

# The AVNOJ-Regulations and the Genocide of the Germans in Yugoslavia between 1944 and 1948

The AVNOJ-Regulations had affected the German ethnic group in the national territory of the former Kingdom of Yugoslavia, which, up to the beginning of the Second World War, had consisted of 540,000 people; 510,000 of these belonged to the **Donauschwabern** (Danube-Schwabians), who primarily lived in the western Banat, the Batschka, Syrmia, Slavonia, the Baranja-Triangle, and Croatia. The Danube-Schwabians had been resettled in this area by the Habsburgs between 1689 and 1787 after Turkish rule. About 30,000 people belonged to the **Deutsch-Untersteirer** (German Lower-Styrians) and the **Gottscheers**. Since the Middle Ages, the settlement area of the German Lower-Styrians had been part of the **Herzogtum Steiermark** (Duchy of Styria). The Gotschee in the **Herzogtum Krain** (Duchy of Krain) was settled from **Kärnten** (Carinthia) and **Osttirol** (East Tirol) in the 14<sup>th</sup> century.



The Yugoslavian Kingdom joined the **Dreimächtepakt** (Pact of Three Powers) between Germany, Italy and Japan on 25 March 1941. Consequently, Serbian officers carried out a coup d'état against the Yugoslavian government and pronounced the Prince Regent Peter, who was a minor at that time, as Peter II Karadjordjević the new king; he appointed air-force general Dušan Simović prime minister. Prince Regent Paul took care of the King's businesses. Peter was the son of Alexander, who had been murdered. On 5 April 1941, the Yugoslavian Kingdom under Peter II signed a friendship and non-aggression pact with the Soviet Union. The German **Reichskanzler** Adolf Hitler gave the direct order to "destroy the Yugoslavian state by military force". After the military capitulation of the Yugoslavian army on 17 April 1941, Yugoslavia was distributed between Germany, Italy, Hungary and Bulgaria. The German Reich incorporated **Untersteiermark** (Lower Styria), the **Mießtal** (Miess Valley) and **Oberkrain** (Upper Krain), and made them part of the two **Reichsgaus** (Reich districts) Carinthia and Styria under German civilian administration.

The Gottschee became an Italian sovereign territory, however, the Gottscheers were resettled in the Brežice, along the River Sava, during the war. On 10 April 1941, Croatia declared itself the Independent State of Croatia (**USK**), under Ante Pavelić, the leader of the Ustaša-Movement. The Germans of Slavonia, Sirmia and Bosnia fell under Croatia's sphere of control. The Western Banat remained within the Serbian state under German military rule. The Banat Danube-Schwabians received an extensive self-government. The Serbian state, under the leadership of General Milan Nedić, played the role, as far as it was able, to successfully keep the cruel battles between the Partisans and the Czetnics away from the Serbian homeland. The Batska, and the Baranja Triangle area including the Danube-Schwabians fell to Hungary.

## **Yugoslavian Resistance**

Opposition to the occupation regime caused the formation of resistance movements, which, in their first phase, stemmed from a wide vista of political and ideological backgrounds. On 26 April 1941, the Liberation Front of the Slovenian People (Osobodilna fronta slovenskega narodna, OF) was established in Ljubljana, comprising both left-wing and right-wing political activists. Soon the Communist Party of Yugoslavia (CPY), until then only active in the underground, assumed the role of the leading force in the Yugoslavian resistance. On 4 June 1941, the Polit-buro of the Central Committee (CC) of the Communist Party of Yugoslavia met in Belgrade in order to organise strategies for a large-scale partisan movement in the occupied territories.

## **Foundation of the AVNOJ**

On 26 Nov. 1942, in Bihać in the northwest of Bosnia, under Communist presidency, the *Antifašističko veće narodnog oslobodjenja Jugoslavije* (Anti-fascist Council of People's Liberation of Yugoslavia; AVNOJ) was founded as the superior legislative body responsible for the liberation of the peoples of Yugoslavia.

In its second conference in the Bosnian town of Jajce, from 21 to 29 Nov. 1943, the AVNOJ also declared itself the superior executive authority, which had decided on the creation of a federal Yugoslavia, based on the right of self-determination, in which the south-Slavic peoples of the Serbs, Croats, Slovenians, Macedonians, and Montenegrins were planned to live in constituent republics with equal rights.

Furthermore, the *National Committee for the Liberation of Yugoslavia* (Nacionalni komite osvoboditve Jugoslavije, NKOJ) was founded in Jajce; the Yugoslavian exile government was revoked; and Peter II was denied his return to Yugoslavia.

The head of the National Committee was Tito, who had been appointed Marshal of Yugoslavia by the AVNOJ.

### **Provisions of the AVNOJ in Jajce, 1943**

On 21 Nov. 1943, the AVNOJ decided on the following provisions '*On the Deprivation of Civil Rights*', which, in the years to come, formed the legal basis for the treatment of the Germans in Yugoslavia:

- 1. All persons of German nationality living in Yugoslavia automatically lose their Yugoslavian citizenship as well as all civil rights.*
- 2. The entire movable and immovable possessions of all persons of German nationality are confiscated by the state and henceforth its property.*
- 3. Persons of German nationality are neither allowed to claim or exercise any rights, nor to use courts or other institutions for their personal or legal protection.*

### **Provisions of the AVNOJ in Belgrade, 1944**

The provisions from Jajce formed the basis for the stipulations of the third meeting of the AVNOJ in Belgrade on 21 Nov. 1944, which dealt with the '*Transfer of Enemy Property into State Property*' and the deprivation of civil rights of persons of German nationality. The provisions of 21 Nov. 1944 were as follows:

*Upon this time onwards, that this resolution comes into force, the following will become state property:*

- 1. the entire property of the German Reich and its citizens situated in Yugoslavian territory;*
- 2. the entire property of persons belonging to the German people, with the exception of those Germans who have fought in the National Liberation Army, and the Yugoslavian Partisan units or those who are citizens of neutral states, who have not shown any hostility during the occupation.*
- 3. the entire property of war criminals and their accomplices, without any consideration to their citizenship and the property of each person, who have been condemned to give up their property in favour of the state by civil or military law courts. (Art. 1)*

*Property, in the sense of this act, is seen as: immovable goods, movable goods and rights such as the possession of land, house, furniture, forests, mining rights, enterprises with all fixtures and fittings and stock, bonds, jewelery, shares, companies, societies of all types, funds, beneficiary rights, modes of payment of all types, claims, shares of businesses and enterprises, copyright laws, industrial property rights, and all rights from the items mentioned above. (Art. 3)*

Article 1, Clause 2 was interpreted by AVNOJ according to the law from the 8 June 1945, as following:

- 1. The decision of the Anti-fascist Council of the National Liberation of Yugoslavia of 21 Nov. 1944 (article 1, point 1) concerns those Yugoslavian citizens of German nationality who, during the occupation, declared themselves as Germans, or were known as such, disregarding if they had acted as such before the war, or had been considered assimilated Croats, Slovenians, or Serbs.*
- 2. Not deprived of their civil rights or their property are Yugoslavian citizens of German nationality or German descent or with German surnames:*
  - a. who, as partisans or soldiers, took part in the national fight for liberation or were*

- active in the national liberation movement;*
- b. who, before the war, had been assimilated as Croats, Slovenians, or Serbs, and had neither joined the Cultural Union (Kulturbund) nor acted as members of the German ethnic group during the war.*
- c. who, during the occupation, refused to declare themselves members of the German ethnic group, even when demanded by the occupation or collaborator authorities.*
- d. who (be it man or woman), despite their German nationality, contracted a mixed marriage with a person of one of the Yugoslavian nationalities or a person of Jewish, Slovak, Ukrainian, Magyar, Romanian, or any other recognized nationality.*
3. *Persons who, during the occupation, offended against the fight for liberation of the Yugoslavian peoples through their behaviour and who were helpers of the occupation forces, are not entitled to the protection provided by the previous article, points a), b), c), and d).*

In the so-called Interpretation Law of 8 June 1945, mistakes “in the execution of the deprivation of the civil rights of persons of German nationality” through the local authorities in Vojvodina and in Slavonia were pointed out.

## **Further Laws Against the German Population**

- *Law Concerning the Agrarian Fund of the Agrarian Reform and the Colonisation* of 9 Aug. 1945. According to Yugoslavian sources, this law accounts for the confiscation of 96,874 farming enterprises, comprising a total of 636,847 hectares of land. Yugoslavian and Danube-Schwabian experts reliably estimated the loss of property - corresponding to the value of the German Mark (DM) in the ‘90s - at 100 billion DM.
- *Law Concerning Criminal Actions Against the People and the State* of 25. Aug. 1945. As early as 29. Nov. 1943, the foundation of a “National Commission for the Investigation of Crimes Committed by the Occupiers and their Helpers” had been determined.
- *Law Concerning the Degree of Punishment in Civil and Military Courts*, whose stipulations ranged from the deprivation of civil rights, the sentence to forced labour, and the loss of private property, to the death penalty.
- *Law Concerning the Voters’ Lists* of 10 Aug. 1945, which deprived “members of the military forces of the occupiers and their local accomplices who continuously and actively fought the People’s Liberation Army of Yugoslavia, or the Yugoslavian Army, or the armies of the allies of Yugoslavia”, and members of the Cultural Union of their active right to vote.

## **Deprivation of Citizenship**

Based on the provisions of the AVNOJ, the Provisional Plenary Assembly of the Democratic Federal Yugoslavia passed a citizenship law on 23 Aug. 1945 which stipulated in article 16 that members of those nationalities “*whose states had taken part in the war against the peoples of the Democratic Federal Yugoslavia, and who, during or before the war, by disloyal behaviour, had violated the national and public interests of the peoples of the Democratic Federal Yugoslavia, and hence their duty as citizens thereof*”, could be deprived of their Yugoslavian citizenship.

Thus, as a first step, all Germans who, since the autumn of 1943, had fled or had been driven away were deprived of their Yugoslavian citizenship. The collective deprivation of the Yugoslavian citizenship was then based on the Amendment of 1 Dec. 1948, which, in article 35, stipulated as follows:

*“All persons who, according to the valid regulations, were citizens of the Federal Peoples*

*Republic of Yugoslavia on 28 Aug. 1945 are considered citizens of the Federal Peoples Republic of Yugoslavia. Not considered citizens of the Federal Peoples Republic of Yugoslavia are (...) persons of German nationality who live abroad and who, during or before the war, violated their civic duties through disloyal behaviour towards the national or public interests of the peoples of the Federal Peoples Republic of Yugoslavia.*“

Those Germans, however, who were kept in Yugoslavian camps until 1948 could be deprived of their Yugoslavian citizenship through decisions made by the Belgrade Ministry of the Interior or according to the Amendment to the Yugoslavian Citizenship Act of 1 July 1946.

## **Violence against the German Population**

In May 1944, a centralized secret service, OZNA (Odjeljenje zaštite naroda), with its military “Corps for the National Defence of Yugoslavia” (KNOJ) was created in order to protect the people. The chairpersons of the OZNA were members of the Communist Party. As early as in the summer of 1944, the London-based Yugoslavian exile government, led by Ivan Šubašić, and Marshal Tito, representing the National Committee for the Liberation of Yugoslavia, agreed on co-operation and concerted action against the occupation forces. On 1 March 1945, the troops of the Yugoslavian Army were primarily recruited from the various partisan groups.

## **Fate of the Danube-Schwabians after Autumn 1944**

In the autumn of 1944, before the invasion of the Red Army and the takeover of power by the partisans, the civilian Danube-Schwabian population either escaped or were evacuated from Sylvania and Slavonia (more than 90 %), from the Batschka and the Baranja-Triangle (about half), and from the western Banat (only about 15 %).



*Danube-Schwabians fleeing from the terror of the Red Army and the Tito-Partisans*

*“The 5<sup>th</sup> of October was a warm, sunny autumn day, as we experienced it on the plain of the old homeland. The fields displayed their gorgeous autumn colours, the corn fields showing their ripe, golden cobs and dry leaves, and in the vineyards the grapes were ripening on the vines. The streets of Franztal (Franz Valley) were teeming with terrified and desperate people; among them school children with irritated faces in front of the school building, which refused to admit them.*

*One neighbour was hurrying to the other, seeking advice which he couldn't give him, because he was at a loss himself. The thought of having to leave home and to head towards the country roads, without possessions and destination, was so unthinkable that one was led to believe that a bad dream had befallen the people. But in the harshness of reality time was running short. The church bell incessantly tolled the hours, mercilessly reminding everybody that the time of parting was drawing nearer and nearer.”*

Except for the 90,000 soldiers, there were at least 195,000 Danube-Schwabians in their native lands at the time of the Communist takeover, and they were dispossessed and deprived of their rights through the decisions of the AVNOJ.

In the Banat, in the Batschka and in Sylvania more than 7,000 civilians had been murdered

by local Communist groups, the state police (OZNA), and partisan commando units during the “Bloody Autumn of 1944” in the course of the *Operation Intelligenzija*. The majority of the remaining 170,000 Danube-Schwabian civilians were imprisoned in numerous labour and – in total – eight concentration camps, which had been built for old-aged and sick people as well as for children under 14 years of age and mothers with little children. The concentration camps soon turned out to be extermination camps. In the Batschka, there were camps at Jarek (Backi Jarak), totalling 7,000 deaths, Gakowa (Gakovo), totalling 8,500 deaths, and Kruschowl (Krusevlje), totalling 3,000 – 3,500 deaths.

*“At five o’clock in the morning we were all rounded up. At the camp and also during our work we were heavily beaten by the warders and the guards. I was beaten three times; one time so badly I could not sit down for a month. The partisan who hit me used a stick for it.”*

(report from the extermination camp Gakowa)



*Mass grave for the dead at Gakowa*

In the Banat, there were the camps Molidorf (Molin), totalling 3,000 deaths, and Rudolfsgnad (Knicanin), totalling 11,000 deaths; in Syrmia the camp **Seidenfabrik** (Silk Factory) in Syrmisch Mitrowitz (Sremska Mitrovica), totalling 2,000 deaths. In Slavonia, there were the camps Walpach (Valpovo), totalling 1,000 – 2,000 deaths, and Kerndia (Krndija), totalling 500 – 1,500 deaths.

*“The sick and the dying were lying on the ground on a thin layer of straw, like everywhere else in the camp, close together, only separated by loosely set bricks. Between the sick people stood and lay dirty bowls, broken dishes with disgusting leftovers, pots serving as cuspidors, uncleaned chamber pots, dry slices of inedible corn bread, filthy rags, and similar things. Amidst all this misery, there were the dying, in dirty clothes, in filthy rags, in their own faeces. Smells and odours were almost unbearable. Here, the final tragedy of our people took place. I never saw my people as miserable and beaten as here, and at the same time never so proud and brave.”*

(report from the extermination camp Rudolfsgnad)

In total, 50,000 of the imprisoned Danube-Schwabians had perished through hunger, epidemics and shootings in the labour and concentration camps within three years. About



*The extermination camp Walpach after its closure*

35,000 had succeeded in escaping from the camps, at the risk of their own lives, across the near borders to Hungary and Romania. From 1946 on, thousands of orphaned children were transferred from the camps to children’s homes and had to undergo radical slavization.

Additionally, around the turn of the year 1944/45, more than 8,000 women

between 18 and 35 years of age and more than 4,000 men between 16 and 45 years of age were deported from the Batschka and the Banat to the USSR to do forced labour. 2,000 of them had perished miserably by 1949.

The genocide of the Danube-Schwabians resulted in more than 60,000 civilian victims. In 1948, the camps were dissolved. The approx. 80,000 survivors of the genocide had to accept three-year labour contracts and were only able to buy themselves out of these, depositing a high “ransom”, in the 50s, and then could leave for Germany or Austria; usually destitute.

## Gorges and Karst Caves in Slovenia

The chairman of the first Slovenian government after 1945, Boris Kidriè, publicly announced at the town square in Maribor:

*“The remainders of ‘Germanness’ in the northern territories have to disappear. It is unbearable that these remainders still go for walks on Slovenian and Yugoslavian soil. Those people, who have sucked the sweat off our nation, those people, who have helped to enslave our nation, are no longer allowed to stay here. It cannot be that in our kolkhoz there are still people who once lived off the diligence and sweat of our winegrowers and exploited them.”*

The majority of the German Lower-Styrians and Gottscheers was only allowed to flee from the approaching front after the 6 May 1945, which resulted in a part of the German civilian population being helplessly exposed to Tito-Partisan terror. Atrocious mass executions had, for example, occurred in Bachern/Pohorje, where more than 2,000 German civilians had been killed. A similar tragedy took place in the *Gottscheer Hornwald* (Gottschee Horn Forest). According to estimates, more than 6,000 civilian Germans fell victim to outbreaks of violence and the Communist execution units of the OZNA on Slovenian territory.

After the English occupation force had closed the borders to Carinthia and Styria for German refugees, labour and concentration camps were erected for the Germans, among which the camps in Sterntal (Strnisce) and Tüchern (Teharje) with 7,000 deaths were most notorious.

*“Part of the refugees were loaded onto lorries, and it was those who were killed at Tüchern. The majority, however, were murdered right away, or rather at the Gottscheer Hornwald. Tüchern was horrible. It was not only the camp where the refugees were shot; the greatest part of the dissidents were also killed here, as well as those who had been found to be traitors, and especially the wealthy locals. The shootings only took place in the evening hours. Soon the ground around the camp was filled with bodies. From day to day more people were put on the death list. They were transported to different places in the vicinity of Cilli, especially to the mine Huda jama near Laško/Tüffer, the natural cave near Hrastnik, to the Košnica, and probably to some other places too.”*



*The extermination camp Tüchern*

(report from the extermination camp Tüchern)

*I support this work of the Institute for German American Relations as they continue to educate the public on the tragedy that displaced 15 to 17 million innocent German woman and children; these most innocent souls who became victims of the worst period of ethnic cleansing in the history of the world, „Ethnic Cleansing 1944-1950“.*

**Statement by George W. Bush,  
President of the United States of America**