951, there was so much to be heard about legality that Sirc decided to get a lawyer, but it was not yet the right time for any legal actions. However, the former consul in Ljubljana Scopes wrote a letter to the *Times* about the case of Sirc and Furlan and intervened for them at all possible addresses. Sirc was convinced that these interventions helped.[40] Then, in October 1954, his sentence was commuted to fifteen years of prison and a month later, on the 28th of November, Ljubo Sirc was free[41] after having spent seven and a half years in prison, two of which he spent in solitary confinement. The situation in Yugoslavia had changed in the meantime. Tito broke ties with Stalin and the Soviet bloc began to ignore international agreements with Yugoslavia, cancelled contracts, obstructed navigation on the Danube,

39 CRCE Briefing Paper: Ljubo Sirc, Portrait of a Political Policeman, November 2003; Sirc, *Med Hitlerjem in Titom,* pp. 364–365.

40 Ljubo Sirc, "Boj za zakonitost", *Zbornik Svobodne Slovenije* Buenos Aires 1957, pp. 123–124.

41 Sirc, *Dolgo* življenje *po smrtni obsodbi,* pp. 391–394; Sirc, *Med Hitlerjem in Titom,* pp. 412–413.

stopped all traffic and the postal services and stopped delivering purchases to Yugoslavia etc. Thus, Yugoslavia became very dependent on Western aid and the human rights violations in Yugoslavia (Slovenia) received great attention. The repression therefore changed; it became more subtle and not so easily seen from over the border.[42]

After his release, Sirc was under "*continuous pressure by the communist secret police*" that he should work for them.[43] The university would not allow him to finish his doctorate and he could find no work. Wherever he applied, the answer was that they would like to employ him, but that they had to ask their superiors. Then he got a negative answer.[44] Consequently, he illegally crossed the border to Italy on 1 November 1955 and then settled in the United Kingdom.

After 34 years, in 1989, Sirc visited Yugoslavia for the first time again. His wife and his daughter accompanied him. He was invited to attend a conference on "Yugoslavia at the turn of the century". As he reported, there were several strong interventions on his behalf. He spent some days in Slovenia, in the house of his grandparents on his mother's side in Kranj. Only two of his co-defendants were still alive then, Leon Kavčnik (90 years old) and Svato Zupan, who was approximately of his age, but of bad health. Zupan told him that he had written a letter to the official committee for the defence of human rights but received no reply, and Kavčnik wanted to see the trial documents half a year before that but also got no answer. Ljubo Sirc wrote about his visit, and he noted that "*at the time of the trial, there were some rumours that the sentences were far more dras-*

42 More: Tamara Griesser Pečar, "The Secret Police After the Tito-Stalin Break", in: *Slovenia in 20th Century: The Legacy of Totalitarian Regimes* (ed. Mateja Čoh Kladnik), Ljubljana 2016, pp. 231–252.

43 CRCE, box 3, Ljubo Sirc, My own case of persecution.

44 Sirc, *Med Hitlerjem in Titom,* pp. 415–416.

tic, and more people were involved than would have otherwise been, because in Dr. Nagode's […] diary some untoward remarks were made about Kidrič, then a powerful communist leader who died in 1953. Kidrič was lusting for revenge as it is rumoured in the case of Dachau trials where a large part of the victims were graduates of chemistry whom Kidrič apparently resented because he had failed to finish his own study of the subject."[45]

On 28 September 2000, Sirc wrote to Milan Kučan about the co-defendant Nagode, who was the only one whose death sentence was carried out in 1947. There were rumours that Nagode was even tortured to death. Sirc wrote:

"*Mister President,*

Recently, professor Mencinger[46] *complimented my 'forgetfulness', meaning that I seldom speak of the terror delivered to me by your Party. Personally, I consider the tendency to forgive my enemies a major fault of mine. This I intend to correct, for we must speak of the past savagery and lack of civilities to avoid their repetition.*

A few days ago, a stranger approached me and asked: 'Sirc, do you know how Nagode died?' Certainly, I replied, I know that your Party killed him after he realized that his enthusiastic support of the Soviet Union was a mistake when he discovered Stalinist crimes and began searching for Western contacts to raise caution. My new acquaintance explained to me that he meant something else; he learned that OZNA, UDBA or whatever the Slovenian communist Gestapo then called itself, arranged a slow death for Nagode. I was told that first, his legs were shot at and then

45 CRCE, box 3, Visit to Yugoslavia after 33 years in exile.

46 Jože Mencinger was the Minister of Economy.

they continued to shoot at other parts of his body until he slowly expired.

Mister President, you would say I have no proof. Indeed, I do not have it. Moreover, it is abhorrent to me to imagine that any person could be so perverted to torture another person to death. Nevertheless, after some contemplation I concluded that I should not be surprised to find that the Communist political police included some perverse sadists. Just the fact that nobody knows where the innocent Nagode is buried is a perversity.

Therefore, Mister President, I ask you to tell us where your Communist role-models buried my co-defendant. After all, exactly the same fate was probably destined for me as well.

Do not tell me that you cannot know because you are too young. Throughout your career, you were associating with the elite of the political police OZNA and KOS, such as general Ivan Maček and Stane Dolanc.[47] *Without doubt you have had conversations on such matters when you were planning together how to terrorize honest people according to Marx and Lenin. And if you did not, you can still ask your Party friends colonel Ribičič and professor Roter;*[48]

47 Stane Dolanc was a high-ranking Communist politician and was very close to Tito. He was the Secretary of the Interior 1982–1984 and the Yugoslav vice-president 1988–1989.

48 Zdenko Roter worked for the secret police. He specialized in the persecution of Catholic priests and later became a professor of religious sociology at the University of Ljubljana. During the Nagode trial, he was the special interrogator of Boris Furlan. One night, he interrogated Sirc about Furlan. Sirc, *Dolgo* življenje *po smrtni obsodbi,* pp. 199–201; Ljubo Sirc, "Še eno poglavje iz spominov", *Zbornik svobodne Slovenije,* Buenos Aires 1965; CRCE, box 5. A letter of Ljubo Sirc to Cleveland University about an honorary doctorate nomination of Milan Kučan, President of Slovenia, 21 April 2001.

both played the deciding role in the Nagode trial. They should know, for I too was a subject of their inquisition during this trial.
If you tell us where Nagode is buried, the pathologists can easily determine if your Party was simply criminal because it killed innocent people or was also resorting to perversely savage kinds of torture.
Since you keep proclaiming that 'only on the basis of piety to the dead, the living can live in harmony', you could also disclose the location of the victims of the Dachau trials and other secret burial pits. This is not an attempt of resurrecting the Past but a warning to all followers and heirs of the Party, with their platform of violence and lies, that they have no right to point the road into the future.

Ljubo Sirc"[49]

President Kučan replied to the letter very generally; he wrote about a terrible tragedy but gave no concrete answer to the question of where Nagode was buried.[50]

Despite the squashing of his sentence and formal legislation on the restitution of property that was confiscated first by the Germans and then by the Communist regime, Sirc was not very successful in getting back his property and the property of his father as his heir. Only a small part of the family property was restituted, although he spent a lot of time and money to get it back. As Sirc described, "*it is claimed that most of what we had lost first to the Germans and then to the communists must be considered war damages.*"[51] He often asked whether Slovenia is a constitutional state. "*The former totalitarian judici-*

49 CRCE, box 4 or 5?, Letter of Ljubo Sirc to Milan Kučan, 28 September 2000.

50 CRCE, box 5, A letter of Ljubo Sirc to Cleveland University.

51 CRCE, box 3, Ljubo Sirc, My own case of persecution.

ary continues in the old ways, which I know well, because they distort law and facts in order to refuse restitution of the bulk of our family property."[52]

Epilogue

The Communist youth organization founded a new party called the Liberal Democrats. They told Sirc that "*they would like to transit to a more sensible view of the world than Communism*".[53] He accepted to become their presidential candidate. As Sirc himself later pointed out, this was a trick. When the election campaign was already halfway through, the leader of the "new party", Drnovšek, told him that they had no means to finance his campaign. Therefore, at the end of the presidential election on 6 December 1992, he received only 1.511% of votes,[54] even though his party had received 23.46% at the parliamentary elections.[55] Milan Kučan, the last Secretary General of the League of Communists of Slovenia before its independence (from 1986 onward), won with 63.898%.[56] Zdenko Roter, who was one of the special interrogators during the Nagode trial, chaired the committee promoting Kučan's election as the president of Slovenia.

On 28 November 1992, Sirc wrote a "Confidential Memorandum on the Presidential Election in Slovenia":

52 CRCE, box 7, Ljubo Sirc, Note on Slovenia (2008).

53 CRCE, box 5, Liberal International favouring communists.

54 https://www.dvk-rs.si/index.php/si/arhiv-predsednika-rs/volitve-predsednika-rs-leto-1992, 29 April 2019.

55 https://www.dvk-rs.si/index.php/si/arhiv/dz1992/rezultati, 29 April 2019.

56 https://www.dvk-rs.si/index.php/si/arhiv-predsednika-rs/volitve-predsednika-rs-leto-1992, 29 April 2019.

"The Presidential election in Slovenia (polling day 6th December) is becoming an absurdity. The incumbent, communist president, Milan Kučan, still controls the media and, consequently, some candidates are misreported or ignored. The media claims reporting them would be electoral propaganda. Kučan himself appears in articles and photographs and is presented in an elevated manner as the highest official of the land.

On 17 November there was a debate between President Kučan and myself, an opposite candidate who is known as a long-standing dissident. The communists present declared the discussion was boring and the leading Slovene daily newspaper did not report it at all. This did Kučan no harm, but it certainly damaged me, as I have to fight for every mention in the media.

In the same debate, Kučan tried to minimize my comments while living in Britain by saying that Western countries and politicians act exclusively in their own interests, which makes it barely worthwhile talking to them, since these interest are immutable. At a press conference on 23 November I said in answer to a question that, even if it is assumed that the West really acts exclusively in its own interest, the establishment of what interest are dependent on information and valuation, so that personal contacts may alter the conclusions. State television reported on the press conference, but my argument was cut. It was noticed that while the camera was focusing on my face, the reporter was commenting on school reforms, the other subject under discussion at the conference.

Those with the real influence surpassed themselves when I was invited to give a talk at the Liberal Institute in Zurich and to meet bankers, businesspeople and members of the government. I was accompanied by a Minister, two businessmen and two reporters with their cameraman. The Slovene TV presented this as a Ministerial visit, and I was not mentioned at all. Later that night on TV, I was shown as giving a talk in Zurich. If objections are

made about such presentations, the answer is that the Minister has the coverage at any time, whereas I am only a candidate and thus receive a mention at non-peak viewing time."[57]

After the presidential election, Sirc withdrew from politics, but he kept warning the Western politicians: "*It would be of great importance if Western democratic parties stopped supporting – out of naiveté? – the former (?) Slovene communists and the parties they have spawned. It is hard to understand what LDS, the predominantly loyalist-communist party, is doing in the Liberal International, while the party of the communists' core, The United List of Social Democrats is a member of the Socialist International…*"[58]

In the year 2000, when Sirc celebrated his eightieth birthday, Janez Drnovšek, who was then Prime Minister, intended to award him with the golden order of freedom, but Sirc politely replied that he would not accept the decorations until Slovenia, proclaiming the rule of law, solved his problem – restitution of the family property – in accordance with the laws.[59]

Summary

Ljubo Sirc and his family left Kranj when Germany occupied the Upper Carniola region. The property of the family was confiscated, including the textile factory that his father, Franjo Sirc, founded in 1920. Ljubo Sirc was a student at that time. He graduated in law and economics at the University of Ljubljana in 1943. He was a member of the Stara pravda group, which

57 CRCE, box 7, Confidential Memorandum from Ljubo Sirc on the Presidential Election in Slovenia.

58 CRCE, Ljubo Sirc, Parliamentary Elections in Slovenia, November 1996.

59 http://www.gorenjskiglas.si/article/20170127/C/170129833/1002/March, 24 April 2019.

was led by the construction engineer Črtomir Nagode. In 1943, Sirc fled to Switzerland in order to explain the situation in Slovenia to the Yugoslav government in exile and the British Allies, but they would not listen to him. After the Tito-Šubašič Agreement, he joined the Partisan Fifth Overseas Brigade, and then the Artillery of the VII Corps as interpreter. After the war, he worked for the Press Office as an interpreter and had contact with British, American and French representatives in Ljubljana. With some of the former members of the Stara pravda group, he also tried to organize a political opposition. Ljubo Sirc was arrested in May 1947. He was accused of spying and treason and was sentenced to death in the so-called Nagode trial. His sentence was then commuted to twenty years of forced labour. He was set free in November 1954 after seven and a half years of imprisonment. Because the secret police wanted him to collaborate and because he found no work, he illegally left Yugoslavia in 1955 and went to London. He then worked at the BBC first. In 1960, he obtained his doctorate in economics at the University of Fribourg in Switzerland. He started his academic career at the University of Dhaka in East Bengal. From 1962 onward, he gave lectures on international economics at the University of St Andrews and from 1965 until his retirement in 1983 at the Adam Smith Business School of the University of Glasgow. In 1957, he joined the Liberal International. After 34 years, he came back to Yugoslavia for the first time. His verdict was annulled 1991, but he got only a small part of his and his family's property restituted. In 1992, Sirc was the presidential candidate of the Liberal Democracy of Slovenia. He stood no chance, because this was only a trick of the former Communists to promote their last Secretary General, Milan Kučan. He died in December 2016 and was buried in Kranj, his place of birth.

Montirani procesi v Sloveniji: Primer Ljuba Sirca

Povzetek

Ko so Nemci leta 1941 zasedli Gorenjsko, je Ljubo Sirc z družino zapustil Kranj. Nemci so zasegli celotno družinsko premoženje, vključno s tekstilno tovarno, ki jo je leta 1920 ustanovil oče Franjo Sirc. Takrat je bil Ljubo Sirc še študent. Leta 1943 je diplomiral iz prava in ekonomije na Univerzi v Ljubljani. Bil je član skupine Stara pravda, ki jo je vodil gradbeni inženir Črtomir Nagode. Leta 1943 je Sirc pobegnil v Švico, da bi pojasnil jugoslovanski vladi v begunstvu in britanskim zaveznikom razmere v Sloveniji, vendar ga niso poslušali. Po sporazumu Tito-Šubašič se je pridružil partizanski Peti prekomorski brigadi, nato pa je bil tolmač topništva VII. korpusa. Po vojni je delal za tiskovno službo kot tolmač in bil v stiku z britanskimi, ameriškimi in s francoskimi predstavniki v Ljubljani. Z nekdanjimi člani skupine Stara pravda je poskušal organizirati tudi politično opozicijo. Ljubo Sirc je bil aretiran maja 1947, obtožen je bil vohunjenja in izdaje ter v tako imenovanem Nagodetovem procesu obsojen na smrt. Po pritožbi je bila kazen znižana na dvajset let prisilnega dela. Novembra 1954 je bil po sedmih letih in pol, od tega je dve leti preživel v samici, izpuščen. Ker ga je tajna policija hotela prisiliti, da dela zanjo, in ker ni našel zaposlitve, je leta 1955 pobegnil iz Jugoslavije in odšel v London. Najprej je delal pri BBC, potem pa je nadaljeval študij in leta 1960 doktoriral iz ekonomije na univerzi Fribourg v Švici. Akademsko pot je začel na Univerzi v Dacci v vzhodni Bengaliji. Od leta 1962 naprej je

predaval mednarodno ekonomijo na Univerzi St. Andrew's in od leta 1965 do upokojitve leta 1983 na Univerzi Adam Smith v Glasgowu. Leta 1957 se je pridružil Liberalni internacionali. Po 34 letih se je prvič vrnil v Jugoslavijo. Njegova obsodba je bila razveljavljena leta 1991, kljub temu pa mu je bil vrnjen le majhen del njegovega in družinskega premoženja. Leta 1992 je bil Sirc predsedniški kandidat Liberalne demokracije Slovenije. Za izvolitev ni imel nobene možnosti, postavili so ga zgolj iz taktičnih razlogov, da bi promovirali zadnjega generalnega sekretarja Zveze komunistov Slovenije Milana Kučana. Umrl je decembra 2016, pokopan pa je v rojstnem Kranju.