



On July 7, 2005 the Vilnius 2nd district municipal court passed a verdict regarding anti-Semitic articles written by owner of the "Respublika" publishing group, Vitas Tomkus. Some time earlier his assistants - former chief editor of "Vakaro žinios" (now chief editor of "Respublika") Raimundas Celencevičius, chief editor of the Russian version of "Respublika" Algis Kalanta, and his assistant Nadežda Doronina - were found guilty of publishing the same or analogous material.

The Lithuanian Jewish Community was represented in court by its chairman Dr. Simonas Alperavičius and advocate Faina Kukliansky. The court session was also attended by head of the dept. of foreign affairs of the American Jewish Committee, Andrew Baker.

On the eve of the concluding court session, F.Kukliansky joked: "If we win, they'll say - Jews rule the world; if we lose, they'll say - Tomkus was right, Jews rule the world."

F.Kukliansky asked the court to find the author of the articles, V.Tomkus, owner of the "Respublika" group of publishers, guilty of inciting national and religious discord, and to impose the maximum 5,000 Lt. fine, as well as to confiscate the printing equipment which was used to issue the anti-Semitic publications.

Such a declaration regarding the activities of the publishing group, its owner and article writer V.Tomkus would have aptly described what took place over a period of 3 weeks in Feb.-Mar. 2004. During that time, more than 20 articles (plus various news items, remarks, re-prints, translations into Russian) appeared in the Lithuanian and Russian versions of "Respublika" and "Vakaro žinios" newspapers; in them V.Tomkus stated that Jews rule the world and have a collective responsibility for crimes committed by various individuals, accused the Lithuanian Jewish Community of being part of some sort of criminal "Jewish mafia", demanded that the chairman of the Community apologize for criminal Jewish activities, claimed that the Jews use the theme of the Holocaust to hide their crimes, and advised readers not to put too much trust in America, for it is a country ruled by Jews.

V.Tomkus' principal "creative" idea was illustrated by a caricature drawn by Rimas Valeikis in the spirit of the Nazi "Der Stürmer" newspaper: a repulsive looking Jew and a homosexual embracing a globe.

In Lithuania 76 public organizations and 66 individuals signed a letter sent to the authorities, demanding that measures be taken against individuals inciting anti-Semitism and homophobia. Senator Steve Rotmann from New Jersey gave the Lithuanian ambassador a letter signed by 19 members of Congress, which stated: "Prejudice against Jews and homosexuals threatens the stability of relations between Lithuania and the United States, and can delay the process of integration of the republic into European institutions."

Prosecutor Alvydas Valiukevičius began a pre-trial investigation into these publications in Mar. 2004 and cancelled it in Mar. 2005, claiming that V.Tomkus and his colleagues "did not carry out any crime as outlined in LR CC art. 170 p. 1" (inciting against a national, racial, religious or other group). It is difficult to say which rules in such a decision: incompetence on the part of the prosecutor, or a conscious seeking to avoid a true verdict regarding the nature of the "Respublika" publications.

Pressured by the Lithuanian and international community, in April the Prosecutor General's office was forced to resume its investigation into the activities of V.Tomkus, and it designated the criminal activity (LR CC art. 170 p. 1) an infringement of administrative law (LR ATPK art. 214(12) p. 1). The case was brought to trial in June.

The court verdict was oppressive in its very impotence: it indicated that Lithuania's legal bodies cannot (or do not wish to?) defend national minorities against individuals propagating national discord. On July 7, 2005 the Vilnius 2nd district municipal court acknowledged the Lithuanian Jewish Community to be the injured party, and ordered V.Tomkus to pay a fine of 3,000 Lt. Prior to that, Raimundas Celencevičius was fined 1,200 Lt., and Algis Kalanta and Nadežda Doronina were fined 1,000 Lt.

S.Alperavičius considered this sentence an extremely light one: "Naturally we will seek the maximum penalty, for V.Tomkus is continuing his anti-Semitic line."

On July 13 V.Tomkus appealed the verdict at the Lithuanian chief administrative court.

On Sept. 16 the justice college of the Lithuanian chief administrative court concluded that sentencing V.Tomkus on administrative grounds would be an infringement of European Human Rights and of the statutes of the Convention on the Preservation of Basic Freedoms, which prohibit prosecution for the second time for one and the same legal transgression.

The decision of the chief administrative court is final and without appeal.

It is difficult to dismiss the thought that the whole affair was planned from the very beginning as a combination of three paths, thought out by the legal bodies from the very start of the process, i.e., from Mar. 2004. The school-boy mistakes are too obvious: one prosecutor cancels the pre-trial investigation regardless of the facts, because "there is no structure to the crime", but is not challenged; another prosecutor somehow makes a "procedural error" (undertaking a new investigation according to a different code of law without dismissing his predecessor's verdict); the judge "doesn't notice" the prosecutor's procedural error and does not return the case for amendment to the prosecutor's office, but simply makes a more serious error by issuing a verdict. Ultimately the chief administrative court did not even raise the question on behalf of the Republic of Lithuania regarding responsibility on the part of citizen V.Tomkus for propagating hatred towards Jews. It dismissed the court's decision because of a procedural error made by the prosecutor's office.

This end to the first judicial process in independent Lithuania regarding an accusation of anti-Semitic publications and inciting of national discord is sad but not surprising.

On Sept. 22, the eve of the Commemoration of the Victims of the Genocide of Lithuania's Jews, a group of public figures, educators, and leaders of ethnic communities presented a letter to Lithuanian President Valdas Adamkus. The letter states that the prosecution's dismissal of the criminal case and subsequent decision to initiate an administrative case are either examples of unbelievable non-professionalism, or deliberate acts of malicious intent. The letter also asks that measures be taken to evaluate the actions of the heads of the Prosecutor General's office.

That same day S.Alperavičius declared that the V.Tomkus case is not closed: "V.Tomkus was not cleared, the case was dismissed because of formal errors. And that is a very great difference."

A statement on Oct. 3 by the news agency BNS and ELTA under the heading "Jews demand recall of the case against V.Tomkus" says, among other things: "The Lithuanian Jewish Community and its chairman sent a request to the Prosecutor General's office to cancel what, in the opinion of the Jews, is an illegal decision to dismiss the criminal case against the publisher of Respublika."

The statement is presented correctly, and one could say, even objectively. But it leaves an unpleasant residue: why is it that the "Jews demand", and why is it "in the opinion of the Jews"? Is the fight against Judophobia, xenophobia, etc. only a Jewish opinion and demand? Aren't justice and democracy a necessary requirement for all Lithuanian citizens? Will there ever be a time when, instead of "Jews demand", the media will write "Lithuanian citizens demand"?

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P.S. When this edition was ready for printing, the news agencies announced that the acting prosecutor general, Vytautas Barkauskas, had rejected S.Alperavičius' petition to rule as illegal the decision to dismiss the criminal case against V.Tomkus.

One can understand the position of this temporary official - who of course would like to be a permanent official. Given the situation, it would be better not to conflict with such a scandalously infamous journalist as V.Tomkus, for that could be dangerous: one's reputation could be so ruined that any kind of position could disappear forever. Therefore the acting official hid behind his forerunner's back, and confirmed his decision to dismiss the case - thereby accepting the decision, but not the responsibility. But his play wasn't of much use, for another was appointed in his place.

Jews have seen much worse than this in their long history - they have survived pharaohs, Hitlers, Stalins, Eichmanns, etc. And where are those heralds of discord and hatred today?

Justice will prevail! sooner or later. We just have to believe in it, and patiently and courageously strive for it.

WHO TOMKUS WON AGAINST

STILL A SUSPECT. BUT WILL HE BE CHARGED?

The special investigations branch of the Lithuanian Prosecutor's Office completed its investigation in the case of participation by Algimantas Mykolas Dailidė in crimes against humanity in Nazi occupied Lithuania in 1941-1944.

A.Dailidė, who turned 84 this year, served with Nazi repressive institutions and personally apprehended Jews. He is suspected of criminal acts as outlined in article 100 of the LR CC - acts against persons which are prohibited by international law and are punishable by a life sentence or 5-20 years imprisonment. The investigation has been going on for many years now. A.Dailidė is a Lithuanian citizen residing in Germany after being deported from the USA.

A.Dailidė served with the Vilnius district security police, which was subordinate to Nazi repressive bodies. The Prosecutor's report states that there is evidence confirming

collaboration by A.Dailidė with Nazi repressive organs, and participation in carrying out orders by chief of Vilnius district security police Aleksandras Lileikis in the pursuit of civilians of Jewish origin. The charge lists 15 victims of persecution by A.Dailidė on ethnic or political grounds who were consciously deprived of their freedom.

A.Dailidė was questioned on this charge by the Prosecutor's Office in Vilnius, and released on bail of 10,000 litas. Once the charge is drawn up, the Prosecutor's Office is obliged to serve A.Dailidė notice of the results of the investigation and to obtain his signature on said documentation. Because the suspect now lives in Germany, the Prosecutor's Office intends to request assistance from its colleagues in that country. According to Lithuanian law, A.Dailidė would then have to be brought to Vilnius to stand trial.

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THE KILLER IS DEAD BUT HIS AFFAIRS CONTINUE

On the occasion of the 62nd anniversary of the liquidation of the Vilnius Ghetto, the "Lietuvos Aidas" newspaper issued an envelope with a portrait of A.Lileikis and a sticker reading "5th anniversary of death". The envelope also bears the following inscription: "A.Lileikis, who was terrorized by Zionist racists, died on Sept. 26, 2000. Attempts to slander and blaspheme him continue after his death. A.Lileikis made a huge contribution to safeguarding independent Lithuania, and to fostering a Lithuanian spirit in the USA in his publishing work. May the memory of the nation's patriot be a bright one!" To complement the inscription on the en-

velope, the newspaper editors added the following comment: "He exposed more than one destroyer of Lithuania's independence, and gathered information to that end. His trial was the revenge of the likes of KGB Dushanskys, Rozanskis, and other such traitors."

There is only one surviving document attesting that A.Lileikis, former chief of the Vilnius district Nazi security police, personally ordered that 75 Jews be handed over to the "special branch" of murderers. The investigation in court of the Jew-killer was dragged out for many years by Lithuania's legal system, and was discontinued upon his death.

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