

# OPERATION LAST CHANCE

ONE MAN'S QUEST TO BRING  
NAZI CRIMINALS TO JUSTICE



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TEN

# LITHUANIA

## A STRUGGLE FOR JUSTICE AND TRUTH IN THE LAND OF MY FOREFATHERS

**O**N JUNE 19, 1991, I landed at Riga International Airport on my way to Vilnius, the capital of newly independent Lithuania. I was full of curiosity and anticipation regarding the upcoming week that I was going to spend in the ancestral home of my forefathers. Along with a group of members of the Knesset (the Israeli parliament) and representatives of world Jewish organizations, I had been invited to attend the dedication of an impressive new monument at Ponar (Paneriai in Lithuanian), the site of the mass murder of the Jews of Vilnius. Approximately 70,000 Jews had been murdered there during the years 1941–1944, making it one of the largest sites of Jewish murder during the Holocaust, outside the death camps.

As an extremely proud Litvak (Jew of Lithuanian origin), I was naturally very pleased to have the opportunity to come to Lithuania so soon after the fall of Communism, but there was also a personal element to my anticipation. My namesake, my great-uncle Efraim Zar, and his family had been murdered in Vilnius, and I hoped, during the trip, to learn the details of their fate, about which we knew almost nothing. There were several articles on my grandfather's family in a memorial volume,

published in the sixties, dedicated to their shtetl, Ligmian, among other towns, which mentioned that his brother Efraim had been murdered at Ponar, but we had no details or corroboration of this information, which was apparently based on hearsay. I hoped that the trip would allow me to verify the details of the tragic fate of Efraim and his family.

I had originally thought about this possibility when I was visiting the United States and decided to try to find potential witnesses who might have been with Efraim during the Holocaust. I knew that prior to World War II, he had been the *rosh yeshiva* (head) of a Talmudic academy in eastern Poland, but that in September 1939, after this area had been occupied by the Soviets, he, like hundreds of Polish rabbis and yeshiva students who feared the repression of Jewish education by the Communists, had fled to Vilnius, which at that point belonged to the independent republic of Lithuania. And it was there that he, his wife, Beyla, and sons, Hirsh and Eliyahu, had been murdered.

I also knew that Efraim had been an *illui* (prodigy) who had studied for many years at the Radin Yeshiva, one of the world's most famous Talmudic academies, and thought that I should begin my search by trying to find survivors from that yeshiva, whose rabbis and students had also fled to Vilnius following the Soviet occupation of eastern Poland. My inquiries yielded the name of a survivor living in Jerusalem named Kalman Farber, who had studied in Radin as a youth and had escaped to Vilnius, where he survived the Holocaust. I only had a few days between my return from the United States and my departure for Lithuania and was so busy that I could not even try to track down Farber, which upset me, but I assumed that if worse came to worst I could always find him upon my return home.

As I stood outside the Riga terminal waiting for the bus that would take us to Vilnius, my eyes started scanning the numerous suitcases of my fellow travelers lined up on the sidewalk. All of a sudden, a name tag caught my attention. I could not believe my eyes. The name was "Kalman Farber." This was too good to be true. Was he here with us, on his way to Vilnius? I waited to see who would pick up this suitcase, and when the bus arrived, a young man of about 30 reached over to take it. "Are you by any chance Kalman Farber's son?" I asked hopefully.

When he replied in the affirmative, I inquired whether his father was a member of our group. Before he could confirm the fact, an elderly man came over, whom the son introduced as his father. “Shalom, did you study at the Radin Yeshiva?” I asked. “Yes, I did,” he replied. I introduced myself as we boarded the bus and explained why I was so happy to meet him. Unfortunately, the name Efraim Zar did not ring a bell with him, and so I went to find a seat on the bus, painfully disappointed.

About 15 minutes later, however, Farber came over to me and invited me to sit down next to him. “Tell me,” he asked, “what shtetl was Efraim from?” When I told him Ligmian, his eyes lit up. “Efraim Ligmianer. Of course, Efraim Ligmianer. At the yeshiva we never knew our fellow student’s family names. We used to refer to each other by the name of the shtetl that we came from.” My heart skipped a few beats. “So you knew him?” “Of course,” Farber replied, and began to tell me about my great-uncle, whose name I bear. He confirmed the family lore that Efraim had indeed been an outstanding student who was considered to have great potential in the world of Torah learning, a fact that I thought might have been exaggerated due to his tragic death. In addition, he said that Efraim had a very sunny disposition and was considered to have had a very good personality.

Efraim and Farber went their separate ways after Radin, but they met again in late 1939 or early 1940 in Vilnius, to which both had escaped from Poland. But the Efraim of Vilnius was quite a different person. According to Farber, he was very depressed and no doubt worried about the precarious situation of the Jews in the wake of the outbreak of World War II and the uncertain future that faced the rabbis and yeshiva students who were refugees in Lithuania. Since very few of his own students had fled to Vilnius, Efraim studied with a group of rabbis who had also escaped there. On the fast day of the seventeenth of the month of Tammuz (established to mark the Romans breaching the walls of the city of Jerusalem in the year 70 CE, leading to the burning down of the Second Temple three weeks later), which in 1941 was observed on July 13, Efraim was seized by a gang of Lithuanians who were roaming the streets of Vilnius looking for Jews with beards. They took him to Lukiškės Prison, to this day the central prison in the city,

where he disappeared, never to be seen again by his family or friends. The assumption was that shortly thereafter he was taken from there to Ponar, where he was murdered.

“What about his family? Did you know his wife, Beyla, and his sons, Eliyahu and Hirsh? What happened to them?” Farber unfortunately had no information about their fate, which still remains a mystery. All we know is that they were living in Vilnius at Sopena 3, apartment 19, and that they did not survive the war. I asked him whether there were other survivors who might have known the family in Vilnius, but he did not know. I wrote down all the information on a piece of paper that, to this day, I keep in my wallet. I thanked Farber profusely for his help and went to sit by myself, trying to absorb the details that had just come to light, almost exactly 50 years to the day that Efraim had been seized by Lithuanian Nazi collaborators in the streets of Vilnius.

**THE DEDICATION CEREMONY** of the monument at Ponar took place the next day, June 20. On the surface, it was ostensibly a symbol of the important positive changes that had taken place in the wake of Lithuanian independence. In the Soviet Union, the events of the Holocaust were often manipulated for propaganda purposes to stress the sterling antifascist credentials of the Soviet Union and its role in the defeat of Nazi Germany. Invariably, the identity of the Nazis’ primary victims—the Jews—was concealed, as was the ethnic identity of the local killers. In places like Ponar, the monuments bore inscriptions such as “To the victims of fascism,” and the books published locally about the Holocaust spoke of the bourgeois or Hitlerite fascists who murdered peace-loving Soviet citizens. One of the hopes of the Jewish world in this regard was that the countries that had been part of the Soviet Union would start to tell the truth about the events of the Holocaust, and especially regarding the central role played by local murderers in the annihilation of Jewish communities.

Yet anyone who had followed the controversies surrounding the construction of the new monument and had carefully listened to the speech of the Lithuanian prime minister Gediminas Vagnorius should have understood that while some of the problems caused by

Communist rule may have ended with the fall of the Soviet regime, we now would be facing new variations of the same very serious difficulties. In this respect, the impressive official ceremony attended by leading Lithuanian officials could not hide the deep-seated issues concerning Holocaust history, justice, restitution, and education that would soon rise to the surface.

The debates began long before the ceremony. The text proposed by the Jews, whose initiative and funding helped create the monument, named “the Nazis and their local collaborators” as responsible for the murders, a formulation rejected by the Lithuanian authorities, who refused to approve the use of the adjective “local” in reference to the murderers, since in their opinion it constituted an indictment of the entire Lithuanian people. In the end, that word did not appear in the Lithuanian, Russian, Hebrew, or Yiddish texts on the monument. This controversy was merely the tip of the iceberg—the initial manifestation of a very bitter ongoing struggle over Holocaust history in Lithuania, which I continue to actively wage to this very day.

Gediminas Vagnorius, the first prime minister of an independent Lithuania in more than half a century, was the featured speaker at the dedication ceremony. I will never forget his speech, which I felt was an urgent danger signal regarding the future and which impressed upon me the difficult reality I was up against in my efforts to bring Lithuanian Holocaust perpetrators to justice. “Let us not forget that this tragedy lasted for more than the wink of an eye, but at least three months,” the prime minister solemnly intoned, reducing the scope of the Holocaust by 87 percent—from three years to three months in one fell swoop. Even more objectionable was his attempt to minimize the enormous responsibility of Lithuanian collaborators in the tragedy by claiming that the (in fact extremely limited) assistance provided by Lithuanians to Jews during the Holocaust and the joint efforts of Jews and Lithuanians to help the country achieve political independence prove that “a group of criminals cannot outweigh the good name of a nation, nor can it rob it of its conscience and decency.”<sup>1</sup> Thus, instead of admitting the fact that thousands of Lithuanians from all strata of society—from intelligentsia and clergy to criminal elements—had been active participants

in the mass murder of Jews both in Lithuania and outside her borders, he chose to whitewash the historical record by creating a false symmetry between those few brave individuals who helped Jews and the many thousands who murdered them. So if any of us had high hopes that the truth about the Holocaust in Lithuania would now become the accepted narrative and that an honest effort would be made to bring Lithuanian murderers to justice, his words, like the downpour that drenched the participants during his speech, washed away all our illusions.

The dedication ceremony at Ponar was, in that respect, a litmus test for the intentions of the Lithuanian government in regard to a whole range of Holocaust-related issues that it, and its fellow post-Communist democracies, was forced to face, almost immediately in the wake of independence. Under different circumstances, these issues would not have been granted priority, but several factors considered critical by these new East European states catapulted Holocaust-related subjects to near the top of the political agenda. For fear of the Russians, all of these governments viewed membership in NATO and the European Union as their primary foreign policy objective, and virtually all of them believed that their success in achieving these goals would be seriously influenced by their relations with the Jewish people and the State of Israel.

In other words, the paths to Washington and Brussels went through Jerusalem. It was clear to these leaders, however, that to enlist Jewish assistance, they would have to mend their fences with the Jewish people (represented primarily by Israel, American Jewry, and their own local Jewish communities), a critical element of which involved dealing with the crimes of their compatriots during the Holocaust. In essence, these countries faced six major issues directly connected to the destruction of European Jewry:

1. acknowledgment of guilt and apology for crimes;
2. commemoration of the victims;
3. prosecution of perpetrators;
4. documentation—rewriting the historical narrative;
5. education—writing new textbooks; and
6. restitution.

In retrospect, as someone who has devoted a large part of the past 18 years to these issues in post-Communist Europe, I would distinguish between the issues that proved to be relatively easy, such as the acknowledgment of guilt and commemoration, and those that have proven to be the most difficult, such as prosecution and restitution. Practically all East European leaders were willing to acknowledge the participation of their compatriots in Holocaust crimes, apologize for them, and express deep regret, but very few, if any, invested any real effort in seeing to it that those still-unprosecuted Holocaust perpetrators would be brought to trial. Another important point, especially from my perspective, is that of all these issues, only one, prosecution, is time-sensitive and must be dealt with while the murderers are still alive. All the others, including restitution, should obviously be dealt with promptly, but if worse comes to worst can be postponed and initiated at a later date.

My focus, therefore, was first and foremost to facilitate the prosecution of as many local Nazi war criminals as possible, a task that proved to be extremely difficult and incredibly frustrating. In Lithuania, these efforts began on a related subject that was initially not on our agenda. In May 1990, as Lithuania approached independence, the parliament passed a special law permitting the rehabilitation of individuals (including those no longer alive) wrongly convicted by the Soviets, in many cases for political crimes. These individuals had their convictions erased and were granted financial compensation of 5,000 rubles and the return of property confiscated upon conviction. Although the law clearly stated that persons who had “participated in genocide” were ineligible for rehabilitation, I was informed by a Holocaust survivor named Rivka Bogomolna living in Vilnius (originally from Butrimonys) that two individuals who had actively participated in the mass murder of the Jews of her shtetl, Juozas Krasinskas and Kazy Grinevičius, had been granted such pardons. During my trip to Lithuania for the dedication of the Ponar monument, I met with Knesset Speaker Dov Shilansky and other Members of the Knesset, along with the Lithuanian prosecutor general Arturas Paulauskas, to protest the pardons given to these killers, but no real progress was made.

**TWO AND A** half months later, however, I was able to achieve a breakthrough with the help of Professor Shmuel Kuklianskis and his daughter Faina, who provided me with the trial records of 12 Lithuanians who had been granted rehabilitations despite having been convicted shortly after the end of World War II for their active participation in the mass murder of Jews. For example, Aloizas Juodis, who had served in the notorious 12th Lithuanian Auxiliary Police Battalion, which murdered many thousands of Jews in Lithuania and Belarus, openly admitted to his participation in a mass murder of Jews in a village near Minsk, for which he was originally sentenced to 25 years' imprisonment. Ignas Asadauskas, who served as deputy chief of the Lithuanian police in Oran, was sentenced to death for his active participation in the mass murder of close to 200 members of the local Jewish community, which was liquidated in the summer of 1941. Julius Nevera was sentenced to 25 years in prison for his participation in the execution of close to 800 Jews in the town of Kupiskis in the summer of 1941. I sent the documents to Rabbi Hier, who submitted them to the *New York Times*, which ran a front-page story by Stephen Kinzer on this shocking development on September 5, 1991—ironically, the day after Lithuania was admitted to the United Nations.

The initial reaction of the Lithuanians to these embarrassing revelations was total denial. Prosecutor General Paulauskas denied that Juodis or Nevera had been granted rehabilitations and claimed that an investigation had proven that Asadauskas had not participated in the murders. The Lithuanian president Vytautas Landsbergis criticized the report in the *New York Times* and denied that thousands of Holocaust perpetrators were being “legally absolved as patriots of Lithuania.”<sup>2</sup>

Within less than a week, however, the same Landsbergis suggested to Knesset Speaker Shilansky the establishment of a joint Lithuanian-Israeli commission of inquiry to investigate the issue. Shilansky accepted the offer, but due to elections both in Israel and Lithuania, there was at first no progress on the matter. The election as president in late 1992 of the former Communist leader Algirdas Brazauskas, who was much more sympathetic to Jewish concerns on Holocaust issues, apparently helped finally move things forward. Thus,

in June 1993, the former Israeli justice minister MK Dan Meridor, Professor Dov Levin, a Lithuanian Holocaust survivor who had fought with the anti-Nazi Soviet partisans and later became the world's pre-eminent expert on the fate of Baltic Jewry during the Holocaust, and I traveled to Vilnius to represent Israel in the negotiations regarding the commencement of the investigations by the joint commission of inquiry.

The primary issues on the agenda were our demand to receive full access to the files of all the estimated 35,000 persons who had been granted rehabilitation and the clarification of the term "participation in genocide," which, according to Lithuanian law, denied individuals from being granted rehabilitation. On both counts we were successful. President Brazauskas himself promised full access to the archives (which Lithuanian officials had hitherto categorically refused to grant) and indicated that all persons involved in any way in the persecution of Jews would be denied rehabilitation. If any legal obstacles might prevent such action, Brazauskas endeavored to issue the necessary presidential decree to facilitate the cancellation of pardons granted illegally.

The investigation was scheduled to begin in fall 1993, but due to bureaucratic delays in Israel, our delegation, which had been appointed by Foreign Minister Shimon Peres and consisted of the retired judge Aryeh Segalson, the advocate Yosef Melamed (both Lithuanian Holocaust survivors), and I, arrived in Vilnius only in late January 1995. By this time, I already had a list of 58 individuals who had participated in genocide yet had been granted rehabilitation. It was clear to me, however, that this figure was merely the tip of the iceberg, and we therefore hoped that the Lithuanians would keep President Brazauskas's promise to grant us full access to all the rehabilitation files.

Upon our arrival, we learned that local opponents of the process were already at work, among them a Lithuanian member of the commission named Vidmantas Vaicekauskas, who not only gave a very negative interview about the commission to the *Respublika* daily, but even contacted the families of those on our list of 58 illegal rehabilitations to ask whether they agreed to allow Israeli researchers to examine their relatives' files. The fact that Vaicekauskas was the director of the special

department for war crimes in the Office of the Prosecutor-General is a clear indication of the problems we faced in our task. (He was removed from the commission but not from his job.) We received another powerful reminder of the strong public opposition to the commission the next day when an enraged Lithuanian burst into the room where we were working and screamed at us: "Who gave you permission to come here and investigate? These people [the KGB] murdered Lithuanians. All the Jews should be taken away and shot. Why did they leave any alive? I will take an automatic weapon and kill all of you and your president" (he apparently meant Brazauskas, not Weizman). Luckily, he was unarmed and was quickly removed by a policeman.

After several days of research, we met with our Lithuanian counterparts to discuss the practical aspects of the continuation of the investigation. The key problems were obviously the reluctance of the Lithuanians to provide us with all the pertinent documentation and the lack of transparency in the rehabilitation process. Thus, for example, they only provided 40 of the 59 files (an additional name was added to our original list) that we had requested, and, with one exception, there was no explanation in any of the files why rehabilitations had been granted in cases in which individuals had been convicted for the murder of civilians. Our primary request, therefore, was to receive a complete list of all those who had been granted rehabilitation, since in order for us to be sure that no murderers of Jews had been pardoned, we obviously had to receive all the names of rehabilitation recipients. The Lithuanians responded that this would be an infringement of their sovereignty.

Eventually, we reached a compromise whereby they would initially send us the names of all those indicted for the persecution and/or murder of civilians who had been granted rehabilitation (approximately 10 percent of the total of 50,000 Lithuanians pardoned). We would then add the names of the perpetrators known to us who did not appear on their list, and we would be able to review all the files of the individuals on this master list. The meeting ended without resolving how disputes would be decided and what legal mechanism

would be used to cancel the illegal rehabilitations. But the three of us left Vilnius with the sense that at least the investigation process had finally been launched. Having said that, it was clear to us that the success of the investigation process would depend primarily on the cooperation of the Lithuanians, a factor that clearly was at best uncertain.

Fourteen years later, I can relate that the Lithuanians did not keep a single promise made to the Israeli delegation. In fact, they never sent us the list of those indicted for the murder of civilians who had been granted rehabilitation, and the joint investigative process never got off the ground. What did take place was a review carried out exclusively by the Lithuanians, who to date have cancelled approximately 225 rehabilitations illegally granted to individuals who were ineligible for pardons. But this very important achievement must be tempered by the fact that the local media have virtually ignored this story. Nor is it clear whether the individuals whose rehabilitations were cancelled have been forced to return the funds and property they received or have been prosecuted for false declarations. In other words, a highly significant victory in the battle for truth about the Holocaust in Lithuania, which was achieved primarily due to international pressure, was purposely minimized by the Lithuanian authorities and the local media.

Since Lithuanian independence, my activities there became the source of much hostility, which was directed both at me and the Wiesenthal Center, to the extent that I often felt that I was the most hated Jew in the Baltic states in general and in Lithuania in particular. Whether it was visually unflattering caricatures in the local media, very nasty talkbacks in the news portals, or attacks by right-wing politicians who demanded that I be declared a persona non grata, the message was abundantly clear. For many Lithuanians, my call upon them to honestly acknowledge the scope of the complicity of their compatriots in the mass murder of Jews during the Holocaust, both in Lithuania and outside her borders, and to bring their hereto unprosecuted killers of Jews to justice was simply unacceptable.

**I**N ASSESSING THE impact and results of our campaign to help bring local Holocaust perpetrators to justice, several historical facts must be borne in mind. The first is the enormous scope of Lithuanian complicity in the murder of Jews, which was a vital factor in the extremely high percentage of Jews annihilated in Lithuania during the Holocaust. Of the approximately 220,000 Jews who were living in the country under the Nazi occupation, only about 8,000 survived, a victimology rate of 96.4 percent, the highest in Europe with the exception of Estonia, where the minuscule figures involved make the statistics far less significant. In that context, the logistics of the annihilation process in Lithuania played a highly critical role. Unlike the situation in most of the rest of Europe, from where Jews were deported to be murdered elsewhere, the mass murders in Lithuania were carried out close to home with the active participation of local helpers in every single location.

The second is that the many thousands of Lithuanians who actively participated in the murders came from all strata of Lithuanian society, including the clergy and intelligentsia, which makes it impossible to dismiss local collaboration with the Nazis as a phenomenon limited to the marginal elements of Lithuanian society. On the contrary, it truly reflected the ethos of World War II Lithuanian society. In fact, Lithuania is the only country in Europe in which a special term was coined for the “shooters of Jews” (*žydšaudžiai*), another proof that the phenomenon was hardly marginal.

The third is that the Soviets prosecuted many of the Lithuanians they caught who collaborated with the Nazis and meted out relatively harsh sentences. These trials, which were undoubtedly painful for the Lithuanians as a people, created the illusion that justice had been fully served and that local collaborators had been sufficiently punished. Forgotten or ignored was the fact, however, that many of the major perpetrators and those who had served in the notorious Lithuanian murder squads (Ypatingas būrys, which carried out the mass murders at Ponar, and the 12th Lithuanian Auxiliary Police Battalion, which murdered many thousands of Jews in Kaunas and in Belarus) had escaped punishment by fleeing to the West, primarily to the Anglo-Saxon democracies. As it turned out, this last fact was to

have a profound impact on the prosecution of local Nazi war criminals in Lithuania.

The country that over the past three decades has had the greatest success in the prosecution of Nazi war criminals has been the United States, and among the Holocaust perpetrators prosecuted there have been numerous Lithuanians. In fact, they are probably the ethnic group against which the U.S. authorities have had the greatest success. With one exception, all the Lithuanians denaturalized by the OSI and deported from the United States have returned to Lithuania. Since these criminals could not be prosecuted for genocide, war crimes, or crimes against humanity in the United States (because the crimes were not committed on American territory, nor were the victims Americans) and in view of their return to Lithuania, an ideal possibility was created for the prosecution of quite a few Holocaust perpetrators in the Baltic republic. The fact that several of the Lithuanians denaturalized and deported from the United States had occupied fairly prominent positions in the Lithuanian security police or served in murder squads increased the potential for criminal prosecution in their country of origin.

Over the past 18 years, I have tried very hard to facilitate the prosecution of Nazi war criminals in Lithuania, one of the countries in which the Wiesenthal Center invested much effort. Our primary focus was on the leaders of the Saugumas (Lithuanian security police) in the Vilnius district—the commander, Aleksandras Lileikis and his deputy, Kazys Gimžauskas. The Saugumas played a very important role in the Nazis' plan for the systematic annihilation of the Jews of Vilnius. They guarded the Vilnius ghetto to prevent Jews from escaping and any non-Jews from providing help. Jews caught by the Saugumas were turned over to the Ypatingas būrys unit to be murdered. Among the Jews whose execution was ordered by Lileikis were six-year-old Fruma Kaplan and her mother, Gita, who were murdered on December 22, 1941, at Ponar. Gimžauskas also personally ordered the arrest and imprisonment of civilians, mostly Jews, many of whom were turned over to the Nazi murderers. Although neither of these men could be prosecuted in the United States for those crimes, the OSI historian Michael MacQueen

did an excellent job of researching their role in the implementation of the Final Solution in Vilnius, which provided a solid basis for their prosecution in Lithuania.

The problem was, however, that the Lithuanian authorities were in no hurry to press charges against the two Saugumas officers. Their stance was extremely worrying and caused me considerable anguish, because besides my obvious desire to see them prosecuted, I had personally played a key role in seeing to it that Lileikis returned to Lithuania, a story revealed here for the first time. My involvement began on May 24, 1996, the day that he was stripped of his American citizenship. Having closely followed the case and being well aware of its significance due to the important role Lileikis played in the murders in Vilnius, I called the OSI director Eli Rosenbaum to congratulate him on the decision, expecting him to be elated. I was therefore extremely surprised to find him rather dejected, which he explained was due to his pessimistic prognosis regarding the continuation of the case. Lileikis had indeed been stripped of his U.S. citizenship but, given his advanced age (he was born in 1907), it was doubtful whether the OSI would succeed in having him deported, a fact that clearly frustrated Rosenbaum enormously, for obvious reasons.

Upset by this turn of events, I thought about the existing options and came up with a plan. Lileikis would naturally have preferred to stay in the United States, but what if there was a possibility of his extradition to Israel to face genocide charges? Under those circumstances, he most probably would prefer to be in a country such as Lithuania, which would refuse to extradite him for trial. I knew that Israel, which was still traumatized by the ostensible failure of the Demjanjuk trial, would not be willing to seek Lileikis's extradition, but he probably wasn't aware of that fact. It might be enough, therefore, to simply convince him that the Jewish state was seriously considering that option. So I decided to bluff. I called Irit Kahn, the director of the international department of the Ministry of Justice, and explained the situation, noting that all Israel had to do to help was to make known that it was seriously considering the Lileikis case with a view to possibly requesting his extradition. I would do the rest. Irit, who understood the situation perfectly,

immediately agreed, and I then called Judy Rakowsky, the legal affairs correspondent of the *Boston Globe*, who had covered the Lileikis case from the beginning, to inform her of the latest development. I was sure that if the *Globe* would report on Israel's interest, Lileikis, who lived in Norwood, Massachusetts, near Boston, would find out about it and take the necessary measures to prevent extradition. Sure enough, Rakowsky called Irit Kahn, who confirmed the story, and within less than two weeks, Lileikis departed from the United States forever. Thus, my plan had solved the problem from an American perspective (and Eli Rosenbaum's pessimistic prognosis was averted), but the question now became whether Lithuania had the political will to prosecute the high-ranking Saugumas commander and his deputy.

In theory, Lileikis and Gimžauskas, who had already arrived in Lithuania in 1993, should have been immediately arrested upon arrival in Vilnius and prosecuted as quickly as possible, especially in view of their advanced age. That is what would have happened had the Lithuanian government been determined to hold its Holocaust perpetrators accountable, but that was not the case. On the contrary, despite President Brazauskas's promise to the Knesset in 1995 that his country would prosecute Lithuanian Nazi war criminals "publicly, consistently and conscientiously,"<sup>3</sup> years passed before any action was taken. Thus Gimžauskas was only indicted on November 20, 1997, and more than a year and a half passed before Lileikis, who landed in Vilnius in June 1996, was charged on February 6, 1998, in both cases only after they were ruled medically unfit to stand trial. Neither was ever incarcerated for any length of time, nor was either of them ever obligated to appear at a single session of their trials (although Lileikis briefly appeared once of his own volition on November 5, 1998).

During this period, the Lithuanian Seimas (parliament) passed three special laws in response to pressure from the United States, Israel, and Jewish organizations to prosecute Lileikis and Gimžauskas. The laws permitted the investigation of medically unfit genocide suspects, the indictment and prosecution of such suspects, and the conducting of the trials of these suspects via video hookup. The truth was, however, that instead of turning the trials into watershed educational events that would

have a significant impact on Lithuanian society, the Lithuanians basically turned them into a farce that only reinforced the prevailing reluctance to confront the scope of Lithuanian complicity in Holocaust crimes. Lileikis, who wrote his memoirs while under indictment, died on September 26, 2000, before his trial was completed, and by the time Gimžauskas was convicted on January 14, 2001, he was too ill to be punished, outcomes that only strengthened those elements of Lithuanian society that considered these “desk murderers” (individuals who gave orders that resulted in deaths but did not personally pull the trigger) patriots and heroes.

**MORE RECENTLY, THERE** have been new developments that clearly prove that if anything, at least in judicial terms, Lithuania is farther away from facing the truth than ever before. For example, on March 27, 2006, Algimantas Dailide, a member of the Vilnius Saugumas, was convicted in Vilnius for his role in the persecution of Jews and Poles during World War II and sentenced to five years in prison, the first time ever that a Lithuanian healthy enough to be tried and punished was convicted by a local court. The judges, however, refused to implement his sentence on the grounds that he was old, his wife was sick, and Dailide did not pose a danger to society. Outraged by this show of compassion for a person who had no sympathy whatsoever for his innocent and helpless victims, I pressed the Lithuanian prosecutor to appeal the verdict, as did many others. After more than two years of delay, the prosecutor’s appeal was rejected when, on July 4, 2008, the court ruled that Dailide was not medically fit to serve his sentence, although he had not been obligated to appear in person for an examination by the experts who reached this dubious conclusion. Journalists who more recently have visited Dailide in Kirschberg, Germany, where he currently resides, have found him in reasonable health, taking care of his wife, who was indeed very ill and has since died.

As frustrating and infuriating as the Dailide case was, it pales in comparison to the latest efforts by the Lithuanian judiciary to prosecute Jewish anti-Nazi Soviet partisans for war crimes during World War II. On September 10, 2007, prosecutors announced that they were opening an official investigation against an Israeli citizen for war

crimes committed during World War II and sent a request to Israel for judicial assistance in the case. Although this was not the first such request, the identity of the suspect was shocking, to say the least. The allegation was that the well-known Holocaust scholar Dr. Yitzchak Arad, who had served for many years as the chairman of Yad Vashem and previously had been the chief education officer of the Israeli Army, had committed war crimes against Lithuanian civilians while serving with the anti-Nazi Soviet partisans. In the wake of this investigation, armed Lithuanian plainclothes police went to private addresses in Vilnius looking for former Jewish Soviet partisans Rochel Margolis and Fania Brantsovsky, both of whom served in Soviet anti-Nazi units. These steps were accompanied by vicious anti-Semitic articles by Lithuanian academics, one of which referred to Dr. Arad as a terrorist and to Brantsovsky as a murderer who should be brought to trial. When various Jewish groups protested the mistreatment and singling out of Jewish partisans, the prosecutors said that Margolis and Brantsovsky were merely sought as “witnesses,” but were unwilling to promise that they would not be prosecuted. Only in the wake of a vigorous international campaign was the investigation against Dr. Arad officially dropped (although the prosecutor, at the same time, called upon the public to supply any existent incriminating information against him).

This incident sent a clear message that Lithuania was determined to delegitimize the quest by Jews like myself to bring Lithuanian Holocaust perpetrators to justice by leveling equally horrible charges against Jewish heroes. Add a governmental campaign to equalize Communist and Nazi crimes and disseminate the false “double genocide” theory (which claims that the Soviets carried out a systematic policy of genocide against the Baltic peoples similar to the Nazi policies against the Jews), and it is clear that Lithuania is a country that has unfortunately learned very little from its Holocaust past.

