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TEXT  
TAGS: CJAN, KNAR, PGOV, PREL, LH, UK, AU  
COMBINE: COMPLETE

SUBJECT: LITHUANIAN PROSECUTOR TRYING TO SHOW SOME MOVEMENT IN  
INVESTIGATING WAR CRIMINALS

REF: (A) VILNIUS 0049, (B) VILNIUS 0050

(U) CLASSIFIED BY AMBASSADOR KEITH C. SMITH FOR REASONS 1.5 B  
AND D.

1. (C) SUMMARY: IN THE WAKE OF REP. LANTOS' VISIT AND PRESS  
REPORTS ON THE KALEJS CASE, THE LITHUANIAN PRESS HAS HAD SEVERAL  
ARTICLES THIS WEEK ABOUT THE SUSPECTED WAR CRIMINALS ANTANAS  
GECAS WHO IS LIVING IN BRITAIN AND ANTANAS GUDELIS WHO IS LIVING  
IN AUSTRALIA. THE SPECIAL PROSECUTOR'S OFFICE HAS RESPONDED BY  
SAYING THAT THE CASES ARE UNDER ACTIVE INVESTIGATION, BUT THAT  
THEY DO NOT YET HAVE ENOUGH EVIDENCE TO BRING CHARGES AGAINST

Approved for Release  
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NAZI WAR CRIMES DISCLOSURE ACT

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EITHER MAN. THE SPECIAL PROSECUTOR RESPONSIBLE FOR INVESTIGATING WAR CRIMES SEEMS OVERWHELMED BY THE GLARE OF PUBLIC ATTENTION AND IS NOT CONFIDENT THAT HE CAN GATHER THE EVIDENCE AND WITNESSES NEEDED TO BRING THE TWO MEN TO TRIAL. AT THE SAME TIME, THE PROSECUTOR-GENERAL IS BESET BY ACCUSATIONS THAT HE HAS FAILED TO PROSECUTE A HIGH PROFILE PUBLIC CORRUPTION CASE AND ACCEPTED GIFTS HE SHOULDN'T HAVE. OPPOSITION LEADERS HAVE CALLED ON THE PROSECUTOR-GENERAL TO RESIGN

2. GECAS

(C) ON JANUARY 10 THE SIMON WIESENTHAL CENTER IN JERUSALEM CALLED ON BRITAIN TO DEPORT ANTANAS GECAS (REAL NAME IS GECEVICIUS) TO LITHUANIA TO STAND TRIAL FOR WAR CRIMES. THE DAY AFTER THE WIESENTHAL CENTER STATEMENT LITHUANIA'S SPECIAL PROSECUTOR RIMVYDAS VALENTUKEVICIUS STATED THAT HIS OFFICE IS ACTIVELY INVESTIGATING GECAS' CASE BUT THAT SO FAR THEY HAD EVIDENCE ONLY TO PROVE THAT HE WORKED IN THE NAZI-LEAD LITHUANIAN SECRET POLICE, BUT THAT SO FAR THERE WAS NO SPECIFIC EVIDENCE THAT HE PARTICIPATED IN GENOCIDE. VALENTUKEVICIUS TOLD EMBASSY THAT HIS OFFICE IS TRYING GET THE EVIDENCE TO PRESS CHARGES AGAINST GECAS. THEY OPENED THE CASE AGAINST GECAS IN FEBRUARY AND ARE NOW REVIEWING ABOUT 1100 PAGES OF ARCHIVES RECENTLY PROVIDED BY THE LITHUANIAN RESEARCH CENTER ON GENOCIDE AND RESISTANCE (NOTE: THIS ORGANIZATION USUALLY EMPHASIZES SOVIET ERA CRIMES). VALENTUKEVICIUS TOLD EMBASSY THAT HE THINKS HE WILL KNOW IN ABOUT A MONTH IF THESE ARCHIVES PROVIDE ENOUGH EVIDENCE TO PRESS CHARGES AND BEGIN THE EXTRADITION PROCESS.

3. (U) ACCORDING TO PRESS REPORTS, BRITISH PROSECUTORS TRIED TO CONVICT GECAS FIRST IN 1986, BUT WAS UNABLE TO GET A CONVICTION. LATER, GECAS SUED FOR LIBEL IN 1994 AFTER A TV REPORT ACCUSED HIM OF WAR CRIMES. HE LOST THE CASE WHEN THE BRITISH JUDGE RULED THAT HE WAS CONVINCED THAT GECAS WAS A MASS MURDERER, BUT THAT THERE WAS NOT ENOUGH EVIDENCE TO TRY HIM FOR WAR CRIMES. THE GECAS CASE IS NOT INCLUDED IN THE 11 CASES OF NAZI-ERA WAR CRIMES THAT PROSECUTOR-GENERAL PEDNYCIA MENTIONED IN MEETINGS IN EARLY JANUARY. (SEE LIST BELOW)

4. GUDELIS

(U) THE PROSECUTOR-GENERAL RECENTLY ANNOUNCED THAT HIS OFFICE HAD FINALLY RECEIVED A LARGE NUMBER OF DOCUMENTS FROM AUSTRALIA ON ANTANAS GUDELIS, NOW AN AUSTRALIAN CITIZEN. LITHUANIAN PROSECUTORS HAD OPENED THE CASE AGAINST GUDELIS IN JULY, 1999 AND REQUESTED DOCUMENTS FROM THE AUSTRALIAN GOVERNMENT THEN. THE PROSECUTOR'S OFFICE TOLD EMBASSY THAT THEY HAD TWO LARGE BOXES OF AUDIO AND VIDEO RECORDS AND DOCUMENTS. THE MATERIALS INCLUDE THE RECORDS OF INTERVIEWS WITH GUDELIS AND WITH WITNESSES THAT THE AUSTRALIAN GOVERNMENT CARRIED OUT IN THE EARLY 1990S. AUSTRALIAN AUTHORITIES DECIDED NOT TO PROSECUTE GUDELIS AT THAT TIME DUE TO LACK OF EVIDENCE, ACCORDING TO PRESS REPORTS. VALENTUKEVICIUS TOLD EMBASSY THAT IT WOULD TAKE THE SPECIAL PROSECUTOR'S OFFICE ABOUT A MONTH TO EVALUATE THE MATERIAL, BUT THAT SO FAR THEY HAD NOT FOUND SPECIFIC EVIDENCE WHICH COULD BE USED TO CHARGE GUDELIS WITH MURDER.

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5. OPPOSITION WANTS PROSECUTOR-GENERAL TO RESIGN

(U) PROSECUTOR-GENERAL PEDNYCIA HAS BEEN PUMMELED IN THE PRESS NEARLY EVERY DAY FOR THE LAST FEW WEEKS. THE MAIN COMPLAINT IS THAT HE HAS NOT FOLLOWED UP IN CASES OF PUBLIC CORRUPTION. THE MOST CONTROVERSIAL CASE INVOLVES THE HUGE LOSSES OF THE ELECTRIC COMPANY LIETUVOS ENERGIJA ESPECIALLY FROM ITS SALES TO BELARUS. AS LITHUANIAN LIBERAL DEMOCRATIC PARTY LEADER GYLYS SAID ON JANUARY 12 THE SHADY DEALINGS GOING ON AT LIETUVOS ENERGIJA WERE "NOT A SECRET TO ANYONE IN THIS COUNTRY EXCEPT THE PROSECUTOR-GENERAL'S OFFICE." PEDNYCIA WAS ALSO ACCUSED OF ACCEPTING GIFTS HE SHOULD NOT HAVE TAKEN.

6. (U) THERE HAS BEEN NO CRITICISM OF HIS HANDLING OF NAZI-ERA WAR CRIMES CASES, HOWEVER. A RECENT (EXTREMELY UNSCIENTIFIC) POLL ON "LIETUVOS RYTAS" DAILY INTERNET PAGE FOUND THAT MORE THAN 90% OF RESPONDENTS APPROVED OF THE WAY PEDNYCIA HAD HANDLED THE "BELLICOSE ATTITUDE" OF REP. LANTOS IN HIS MEETING WITH THE CONGRESSMAN.

7. (C) COMMENT: . IN GENERAL, SPECIAL PROSECUTOR VALENTUKEVICIUS STRIKES US AS LACKING THE AUTHORITY, TEMPERAMENT, AND KNOW-HOW TO MOVE QUICKLY TO BRING NEW GENOCIDE CASES TO COURT. IN RECENT MEETINGS WITH THE SPECIAL PROSECUTOR, VALENTUKEVICIUS SEEMED TO BE UNDER A GREAT DEAL OF STRESS. HE WAS VISIBLY UPSET FOLLOWING LANTOS MEETING, BUT, TOLD EMBASSY POLOFF THAT HE WAS NOT IN A POSITION TO INTERRUPT OR CORRECT HIS BOSS, PROSECUTOR-GENERAL PEDNYCIA. HE IS EXTREMELY DISTURBED BY WHAT HE SEES AS THE INTERFERENCE OF POLITICS INTO THE WORK OF HIS OFFICE, WHICH HE THINKS IS DISTORTING THE GOOD WORK THEY ARE DOING. HE WAS ALSO ANXIOUS TO POINT OUT THAT ASSEMBLING CASES IS EXTREMELY DIFFICULT UNDER THE SOVIET-ERA LEGAL CODEX UNDER WHICH HE MUST OPERATE. THERE IS, HE SAID, NO CRIME OF GENOCIDE OR MASS MURDER OR SOMETHING LIKE COLLUSION IN AN ORGANIZED CRIME. HE SAID THAT HE CAN PROSECUTE ONLY INDIVIDUAL ACTS OF MURDER AGAINST SPECIFIC INDIVIDUALS. THE SOVIET CODEX, ACCORDING TO HIM, DEMANDS EXTRAORDINARY AMOUNTS OF CERTAIN KINDS OF EVIDENCE WHICH IS VERY DIFFICULT FOR HIM TO ASSEMBLE. THE LITHUANIAN PARLIAMENT HAS BEEN WORKING ON A NEW LEGAL CODEX FOR SOME TIME WHICH WILL MAKE IT CONSIDERABLY EASIER FOR THE PROSECUTOR TO BRING CHARGES AGAINST WAR CRIMINALS, ACCORDING TO VALENTUKEVICIUS. THE LITHUANIAN PARLIAMENT HAS NOT FINISHED ITS WORK AND MOST OBSERVERS SAY IT WILL TAKE ANOTHER YEAR OR TWO TO COMPLETE THE NEW LEGAL CODEX

8. (C) FOLLOWING IS AN UNOFFICIAL, INFORMAL LIST PROVIDED BY PROSECUTOR'S OFFICE OF THE 11 NAZI-ERA GENOCIDE CASES TO WHICH PROSECUTOR-GENERAL REFERRED DURING HIS MEETINGS WITH AMB. SMITH AND REP. LANTOS. NOTES ABOUT STATUS OF CASES ARE EMBASSY COMMENTS BASED ON WHAT VALENTUKEVICIUS INFORMALLY TOLD US RECENTLY:

1. **ALEKSANDRAS LILEIKIS** (FORMER U.S. CITIZEN, TRIAL STOPPED IN 1999 DUE TO DEFENDENT'S POOR HEALTH)

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2. KAZYS GIMZAUSKAS (FORMER U.S. CITIZEN, TRIAL STOPPED IN 1999 DUE TO DEFENDENT'S POOR HEALTH)
3. PETRAS BERNOTAVICIUS (U.S. CITIZEN, CASE STARTED IN 1999, NO CHARGES YET)
4. VINCAS VALKAVICKAS (FORMER U.S. CITIZEN, CASE STARTED IN 1999, NO CHARGES YET)
5. ANTANAS GUDELIS (AUSTRALIAN CITIZEN, CRIMINAL CASE STARTED IN 1999, NO CHARGES YET)

(REST OF CASES REFER TO PLACES WHERE CERTAIN CRIMES WERE COMMITTED, NOT TO SUSPECTS)

6. LIETUKIO GARAGE (POSTPONED)
7. GRUZDZIAI (50 JEWS KILLED) (POSTPONED)
8. GIRKALNIS (50 RELATIVES OF KAUNAS JEWISH COMMUNIST LEADER JOSIFAS TACAS)
9. PASVALYS (1350 JEW MURDERED) (POSTPONED)
10. MINEIKIS (CASE CANCELED)
11. SIAULIAI PROVINCE (600 JEWS KILLED) (CANCELLED)

(NOTE: SOME CASES WERE CANCELED BECAUSE THE SUSPECTS DIED OR WERE ALREADY SENTENCED DURING THE SOVIET PERIOD ACCORDING TO VALENTUKEVICIUS.)

BOYLE

ADMIN  
END OF MESSAGE

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