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C O N F I D E N T I A L VILNIUS 002326

FROM AMBASSADOR SMITH
STATE FOR E, S/WCI, EUR/NB AND EUR/NAR
JUSTICE FOR OSI/ROSENBAUM AND MACQUEEN
NSC FOR FLANAGAN

E.O. 12958: DECL: 8/21/98

TEXT

TAGS: PREL, PGOV, PHUM, CJAN (**LILEIKIS, ALEKSANDRAS**), LH
SUBJECT: SERIOUS OBSTACLE ARISES IN CASE OF ACCUSED WAR
CRIMINAL LILEIKIS

REF: A) VILNIUS 1840, B) STATE 151614 (NOTAL)

CLASSIFIED BY AMBASSADOR KEITH SMITH. REASONS 1.5 B AND D.

1. (U) POST REPORTED REF A THAT ON JUNE 26, THE JUDGE
PRESIDING OVER THE CASE OF ALLEGED WAR CRIMINAL **ALEKSANDRAS
LILEIKIS** (THE FORMER COMMANDER OF THE VILNIUS SECURITY
POLICE DURING THE GERMAN OCCUPATION) DETERMINED THAT THE
PROSECUTOR HAD PROVIDED SUFFICIENT EVIDENCE TO PROCEED WITH
THE CRIMINAL TRIAL AGAINST LILEIKIS AND THAT THE TRIAL
WOULD BEGIN SEPTEMBER 1. THE SAME INFORMATION WAS SHARED
WITH THE MEDIA AND THE INTERNATIONAL COMMUNITY, AS HAD THE

NAZI WAR CRIMES DISCLOSURE ACT

FOR COORDINATION WITH

STATE
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EARLIER INFORMATION THAT SUFFICIENT LEGISLATION WAS IN PLACE TO ALLOW THE TRIAL TO GO FORWARD.

2. (C) HOWEVER, IN PREPARING FOR THE POSSIBLE VISIT OF AMBASSADOR-AT-LARGE FOR WAR CRIMES ISSUES DAVID SCHEFFER (REF B), POST LEARNED THAT THE TRIAL DATE HAD BEEN ADJUSTED TO SEPTEMBER 9. FURTHER INVESTIGATIONS REVEALED THAT THE LEGISLATION PASSED BY THE PARLIAMENT (SEIMAS) LAST WINTER (OSTENSIBLY TO ALLOW LILEIKIS AND OTHERS LIKE HIM TO BE BROUGHT TO TRIAL REGARDLESS OF THE PRESENCE IN COURT) MIGHT NOT BE SUFFICIENT. ON AUGUST 20, PRESIDING JUDGE KAZYS TOLD REUTERS THAT THE LEGISLATION ENACTED BY THE PARLIAMENT (SEIMAS) WOULD NOT ALLOW THE TRIAL TO BEGIN UNLESS LILEIKIS WAS PRESENT.

3. (C) IN A CONVERSATION THAT EVENING WITH ACTING DCM, PRESIDENTIAL ADVISOR SMULKSTYS CONCURRED THAT THE SAME EXPLANATION HAD JUST BEEN OFFERED TO THE PRESIDENCY: UNLESS LILEIKIS APPEARS, THE TRIAL WILL BE (AT A MINIMUM) POSTPONED PENDING A MEDICAL EXAMINATION OF LILEIKIS TO DETERMINE IF HE IS FIT TO STAND TRIAL. SMULKSTYS ADDED THAT PRESIDENT ADAMKUS AND ALL OF HIS STAFF WERE "SHOCKED AND SURPRISED" TO LEARN THAT APPROPRIATE LEGISLATION WAS NOT IN FACT IN PLACE. THE PRESIDENT IS PREPARED TO ISSUE A PRESS STATEMENT ALONG THOSE LINES AND WILL ALMOST CERTAINLY PROVE OUR MOST VALUABLE ALLY IN TRYING TO REMOVE THIS OBSTACLE.

4. (C) AT PRESENT, OBSERVERS AGREE (POST HAS NO CONTACT WITH LILEIKIS OR HIS ATTORNEY) THAT LILEIKIS WILL NOT APPEAR OF HIS OWN ACCORD. EVEN IN THE UNLIKELY EVENT THAT MEDICAL EXPERTS CONFIRM HIS ABILITY TO STAND TRIAL (A 1997 MEDICAL EVALUATION CONCLUDED THAT WHILE MENTALLY COMPETENT, AS A 91-YEAR OLD HIS PHYSICAL HEALTH WAS INDIFFERENT), THAT DETERMINATION WOULD BE UNLIKELY TO BE REACHED BEFORE OCTOBER OR NOVEMBER.

5. (C) WHILE THIS NEWS HAS EVERY PROSPECT OF BECOMING PUBLIC KNOWLEDGE IN THE VERY FUTURE (ALTHOUGH THE AUGUST 20 REUTERS ARTICLE, AFTER EDITS, SOMEWHAT CONFUSES THE ISSUE), POST IS ACTIVELY INVESTIGATING THE CURRENT STATE OF AFFAIRS (I WILL MEET WITH SEIMAS CHAIRMAN LANDSBERGIS THIS AFTERNOON). I WOULD THEREFORE ASK THAT STATE AND JUSTICE LIMIT STATEMENTS TO MEDIA UNTIL WE ARE ABLE TO DETERMINE WHAT STEPS CAN BE TAKEN TO ADDRESS THE SITUATION. SMITH

ADMIN
END OF MESSAGE

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