

## Lithuania 2004: A modern day Dreyfus? The Impeachment of Rolandas Paksas



Heavy-handed propaganda: Yuri Borisov (left) Rolandas Paksas (centre) and Renata Smailyte (right) are depicted as characters in a Matrix spoof

Justice Done or Judicial Coup d'Etat?

### Executive Summary

On 6<sup>th</sup> April, 2004, the Lithuanian *Seimas* (Parliament) voted to impeach President Rolandas Paksas on three charges related to violations of his oath of office and threats to national security involving alleged links with the Russian mafia and secret service as well as favouritism towards an ethnic Russian businessman, Yuri Borisov, who had sponsored his election campaign eighteen months earlier. The President was removed from office with immediate effect.

Speaking to the *Seimas* before the vote on his fate, Mr Paksas accused his critics in the parliament of pursuing a political vendetta against him. Over the last decade he has fallen out with previous political allies and his career had seen him resign from the premiership twice in the 1990s. Although elected president in January, 2003, Mr Paksas lacked a majority in the *Seimas* – his small Liberal Democratic Party only has a handful of MPs. Indeed, various old political enemies led the parties dominating the parliament. In his defence, Mr Paksas denied the charges of corruption and serving a foreign power, though he admitted mistakes in regard to awarding Mr Borisov dual citizenship with Russia. However, he denied that anything he had done could justify impeachment and compared himself to Dreyfus as the victim of a rigged procedure.

After months of political crisis, Mr Paksas was dismissed by a narrow vote of between 1 or 3 votes more than the two-thirds majority required to carry the impeachment. *Reuters* reported that “The legislators narrowly approved the impeachment, casting 86 votes for and 17 against on the first count, 86 for and 18 against on the second, and 89 for and 14 against on the third count, according to the official results.” According to *Radio Free Europe*, a large number of deputies abstained.

The impeachment of President Paksas only days after Lithuania entered NATO and three weeks before the country will be admitted to the European Union emphasises the

international context to the crisis. Many felt that the proceedings went so quickly because the anti-Paksas camp wanted the whole issue resolved before Lithuania joined the EU.

Ironically, for a man charged with corruption and peculation by his opponents, Mr Paksas refused repeated entreaties to step down before the vote so that he could retain an ex-president's generous retirement package of pension, fringe benefits, official car, etc. For his opponents in Lithuanian politics refusing a lifetime's cushy living at the public expense seemed to border on madness

BHHRG observers witnessed Mr Paksas's upset victory in the presidential elections at the turn of 2002-2003.<sup>1</sup> Naturally, the Group was interested in the sudden political crisis threatening his tenure in office at the end of October, 2003 and three observers visited Lithuania in February, 2004, to assess the impeachment crisis and its impact on Lithuania at home and abroad. Now as the proceedings have reached their conclusion, this report lays out the issues at stake in the process. It also considers where Lithuania will go from here and what this crisis says about one of NATO and the EU's new members.

### **The Scandal Breaks**

On 30<sup>th</sup> October 2003, a bombshell broke in the Lithuanian media. The country's state security apparatus provided the Speaker of Parliament, Arturas Paulauskas, with information implicating a close adviser of the President Rolandas Paksas in mafia style activities. It claimed that Remigijus Acas, the president's adviser on security policy, had links with Anzor Aksentyev Kikalishvili. Mr Kikalishvili, an ethnic Georgian but Russian citizen was head of the firm 21st Century which was alleged to be linked with international criminal groups. Paksas suspended Acas but denied any knowledge of or links to organised crime.

Then the scandal took another turn. It was revealed that on 11<sup>th</sup> April, 2003 that President Paksas had signed a decree restoring Lithuanian citizenship to Yuri Borisov, a Russian national who had lived in Lithuania since the age of six. He had lost his Lithuanian citizenship a year earlier when Vladimir Putin had granted him Russian citizenship. Although President Paksas's predecessors had granted more than 800 requests for Lithuanian citizenship by presidential decree – some in a matter of hours - President Paksas's decision to permit Borisov to retain Russian citizenship while recovering his Lithuanian passport was unusual - at least for a non-ethnic Lithuanian.

Lithuania's citizenship law is far from non-discriminatory, even if not as discriminatory towards Russians or other Slavic minorities as its Baltic neighbours' laws. According to the Law on Citizenship of Lithuania, (Article 6) Lithuanian citizenship may be retained only by persons acquiring another citizenship (as Borisov had Russian) "who held citizenship of the Republic of Lithuania prior to 15 June, 1940" or the "children, grand-children or great-grandchildren" of such a person, or by a "person of Lithuanian descent.... [who] states that he considers himself Lithuanian." In much of the post-Soviet space national identity and citizenship are distinct concepts. A Russian or Pole born or brought up in Lithuania may feel politically loyal to Lithuania as his homeland but would not say that he was an ethnic Lithuanian since of course he was not. The Law on Citizenship distinguishes, for instance, between the many Poles and their descendants who lived in Vilnius before the Second World War and Lithuanians who lived there. Ethnic Lithuanians who had lived in Poland until the Nazi-Soviet Pact awarded Vilnius to Lithuania, and then Lithuania itself to the Soviet Union, are treated differently from ethnic Poles who might have lived there until deportation by the Soviet authorities after September 1939, or for that matter after the so-called repatriation of Poles westwards after the Second World War.

Mr Borisov may not have been particularly concerned with his Lithuanian citizenship before 2003 and seems not to have learned the language. But even if he had cultivated Lithuanian as a language his rights to dual citizenship would not have existed under the law because no Russian (or Pole, Ukrainian, etc.) would meet the criterion that "he considers himself a Lithuanian" which is very different from considering oneself a Lithuanian *citizen*. . Borisov

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<sup>1</sup> See "Lithuania's winter of discontent" [www.oscewatch.org](http://www.oscewatch.org)

seemed to have hoped to play a political role in Lithuania but Mr Paksas refused him a post. A year before Paksas's election as president, Borisov had acquired Russian citizenship and renounced his Lithuanian passport, only to ask for it back from the newly-elected Mr. Paksas. Mr Borisov's alleged intercepted imprecations against President Paksas suggested that at worst he hoped to buy the president and that Mr Paksas had failed to stay bought!

Leaked telephone taps made by the Lithuanian state security revealed that Mr Borisov had expressed his disappointment at Paksas's treatment of him after the presidential elections and had made various threats to Acas, including suggesting that Paksas would be a "political corpse" if he failed to meet Mr Borisov's demands.<sup>2</sup> Borisov had given c. \$400,000 to the Paksas election campaign. (Some critics of Mr Paksas like his former political ally, Arunas Štaras, general-secretary of the Liberal Centrist Union, insist that the amount was ten times as much, but this allegation was not part of the impeachment process even if widely aired in the anti-Paksas media thus helping to influence the atmosphere around the impeachment.) Mr. Borisov seemed to have hoped to play a political role in Lithuania where he had grown up during the Soviet era before becoming a citizen of the newly-independent state in 1991, but Mr Paksas refused him a post. It was a year before Paksas's election as president, that Borisov had acquired Russian citizenship and renounced his Lithuanian passport, only to ask for it back from the newly-elected Mr. Paksas. Mr Borisov's alleged intercepted imprecations against President Paksas suggested that at worst he hoped to buy the president and that Mr Paksas had failed to stay bought!

The chief political force behind the publication of the National Security Agency's report on the President's office was his old rival, the leader of the Social Liberals and Speaker of the Seimas, Arturas Paulauskas, who revealed its contents to deputies. Mr Paulauskas had been defeated in the last presidential election by Mr Paksas and there was no love lost between them. Mr Paulauskas succeeded as acting president on the impeachment of Mr Paksas.

### **The Charges**

After the publication of the allegations against President Paksas a parliamentary inquiry dominated by his political opponents investigated them and brought charges for consideration by Lithuania's Constitutional Court. Originally, there were six charges levelled by a parliamentary inquiry at the end of 2003 - that the president violated the constitution and his presidential oath; failed to ensure the protection of classified information; attempted illegally to influence the activities of private companies; was unable to reconcile public and private interests; hindered the functioning of state institutions, discrediting their authority; and failed to take measures to stop his advisers from abusing their official powers

At the end of December, 2003, the Lithuanian Constitutional Court narrowed the charges to three counts which were subsequently declared on 31<sup>st</sup> March to be substantiated ruling that President Paksas had violated articles 29, 82 and 84 of the Lithuanian Constitution.

The judges stated that Yuri Borisov had received special treatment violating Article 29's promise of equal treatment to all. But, although Article 29 certainly starts out by insisting that "(1) All people shall be equal before the law, the court, and other State institutions and officers", its second clause says "A person may not have his rights restricted in any way, or be granted any privileges, on the basis of his or her sex, race, nationality, language, origin, social status, religion, convictions, or opinions." However, as we have seen, the Law on Citizenship does distinguish between ethnic Lithuanians and others when it comes to recovering or sharing citizenship. Perhaps the Lithuanian Constitutional Court should consider Article 6 of the Law on Citizenship and whether it meets Article 29 (ii)'s insistence on non-discrimination.

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<sup>2</sup> For a detailed list of the mafia allegations, see Ricai Kambak, "Analysis: The Baltic Krysha" (20<sup>th</sup> March, 2004) <http://www.untimely-thoughts.com/index.html?art=45> . "Krysha" is the Russian mafia term "a roof" for protection offered by gangsters.

Article 82 deals with the procedures for the taking of the Presidential oath while Article 84 lays out the Presidential powers. Among his powers of appointment, Mr Paksas as president of Lithuania held rights pertinent to the members of the Constitutional Court, because the Lithuanian president shall:

“11) propose Supreme Court judge candidates to the Parliament, and, upon the appointment of all the Supreme Court judges, recommend from among them a Supreme Court Chairperson to the Parliament; appoint, with the approval of the Parliament, Court of Appeal judges, and from among them - the Court of Appeal Chairperson; appoint judges and chairpersons of district and local district courts, and change their places of office; in cases provided by Law, propose the dismissal of judges to the Parliament;

12) propose to the Parliament the candidatures of three Constitutional Court judges, and, upon appointing all the judges of the Constitutional Court, propose, from among them, a candidate for Constitutional Court Chairperson to the Parliament...”<sup>3</sup>

Judges on the Lithuanian Constitutional Court do not have lifetime or long tenures. According to the Court’s website, although “Justices of the Constitutional Court, when in office, are independent from any state institution, person or organisation, and obey only the Constitution. Before taking office, the persons appointed as Constitutional Court justices swear, in the *Seimas*, to be faithful to the Republic of Lithuania and the Constitution”, in practice their short terms may make them vulnerable to political pressures, particularly if they wish to be re-elected :

“Upon the initial appointment of Constitutional Court justices, three of them were appointed for a three-year term of office, three for a six-year term of office, and three for a nine-year term of office. Every three years, one-third of the Constitutional Court is reconstituted. The justices of the Constitutional Court, who were appointed for three- or six-year terms of office, may hold the same office for one more term following an interval of at least three years.”

The chairman of the court Egidijus Kuris has been associated with the Algirdas Brazauskas Foundation.<sup>4</sup> In December 2003, President Paksas’s lawyers attempted (unsuccessfully) to have him removed from the panel of judges hearing the matters relating to Borisov’s citizenship as he “was spotted lunching with one of Paksas’s political opponents after the start of the trial”.<sup>5</sup> It was Dr. Kuris who presided over the swearing in of Mr. Paksas in February, 2003. Before joining the Court he was a co-author and editor of essays on Lithuanian politics including the country’s entry into Euro-Atlantic structures with one of Mr Paksas’s leading (and widely cited) critics, Professor Raimundas Lopata. They were both on the faculty of International Relations at Vilnius University together. Full-time legal practice is not a requirement for judges on the Constitutional Court in Lithuania.<sup>6</sup> President Paksas commented on the 31<sup>st</sup> December decision of the Constitutional Court, “I do honour the decision of the constitutional court, but draw the conclusion that this court’s decision changes the current practice of granting citizenship. I also draw the conclusion that based on this court’s decision many decrees issued by former Lithuanian presidents could be illegal.”<sup>7</sup>

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<sup>3</sup> An English translation of Lithuania’s constitution is available <http://www.oefre.unibe.ch/law/icl/lh00000.html>

<sup>4</sup> See photo [http://www.abfund.com/11\\_2.htm](http://www.abfund.com/11_2.htm)

<sup>5</sup> See “Lithuania in brief” The Baltic Times [www.baltictimes.com](http://www.baltictimes.com) December 18, 2003-January 7, 2004

<sup>6</sup> [www.gesis.org/en/publications/magazines/newsletter\\_eastern\\_europe/archive/n1012/n101208.htm](http://www.gesis.org/en/publications/magazines/newsletter_eastern_europe/archive/n1012/n101208.htm)

<sup>7</sup> See [http://www.channelnewsasia.com/stories/afp\\_world/print/64194/1.html](http://www.channelnewsasia.com/stories/afp_world/print/64194/1.html)

The third level of charges decided upon by the Constitutional Court on 31<sup>st</sup> March 2004 was the claim that Mr Paksas had “humiliated the parliament, ordered his advisers to collect incriminating evidence against prominent people in Lithuania, and interfered in the activities of commercial structures in favour of his friends.”<sup>8</sup> This charge seemed to confuse two allegations:

- 1) had Mr Paksas unlawfully gathered information damaging to “prominent people” in Lithuania? If so, who were they and what was “damaging” to them? BHHRG was told that Remigijus Acas, apparently with Mr. Paksas’s blessing, had started to make enquiries into politicians’ ‘black deals’, including dubious land purchases and the president had repeatedly hinted that he had evidence of widespread corruption among his political opponents.
- 2) The charge of interfering in commercial activities was widely repeated, but so far none of Mr Paksas’s associates have been convicted of illegal activities. Maybe they will be, but his own impeachment preceded rather than followed proof positive of such corrupt and conspiratorial activity. It is not clear whether attempts to investigate Mr Paksas and his colleagues on the part of other parliamentarians, such as Speaker Paulauskas, fall under the same ban on discrediting public officials.

### **Guilt by Association**

Who is Yuri Borisov? The man whose links with Rolandas Paksas precipitated the crisis remains a mystery. At least his role in Lithuanian politics is mysterious.

Press photographs frequently show Mr Borisov in a mafia-style black leather coat, but since many other Lithuanian post-Communist businessmen and politicians sport similar tasteless garb (as do an increasing number of Westerners) his style should not necessarily be read as indicative of substance. He is routinely referred to as “Russian” rather than as someone who had lived almost all of his life in Lithuania.

Nonetheless, there are unsavoury aspects to Mr Borisov’s career. Like Paksas, he had graduated from the Soviet air force after which he had gone into business setting up an air transport company, Avia Baltika, which specializes in helicopters. It had been alleged that through Air Baltika Mr Borisov had broken international law by supplying helicopter parts to Sudan in defiance of the prevailing sanctions policy. However, the situation remains murky. An article in the English-language *Baltic Times* stated that information about the company’s activities had been sent to the prosecutor’s office in the spring of 1999 yet no action had been taken, despite the fact that “material collected about AviaBaltik was continually passed on to the appropriate law enforcement agencies”.<sup>9</sup> The same article concludes with the information that “Parliament adopted a decision in March of this year [2003] conforming that AviaBaltika did not violate the laws of Lithuania at the time of its exports to Sudan in 2001”. In other words, what had Yuri Borisov and AirBaltika done wrong? Borisov has never been convicted of any crime in relation to doing business in the Sudan and it should be remembered that distinguished European political figures, like the former Swedish Prime minister and mediator in Bosnia, Carl Bildt have had business interests in Sudan.

Whatever may or may not be wrong with Borisov’s business activities, it was the allegation that he was a Russian agent of influence which was central to the charges against President Paksas. His generous donation to the Paksas campaign in 2002 would have taken on a wholly sinister colour if Mr Borisov was not only a sleazy businessman trying to buy favour with the future of head of state (when Paksas was by no means a racing certainty to defeat Adamkus) but in reality an agent of a foreign power. Presented by Paksas’s opponents as the cats-paw of Russian foreign intelligence, Borisov’s involvement in Lithuanian politics soon turned from a blessing to Paksas into his curse. In mid-February 2004, the well-informed

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<sup>8</sup> *Itar-Tass*, 31<sup>st</sup> March, 2004

<sup>9</sup> “AviaBaltika accounts frozen by prosecutors” *The Baltic Times*, [www.baltictimes.com](http://www.baltictimes.com) 11-17 December 2003

Lithuanian commentator, Valdas Bartusevicius, suggested that Borisov might have been recruited as an agent by the Russians only *after* his money had propelled Paksas into the presidency.

Russian agents may have wanted to promote chaos in NATO's new member and, therefore, were content to let Borisov undermine Paksas during his presidency. But if it were true that Paksas had been drawn into a compromising web, why should the Russian intelligence service let its agent act in ways bound to make its prize, the President, more vulnerable? Could Borisov be someone else's agent? His comments after Mr Paksas was removed from office seemed calculated to damage his re-election chances. Borisov - who only days earlier had been angling for some kind of post in Paksas's suite of advisers - suddenly announced that his patron, or client (depending on how you assess their relationship once Paksas was in office), was unfit to be president. On 7<sup>th</sup> April 2004, Russian external television, NTV Mir, broadcast the following damning statement about Paksas by Borisov: "He is not up to the role of leader of the state. He was never up to it. He was not able to do anything in that post, in the post of president." He added, "If I had said that yesterday, one of the politicians would have jumped on me and accused me [saying] that Borisov is a citizen of Russia and is speaking ill of our president. But today, as he is no longer the president, I can give my opinion as a specialist."<sup>10</sup>

Given that a successful run at re-election by Paksas could not be ruled out then, even now, why should a Russian agent put in place to control a key politician in a new NATO and EU member-state go out of his way to damage his mole's chances at the forthcoming elections? Were his actions in the months between the beginning of the scandal at the end of October, 2003, and the impeachment votes on 6<sup>th</sup> April, 2004, possibly calculated to ensure Paksas's downfall?

Maybe the old KGB had lost its skills at running agents of influence, or perhaps another intelligence agency was at work, one which had every interest in scuttling the Paksas presidency and installing a more reliably pro-NATO president and one who had not had the gall to defeat a former US citizen? Intelligence matters are always murky and it would be wise to avoid definitive judgements without clear evidence. Sadly, the Lithuanian Constitutional Court and Parliament both passed a decisive verdict without possessing incontrovertible evidence, certainly without revealing it to the public.

### **Internal Factors**

Despite his two (brief) premierships in the 1990s, Rolandas Paksas was always an outsider in Lithuanian politics. As in other post-Communist states, the political class in Lithuania is remarkably resilient with a multiplicity of parties regularly changing their names. The proportional system of voting also means that MPs are remote from their constituents. Nevertheless, they remain determined to keep their places on the party lists with all the attendant perks, including freedom from prosecution. Bruno Kaspar, editor of the *Baltische Rundschau*, pointed out that the parliament (*Seimas*) does not even have a public gallery forcefully illustrating the gulf between rulers and ruled.

The basic personalities have remained key players since the late 1980s. Apart from the importation of Mr Adamkus from American exile, Lithuanian politics has been shaped by an elite formed in the Soviet era which emerged at the time of perestroika in the later 1980s. Rolandas Paksas came from outside the superficial divide between Communist Party and Soviet state functionaries like Brazauskas and Paulauskas and dissidents like Vytautas Landsbergis. His entry into politics was almost accidental, and his development from a protégé into an independent player unwelcome. When in 1999 Paksas challenged the expensive deal whereby, in effect, the Lithuanian taxpayer funded the American oil company Williams International to take over the country's oil refinery, he was forced out of the premiership.

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<sup>10</sup> Quoted from NTV Mir by BBC Monitoring.

Paksas's resignation under pressure convinced his critics that he was flaky and not a serious political competitor. But, underestimation of Paksas as a result of his two resignations from the premiership and his switching of parties played a key role in his victory over President Adamkus in 2003. Whereas the political class regarded Paksas as finished for opposing the Williams deal, many ordinary Lithuanians saw him as the champion of the public interest. Adamkus, by contrast, was routinely rated as highly popular in opinion polls which were conducted among a population cautious about defying authority. The more the intertwined establishment of media, pollsters and politicians took Adamkus's re-election for granted, the better the chances for Paksas's candidacy.



Vytautas Landsbergis: musician, hero of Lithuania's independence movement, Sajudis, and leading opponent of Rolandas Paksas

Rolandas Paksas's election as president of Lithuania in 2003 pitted an outsider against an intertwined political and bureaucratic establishment which resented his irruption into the cosy division of political spoils in the country. This resentment played a role in the impeachment saga. During the presidential campaign in 2002-3, Paksas supporters told BHRG that one of their candidate's main enemies was Vytautas Landsbergis who had been briefly famous as the leader of Lithuania's *Sajudis* movement during the independence drive in the late 1980s and who was Lithuania's first acting president between 1991-93. Despite the fall in popularity of Landsbergis's conservative nationalist political movement, the Homeland Union, during the 1990s, its members held a disproportionate share of state posts. They resented people like Paksas who entered politics only after the collapse of the Soviet Union showing a snobbish disdain for what they considered to be his lack of links with the local nomenklatura or the Euro-Atlantic elites whom the Lithuanian establishment aspired to join after independence.

Despite the frequent stress laid on Lithuanians' alleged deep-seated fear of a revival of Russian domination, what was odd about the storm aroused by the Borisov affair was how unimportant Mr Borisov was as a businessman. Compared with the oligarchical fortunes made by the Russian mega-rich Mr Borisov was small-fry – for example, he even failed to register in a recent *Baltic Times* "50 Richest people in the Baltics" list.<sup>11</sup> Even as a Russian active in Lithuania his economic resources were dwarfed by those of the huge Russian corporations like Yukos and Gazprom whose activities were welcomed by the very Lithuanian establishment apparently trembling at the prospect of Mr Borisov exercising any influence.<sup>12</sup>

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<sup>11</sup> See, [www.baltictimes.com](http://www.baltictimes.com) 4-10 December 2003

<sup>12</sup> See Steve James, "Lithuanian government resigns amidst bitter intrigues over privatisations" on *The World Socialist Website* (9<sup>th</sup> July, 2001) for a factually detailed if ideologically tendentious account of

After Williams decided to sell its refinery because it could not make money even on the favourable terms granted by the Lithuanian government and after Paksas's resignation, Yukos stepped in to buy its stake in the Mazeikiu Nafta refinery and power station in the second largest city Kaunas. In other developments, Russia's Gazprom bought a 34-percent-stake in national gas distribution company Lietuvos Dujos.

Yukos, or to be more precise, its oligarchical owners fell into crisis in October, 2003, when Russian prosecutors arrested its chairman, Mikhail Khodorkovsky. *Interfax* reported on 28<sup>th</sup> January, 2004, that "Russian oil company Yukos may sell a packet of shares in the oil concern Mazeikiu Nafta to the Lithuanian government if the government makes an offer, Yukos representative in Lithuania Tomas Gizas said after a meeting with Lithuanian Parliamentary Speaker Arturas Paulauskas. Earlier Paulauskas expressed concern at the fate of the oil concern due to the fact that three Yukos co-owners have been put on the international wanted list in Russia - Leonid Nevzlin, Vladimir Dubov and Mikhail Brudno, the CEO of Mazeikiu Nafta. Paulauskas called on the government not stick its head in the sand. 'Our government should be ready to take steps,' he said. He did not rule out that the Lithuanian government might buy the Mazeikiu Nafta shares from Yukos. 'I propose [to buy the shares] but I am told that it will be very expensive - almost a billion litai,' he said.

Gizas told journalists that the placing of the Yukos co- owners on the wanted list and the possible consequences of this was not discussed in depth at the meeting with Paulauskas. 'This was mentioned' ...Yukos owns 53.7% of shares in Mazeikiu Nafta and the Lithuanian government - 40.66%."<sup>13</sup>

It is not immediately obvious why the Speaker of Parliament rather than the relevant minister or another deputy should discuss these issues. But the business interests or concerns of other politicians do not seem to have aroused the concern of Lithuania's political class as much as those of Mr Paksas even when Russian partners are involved.

### **Universal Hostility – the church, the media and pollsters**



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the competition for favour between various Russian energy giants and Lithuanian politicians, including Viktor Uspaskich as a friend of Gazprom <http://www.wsws.org/articles/2001/jul2001/lith-j09.shtml>. For Mr Uspaskich's new labour party, see below.

<sup>13</sup> See <http://www.interfax.com/com?id=5683598&item=Lith>

Graffiti of Lithuania's leading politicians on the wall outside the Vilnius offices of Lietuvos Rytas

Hostility to Paksas ran through the entire Lithuanian establishment. All the mainstream press and television stations opposed the president who complained, with some justification, that he was refused a platform to explain his position. The English-language *Baltic Times* was remorseless in its attacks on the President, often ridiculing him along the way. And, despite the main thrust of the allegations against Paksas i.e. that he was a Russian 'agent', the Russian media was uniformly hostile to his cause.

BHHRG interviewed Bruno Kaspar editor of the German language *Baltische Rundschau* at his office in Vilnius. Kaspar was critical of many aspects of Lithuanian 'democracy' and admitted that some of the president's detractors in the parliament had overstepped the mark, but, again, he reiterated the fact that it was the "elderly and uneducated" who supported Mr. Paksas and that it was a pity Lithuania did not have a president like Latvia's Vaira Vike-Freiberga who was so respected internationally.

Whether ordinary Latvians would agree remains to be seen. BHHRG observers in Latvia for the referendum on EU accession in September 2003 found many people (as with Adamkus) disapproved of having a 'foreigner' as their head of state – Mrs. Freiberga had lived in Canada since her childhood, only returning to Latvia in 1999. Of course, Mrs Freiberga did not have to face a popular vote being elected by the parliament in Riga. Some observers in Vilnius have suggested that the same system should be introduced in Lithuania - no doubt, to prevent the public from making the 'wrong choice' and electing a Paksas again.

Opinion polls, which had proved so unreliable before the 2002-3 presidential election claimed to show Paksas's popularity falling. In one such poll conducted in the leading broadsheet, *Lietvos Rytas* on 29<sup>th</sup> November 2003 the police commissioner Vytautas Grigaravicius was named as the most popular public official in the country, surely, a first for any democratic nation!<sup>14</sup>

In addition to politicians, journalists and academics, the Catholic Church too weighed in against Mr Paksas. In December, Archbishop Sigitas Tamkevicius and Cardinal Audrys Juozas Backis wrote to the president in terms that "suggested a particular way out" of the crisis.<sup>15</sup> Later, on 17<sup>th</sup> February, Radio Free Europe's Daily Brief reported that the head of the Catholic Church in Lithuania, Cardinal Backis, made barbed remarks about the current threats to the state at the service to mark 86 years since Lithuania declared its independence in 1918. President Paksas was present at the service as were Premier Brazauskas and Speaker Paulauskas The Cardinal had earlier written to Mr Paksas urging him to resign.

### **The Watergate Comparison**

The term "Paksagate" was quickly coined by the Lithuanian media and Western reporters but the implied comparison with America's Watergate scandal was never properly analysed. The term seemed to convict by itself.

Foreign observers are inclined to make comparisons with both Watergate and the impeachment of Bill Clinton in 1999. Both are hardly comparable. Despite years of accusations about his alleged improper land deals in Arkansas, Clinton's prosecutors in the Republican Party only came up with charges related to his denial of his affair with Monica Lewinsky in the course of inquiries into his past in his home state. No high crimes, let alone treason were alleged against Clinton.

In Nixon's case, tape-recordings certainly played a key role. When eventually released by judicial order in July, 1974, the tapes from the Oval Office revealed that the president had taken a direct role in organising a cover-up of the burglary at the Watergate complex and

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<sup>14</sup> Lithuania in brief *The Baltic Times*, [www.baltictimes.com](http://www.baltictimes.com) December 4-10 2003

<sup>15</sup> Lithuania in Brief, *The Baltic Times*, [www.baltictimes.com](http://www.baltictimes.com) December 11-17, 2003

almost certainly that he had approved the original break in. Already some of his co-conspirators had been convicted of their part in the burglary at the Democratic National Committee's headquarters and subsequent cover-up.

The Paksas tapes seem much less clear cut. Nixon chose to resign once his own words would incriminate him. Paksas did not seem to face such clear cut evidence at all. Indeed, one of his chief critics in the Lithuanian media, Valdas Bartusevicius, political commentator of *Lietvos Rytas* told the BHHRG's rapporteur in February, 2004, that the months since the leaking of the details of the 2,000 tape-recorded conversations at the end of October, 2003, had produced "nothing new" against Paksas.

In Watergate, Nixon faced at first a drip-drip of damaging details particularly in the *Washington Post* after June, 1972, but it eventually became a flood with testimony from White House and other officials and the President's own archive of tape-recorded conversations. Nothing like that appeared against Paksas.

The body of evidence before the Constitutional Court and the *Seimas* at the end of March and beginning of April, 2004, was very much what it was on 3<sup>rd</sup> November, 2003. Those who took public sides then still stick by their prejudices either for or against Paksas. His political opponents leaped on the apparent revelations as the basis for removing the president, while his supporters rejected the evidence as a concoction of embittered bad losers. The two-thirds majority which voted to remove Paksas from office seemed un-affected by the failure to produce concrete new evidence against the President.

### **Paksas taped**

The most obvious contrast with Watergate is that the Lithuanian President and his associates were the ones who were being clandestinely recorded and videoed - up to 2000 hours of taping in all. Nixon was destroyed by tapes he made, but Paksas was the object of the tapes.

Both the European Parliament and the Council of Europe have expressed concern about the growth of electronic interception and clandestine information gathering. Article 8.2 of European Convention on Human Rights protects privacy of both person and communications except where monitored by legally authorised authorities. But even legally obtained recordings may not be broadcast in extra-judicial forums. The European Court of Human Rights in the *Amann v. Switzerland* judgment, stated that "tapping and other forms of interception of telephone conversations constitute a serious interference with private life and correspondence and must accordingly be based on a 'law' that is particularly precise."

On the EU's Council of Ministers resolution "On the lawful interception of telecommunications" from "Official Journal of the European Communities November 4, 1996 would appear to have ruled out dissemination of material derived from intercepts beyond the investigating agencies: "5.2. Law enforcement agencies require network operators/service providers to ensure that intercepted communications are only transmitted to the monitoring agency specified in the interception authorization"

The judges at the European Court of Human Rights have repeatedly warned against the misuse of telephone taps by both state and private bodies to pursue illegitimate goals such as political or personal advantage rather than in pursuit of criminals. Judge Pettiti complained in 1998: "It is a regrettable fact that State, para-State and private bodies are making increasing use of the interception of telephone and other communications for various purposes."<sup>16</sup>

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<sup>16</sup> See, for instance, the Concurring Opinion of Judge Pettiti, in *Kopp v. Switzerland*, Application No. 23224/94, Before the European Court of Human Rights, (The President, Judge Bernhardt; Judges Thor Vilhjalmsson, Pettiti, Russo, Spielmann, Morenilla), Judgment of 25 March 1998

Lithuania is already a member of the Council of Europe and will join the EU on 1<sup>st</sup> May, 2004. Both organisations strongly discourage invasions of privacy and require the tapping of telephones and other means of communication to be strictly regulated.

The broadcasting to the Lithuanian public via a televised session of parliament of the recordings of Borisov's conversations was a clear breach of European norms. No-one had been charged, let alone convicted at that stage. (Nor, in fact, has anyone yet been convicted on the basis of this broadcast "evidence".) The use by political rivals of this clandestine material in the public arena was presumably intended to precipitate the president's resignation.

Some lawyers in Lithuania expressed their own concerns about the taping. Stanislovas Sviderskis a partner in the country's biggest law firm SPES, said "one can get the impression that nowadays all telephone conversations are tapped – in the belief that somebody will say something." ... "I feel sorry for Lithuania and everything we are seeing now". Even the prosecutor general, Antanas Klimavicius, claimed to be "surprised when I saw private conversations in the media, obtained by special means. This is a clear violation of the law, and those who did it should be held responsible" – although he continued by saying, somewhat mysteriously, that what had been done was "legal".<sup>17</sup>

### **The Fight Back**

Lithuanian commentators seemed to agree that Rolandas Paksas would crumple under the impact of the scandalous charges against him and resign as he had in the past. He would take his presidential pension and privileges and go off into retirement leaving Lithuanian politics to resume their accustomed incestuous course.

Instead, Mr. Paksas took his case to the public over the heads of both Parliament and Constitutional Court. After the storm broke, the president toured Lithuania holding town hall meetings where he put his case and answered questions from members of the public. BHHRG observers attended one of these meetings at the south-western town of Sakiai on the evening of 12<sup>th</sup> February, 2004.

To judge from media reports the occasion was similar in form and content to the forty plus meetings Mr Paksas held in the run up to his impeachment. The hall was packed with people and the crowd overflowed out into the lobby and street outside. Most of the audience seemed sympathetic to the President but a number of young people had come with banners denouncing him and those who had managed to get into the hall raised questions. At one point, some of them climbed onto the platform with a banner and exchanged words with Mr Paksas. There was no violence and the President seemed to win over the audience by listening to their charges and then replying calmly.

Outside the hall, BHHRG's observers talked to some of the many teenage school children who had come with their teachers to protest against the president. They repeated the main charges against Paksas and emphasised that he was a disgrace to Lithuania in the eyes of Europe and the West. But on specifics they were vague although they claimed to want former president Adamkus reinstated. So, a peculiar irony presented itself with the older people present telling BHHRG that they liked having a young president while the teenagers supported the older man. One thing all seemed to be in agreement about was that their lives had been impoverished by the economic reforms promoted by the Vilnius-based elite. Even the school children who supported the anti-Paksas reformers said they planned to emigrate to find a better life!

In common with some other outside observers the Group's rapporteurs found the mobilisation of school children for political purposes troubling. Hardly understanding the issues and parroting chants drafted by grown ups these young people resembled a pale version of Mao's Red Guards. Just as Mao mobilised Chinese young people and school pupils against his rival,

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<sup>17</sup> Arturas Racas, "Doubts on privacy rights raised in scandal", The Baltic Times, [www.baltictimes.com](http://www.baltictimes.com) December 4-10, 2003

President Liu Shao chi in the mid-1960s, there was a sense that adults were using youthful idealism for their own ends. There was also a sense in Sakiai that some of the teenage boys enjoyed the authorised anarchy that their teachers encouraged them to engage in. What fifteen year old wouldn't like to rag the headmaster of school with impunity, and here they were authorised to chant rude words at the country's President himself!

Of course, the school teachers are themselves state employees. It is not clear that their involvement around the country in staging counter-demonstrations against Paksas was entirely spontaneous. Their employer is the very political class which wanted to remove Paksas. Teachers across the Baltic states face a growing problem: falling school rolls fuelled by a collapsing birth rate. As the population dwindles, fewer teachers will be needed in future. Job security is not what it once was in the teaching profession. A good political record might well be a plus in keeping one's job at school when the next round of cuts arrives.

Despite the counter-demonstrations, Paksas was able to reverse the initial collapse in his popularity registered in opinion polls after the scandalous charges were levied against him. Allowing for their past under-estimate of his support, Paksas may well have pulled ahead of his critics by his campaign of going to the people. Certainly he seemed to unsettle some MPs, not least in Mr Brazauskas's party who began to back peddle from support for a quick vote on removing him.

Then Mr Borisov intervened once more. At the end of December, 2003, the Migration Department ordered his removal from Lithuania to Russia. Mr Borisov went to court and got the order stayed on 22<sup>nd</sup> March, 2004. That was a victory for him and by extension for President Paksas. But whether because of over-confidence or for some nefarious reason, the two men chose to act in a way apparently calculated to destroy Mr Paksas's come back.

Ignoring an order from the State prosecutor to avoid contact with President Paksas, Mr Borisov met him in late March and was videotaped clandestinely talking with him. In a few hours on 24<sup>th</sup> March, 2004, President Paksas appointed and then reversed the appointment of Mr. Borisov from an undefined advisory post. With both the Constitutional Court's verdict and the parliamentary impeachment vote looming this was reckless and provocative. Or, certainly so it seemed, but given the narrow majorities in the votes on 6<sup>th</sup> April, reflecting the original vote to start the process maybe nothing Mr Paksas could have done for good or ill would have affected the outcome.

It had also been pointed out to BHHRG that the government had been able to put its own advisors into the presidential administration early on in the scandal after Mr. Paksas had dismissed Acas and others. This meant that there were few people for the president to rely on within his own team. Certainly, when BHHRG visited the presidential palace on 11<sup>th</sup> February 2004 there was a marked lack of activity in the building – it seemed as though the show had already been closed down and that Mr. Paksas was something of a hermit, if not exactly a prisoner, within his own power structures

Critics of Paksas renewed charges that he was mentally unbalanced only falling short of recommending permanent incarceration in Stalin's Serbsky Institute. *The Baltic Times* published its own "Paksas: a psychological profile".<sup>18</sup> "Experts" quoted in the article talk about the president as a "megalomaniac" adding "the greatest example of this stubbornness is Hitler". However, even a successful impeachment won't necessarily cure the problem as "Paksas and the Liberal Democrat party will continue to exist".<sup>19</sup> On 25<sup>th</sup> March, Forbes.com quoted a Lithuanian political scientist Vytautas Radzvilas: "Paksas's actions raise doubts about his psychological state." Radzvilas added - without offering evidence - "It's clear that Borisov is involved in an operation to compromise Lithuania on the international arena, and that Paksas is being used as a tool to strike at Lithuania as it stands on the doorstep of NATO and the EU."<sup>20</sup> Other Lithuanian politicians referred to Paksas and his supporters (like Professor Pavilionis) as having "narcissistic" personalities.

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<sup>18</sup> Steven Paulikas, [www.baltictimes.com](http://www.baltictimes.com) January 15-21 2004

<sup>19</sup> *ibid*

<sup>20</sup> Forbes.com

## External Factors

Not since the Russian Supreme Soviet voted to impeach Boris Yeltsin in the days before his armed forces stormed and dissolved the Russian Federation's elected organs in October, 1993, has a post-Communist head of state been impeached. Unlike Yeltsin, Mr Paksas did not try to use force to overthrow the constitutional order. But unlike Mr Yeltsin he received no support for his non-violent approach from Washington, Brussels or other Western capitals

Considering the possibility of foreign influence on events at the end of January, 2004, the American-Lithuanian academic Richard Krickus suggested that internal politics played a dominant role in the crisis since Paksas had not challenged Lithuania's Euro-Atlantic orientation even supporting Lithuania's sending of a contingent to Iraq. Krickus told a Woodrow Wilson Center conference at the end of January, "Upon taking charge, Paksas raised eyebrows when he threatened to go to Brussels and "clarify the situation on certain points that do not satisfy me." But once in the presidential palace, he neither opposed the EU nor NATO and conducted his affairs without incident - that was until late in October when the head of Lithuania's State Security Department, Mecys Laurinkus, informed members of the Seimas that the president's national security advisor, Remigijus Acas, had ties with Russian mobsters." Krickus, a supporter of the Lithuanian nationalist movement Sajudis in the years leading to independence in 1991, noted that "Laurinkus a leader in Sajudis, the popular front movement that had led the Lithuanian rebellion, was a close associate of [Vytautas] Landsbergis. Under Paksas' initiative Laurinkus had been reassigned as SSD director to become Lithuania's ambassador to Spain." This would have enabled Paksas to nominate a new security chief, but one requiring confirmation by the Seimas which had an anti-Paksas majority.<sup>21</sup>

Paksas official visit to the United States scheduled for 8<sup>th</sup> December, 2003, which was supposed to mark Washington's gratitude to Lithuania for its 100 strong contingents in Afghanistan and Iraq, was abruptly cancelled even though Mr Paksas had indicated his desire to go ahead with the visit. The White House seemed to be signalling that he was *persona non grata* and the Lithuanian political class takes U.S. attitudes very seriously.

Algimantas Gecas, the chairman of the Lithuanian American Community, the main exile representative body in the United States, which is normally blindly loyal to its homeland and politicians there, urged Paksas to resign on 2<sup>nd</sup> December, 2003.<sup>22</sup> Of course, the exile community is overwhelmingly composed of people with an anti-Soviet background, many among the older generation collaborated with the Nazis and fled with the retreating *Wehrmacht* in 1944 (like Paksas's defeated rival, Adamkus and his family 60 years ago). Paksas's own service in the Soviet air force was routinely held against him and somehow seen as evidence of a pro-Russian orientation, even though Premier Brazauskas's career as First Secretary of the Soviet-era Lithuanian Communist Party was routinely viewed as a glorious stepping stone to his current high office in independent Lithuania.

On 10<sup>th</sup> December 2003, Brazauskas, lamented Lithuania's isolation in an interview on State Radio: "There are no contacts, no visits to Lithuania, and the president does not go abroad." The Prime Minister's concern with foreign opinion predominated in his remarks and he suggested that President Paksas should resign before the Prime Minister went to Brussels on 12<sup>th</sup> December to meet his future EU partners. For Brazauskas the role of the Russian mafia in the allegations was central: "The talks about ties with Russia's mafia, with international terrorism are terrible words, terrible accusations against Lithuania." Although the mafia links were central to the charges, until Brazauskas raised the issue no-one had implicated

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<sup>21</sup> See <http://www.wwic.si.edu>

<sup>22</sup> [www.rfe/rl.org](http://www.rfe/rl.org), 5<sup>th</sup> December, 2003

President Paksas with international terrorism - a charge not raised again - but the premier's heated accusations must have added to Lithuania's tarnished image rather than polishing it.<sup>23</sup>

In an interview on 11<sup>th</sup> February, 2004, one of the leading defenders of President Paksas, Rolandas Pavilionis, both an MP and rector of Vilnius university, told BHHRG rapporteurs that he regarded Adamkus as the representative of a U.S. orientation in Lithuania: "Adamkus tried to promote very clearly the American line in all spheres of our life." The controversial Williams oil refinery deal was also backed by Vytautas Landsbergis, for instance, according to Pavilionis as a way of bringing Lithuania into NATO and binding it into the Atlantic alliance. Pavilionis thought that Paksas "got the American team out of the country", i.e. the presidential advisers around his predecessor, and that this was the "one important thing."



Antanas Valionis, once foreman of a meat packing company and Lithuania's current foreign minister . He nearly scuppered the impeachment process with his hubris

On 23<sup>rd</sup> January, the Foreign Minister, Antanas Valionis, met the U.S. Secretary of State, Colin Powell, in Washington who told him that the U.S. administration wanted the Paksas case settled in "keeping with democratic values." He also met Senators John McCain and Carl Levin among other movers-and-shakers on the Hill<sup>24</sup> Whatever diplomatic comments on Lithuania's internal affairs Colin Powell's press office had released to the media, on his return to Vilnius Mr. Valionis let it be known that Washington wanted rid of Paksas. According to RFE/RL :

"LITHUANIAN FOREIGN MINISTER SAYS WASHINGTON EXPECTING PRESIDENT'S RESIGNATION...

On 26<sup>th</sup> January, 2004, Antanas Valionis told journalists that he had received indications during informal discussions he held on his recent visit to Washington that President Rolandas Paksas should resign, BNS reported. During his five-day trip, Valionis met with U.S. Secretary of State Colin Powell and various senators and representatives<sup>25</sup> Valionis told *Kauno diena* of 27 January that "in unofficial conversations it was stressed that the Constitutional Court's ruling that the president violated the constitution and broke his oath" by granting Lithuanian citizenship to Russian businessman Yuri Borisov .... "is a very serious argument" for him to resign. Valionis also mentioned that U.S. lawmakers had expressed concern about the

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<sup>23</sup> [www.rferl.org](http://www.rferl.org) , 10<sup>th</sup> December, 2003

<sup>24</sup> According to RFE's daily report, [www.rferl.org](http://www.rferl.org) 26<sup>th</sup> January, 2004

<sup>25</sup> See, [www.rferl.org](http://www.rferl.org) 26<sup>th</sup> January 2004

increased presence of people with allegedly anti-Semitic views within the president's circle."<sup>26</sup>

This statement set off a firestorm. Few doubted that American officialdom had been displeased by the trouncing of Adamkus only a few weeks after President George W. Bush had shared a platform with him in Vilnius at the height of the election campaign in December, 2002. But few thought that Colin Powell or his officials would want to be seen to intervene openly in Lithuanian affairs if only because it might ignite another backlash making it more difficult to shoo a US-favoured candidate into the presidency after Paksas's impeachment, or to engineer the return of Adamkus. So the U.S. embassy in Vilnius strenuously denied the claim, but the damage was done.

Valionis (who has come a long way since his early days as a foreman at a meat processing plant in Kaunas) found that his un-diplomatic crowing about U.S. backing for the impeachment case meant that American diplomats had to keep denying it even to the extent of envisaging Paksas's political survival. On 17<sup>th</sup> March, Interfax reported US ambassador Mull as telling a local radio station that his government was sure that the procedures in the Paksas case would be "fair". Mull was quoted as "saying that the impeachment will not influence bilateral relations between Lithuania and the U.S., and Lithuania will remain a truly democratic state regardless of whether President Paksas retains his post or not."<sup>27</sup>

Whereas Prime Minister, Brazauskas, condemned his foreign minister's gaffe, the leader of the Social Liberals, the Speaker, Paulauskas, backed Valionis saying that it was right for Lithuanians to know what American leaders said unofficially as well as officially.<sup>28</sup>

Along with attention to Washington's specific U.S. interests, prospective entry into NATO no doubt played a role in pressuring the Lithuanian political system to speed up the Paksas case, but it was from EU quarters in Brussels that Vilnius was pressed most insistently to resolve the crisis. The President of the European Parliament, Pat Cox, urged Lithuania to resolve the impeachment issue by 1<sup>st</sup> May, 2004, so that it would not overshadow the country's entry into the EU. However, letting the progress of a trial be conducted according to whether the defendant's presence at the public ceremonies to mark the enlargement of the EU will be embarrassing or not is hardly appropriate. Instead of backing the proper procedures, the EU was putting pressure on Lithuania to subordinate justice to public relations. That is a bad omen for the future of all concerned.

Once the *Seimas* had pronounced its verdict on the charges against Paksas the Lithuanian parliamentarians and media validated the decision in terms of the Western reaction. "We did what our partners in NATO and the EU expected us to do for a long time," said parliament member Gediminas Kirkilas according to the *Chicago Tribune* on 6<sup>th</sup> April. The Lithuanian elite's instinctive self-subordination to the value-judgements of powerful foreign patrons was reflected in LTV's anxiety to inform its viewers in its 7pm news on 8<sup>th</sup> April that "The United States press widely reported the impeachment of the Lithuanian president and describes it as a victory of the state against the Russian influence!"<sup>29</sup> *The Chicago Tribune* reported an expatriate Lithuanian's reaction: "It's over, at last," said Vidas Indriulaitas, a 22-year-old college student. "I live and study in London, (and I) really felt ashamed because of the difficulty I had in explaining to my friends how a Lithuanian president could be tied to the

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<sup>26</sup> [www.rferl.org](http://www.rferl.org) 27<sup>th</sup> January, 2004

<sup>27</sup> <http://www.interfax.com/com?item=Lith&pg=0&id=5704549&req>

<sup>28</sup> [www.rferl.org](http://www.rferl.org) Daily Brief 29th January, 2004

<sup>29</sup> [www.bbcmonitoring.co.uk](http://www.bbcmonitoring.co.uk)

Russian mafia. Now I hope he's gone for good." The paper also referred to Paksas 's defeat of the "popular" Adamkus as though the less popular candidate had won!<sup>30</sup> On the night of his impeachment Paksas was taken into hospital with suspected heart problems after he collapsed at a farewell party given for his staff at the presidential palace. True to form, the Lithuanian media showed no sympathy for the (now ex) president and the strain he must have been under putting his condition down to a - totally unproven - bout of heavy drinking.

On 7<sup>th</sup> April, *Lietuvos Rytos* warned the voters against choosing Paksas again: "If our citizens allow Paksas's political corpse to be raised again, Lithuania will face the gloomy prospect of becoming a black hole on the outskirts of Europe." Explicit comparisons were made with Mrs Albright's campaign against Slovakia in the mid-1990s after voters there had elected Vladimir Meciar's HZDS into power. The implication was that Lithuania's new partners knew better who should rule them than the people of Lithuania.

### What Next?

The nightmare scenario for the impeachers has been that Paksas runs again for the presidency of Lithuania - and wins. In fact, he declared his candidacy for the post on 18<sup>th</sup> April. Although no law forbids an impeached president from running again, one might have expected that such a disgrace would end a political career. However, in Paksas's case this is not necessarily so. By taking his fight-back to the voters even before the formal impeachment began, Paksas wrong-footed his enemies even though he could not muster enough votes among the political class in the *Seimas* to save his presidency. The stage is set for the establishment to further ratchet up its campaign against the former president, this time, by introducing spurious criminal charges against him which could thwart his attempts to contest the 13<sup>th</sup> June poll.

If Paksas does enter the forthcoming presidential race, the country is faced by a possible re-run of the last election campaign with Paksas playing the champion of the underdog now underpinned by his feelings of aggrieved innocence. Already the anti-Paksas camp is both continuing the campaign against Paksas's reputation by using their control of the procuracy to incriminate him by association as a witness in criminal investigations as well as trying to find a legal basis for barring him from standing again.

If democracy has any meaning, and if the impeachment charges were valid, it is bizarre that the Lithuanian establishment is so desperate to prevent Paksas standing again. Surely, in what we are constantly reminded is a successful European democracy such a candidacy would be doomed to public ridicule and contempt by voters whose eyes had been opened by a public trial and conviction of the ex-president?

Of course, precisely because the evidence against Paksas of serious wrong-doing was never publicly presented nor was the ex-President obliged to face cross-examination, the Lithuanian public is far from united in accepting the parliamentary vote removing him from office.

The technical irregularity of granting Borisov dual citizenship instead of simply restoring his Lithuanian passport at the expense of his Russian citizenship is hardly the crime of the century. It was the kind of administrative fault which the courts could remedy without penal consequences for the official responsible. In the absence of proof positive of bribery by Borisov, who has after all not been convicted of anything himself, the removal of Paksas on the basis of the granting of the passport is likely to rankle with voters. Hence the need for the Lithuanian establishment to continue its persecution of Paksas by finding new charges to bring against him as a private citizen and potential candidate.

Even if Paksas's political career is finished by the impeachment, it may not be the end of impeachments in Lithuania. Paksas's attempt while in office to introduce the impeachment of his acting successor, Paulauskas, may also now be revived. Paulauskas has indicated that he will not run again for the presidency, but though that may buy him support from adherents

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<sup>30</sup> [www.tallahassee.com/mld/tallahassee/news/world/8370549.htm](http://www.tallahassee.com/mld/tallahassee/news/world/8370549.htm)

of the establishment's two most favoured champions against a Paksas candidacy - Brazauskas and Adamkus - it will not necessarily prevent disgruntled MPs from the Paksas camp pursuing a revenge impeachment against him.

Away from the quasi-judicial score settling in the Lithuanian Seimas which itself faces re-election in the autumn, the upcoming presidential and European parliamentary elections could prove very unsettling for the Lithuanian establishment. Already, on 7<sup>th</sup> April, the newspaper *Verslo Zinios* raised the question of whether the Lithuanian electorate could be relied upon to vote wisely: "The Rolandas Paksas show proved that Lithuania does not need the institution of a directly-elected president. This is too big a luxury for a small state."<sup>31</sup> But, for the moment, the establishment has to operate within the confines of the existing constitution which requires a popular vote.

It is possible that by uniting around one candidate and with a quasi-monopoly of the media as well as over the state's administrative and police resources, Paksas or a Paksas-backed presidential candidate will be defeated. But even an anti-Paksas media-outlet like *Omni* could not predict a definitive defeat for Paksas in its opinion poll published on 10<sup>th</sup> April, since allowing for the 100% margin of error revealed in December, 2002, Paksas's 23% support could be much bigger and the anti-Paksas vote of 53% might be much smaller, while Adamkus out of office seems to have lost ground heavily and polls less than half of his first round total.<sup>32</sup> However, the anti-Paksas consensus will not be viable in the European parliamentary elections. The various establishment parties will have to compete for votes with each other as well as with Paksas's Liberal Democrats.

When Lithuania's entry in to the EU was sealed and these European parliamentary elections were scheduled, Paksas was a has-been in Lithuanian politics, and his Liberal Democratic party was a marginal force. The establishment parties had cosily carved up the lucrative shadow MEP seats among themselves. Even when the Lithuanian public would be consulted in June, 2004, there was little reason to doubt that each key player would enjoy a lien on a seat at the Brussels high table with its up to €200,000 p.a. combination of salary, secretarial and travel expenses.

Even if Paksas's Liberal Democrats only muster 25% of the voters behind them - a percentage easily within the party's grasp if polls are to be believed - the neat partition of the seven Lithuanian MEP seats envisaged among the establishment parties will collapse. Marginal establishment parties like Landsbergis's Homeland Union might fail to gain their predicted and much coveted seat.

Perhaps, just in time, a new political party has emerged on the scene with all the ingredients necessary to drain support away from the Liberal Democrats. In March, 2004, just before Paksas's ousting, two scholars, Terry D. Clark of Creighton University and Egle Verseckaitė of Vilnius University, suggested that, "The most disturbing element in the impeachment process is the president's persistent efforts to play the "populist card." Unfortunately, he is not the only one in Lithuanian politics to do so. One of the country's most notorious businessmen, and elected member of parliament who shows no shame in his willingness to use his political position for economic advantage, Viktoras Uspaskich, has seen his newly formed Labor Party's popular approval rating rise dramatically. Not surprisingly, given their similar campaign tactics, Paksas is attempting to reach an agreement with Uspaskich to cooperate in upcoming elections to parliament." But presented no evidence for this impending rapprochement.<sup>33</sup>

Although the richest member of the current Seimas, Viktor Uspaskich, has been denigrated by émigré Lithuanians and paranoid nationalists as an agent of Russian influence in terms

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<sup>31</sup> [www.bbcmonitoring.co.uk](http://www.bbcmonitoring.co.uk), 8<sup>th</sup> April, 2004

<sup>32</sup> [http://www.omni.lt/?i\\$9359\\_84776\\$z\\_162919](http://www.omni.lt/?i$9359_84776$z_162919)

<sup>33</sup> "Paksasgate": Lithuania again leads the Way", <http://www.erpil.org/perihelion/wps.htm#1>

reminiscent of their attacks on Rolandas Paksas, Mr Uspaskich's decision to create a new Labour Party will not be wholly unwelcome to the Lithuanian establishment.<sup>34</sup>

Similarly in its post-mortem on the Paksas Affair, *Lietuvos Rytas* implied that Uspaskich's establishment of the "populist" Labour Party meant that after the failure of the FSB's "Plan A" to use Paksas against NATO, a new plan "developed in the labyrinths of Russia's intelligence" was about to emerge: Lithuania will face plan B - the party of a rich man from Arkhangelsk [i.e. Uspaskich] which is able to disturb minds just as effectively as Rolandas Paksas.<sup>35</sup> More moderate, but similarly targeted criticism of Uspaskich came from Professor Raimundas Lopata who told the *Central European Review* about "Viktor Uspaskich who is the head of corporate giant Vikonda with its strong ties to Russian companies."<sup>36</sup>

Despite - or perhaps because of the venom directed at him - Mr Uspaskich's desertion of Paulauskas's Social Liberal Party has some of the hallmarks of an establishment "jack-in-the-box" creation. Rather as in Slovakia, in the effort to thwart a political comeback by Vladimir Meciar, the Slovak elite suddenly discovered the virtues of Ivan Gasparovic as a presidential candidate despite his past as a leader of Mr Meciar's HZDS, so Uspaskich offers a way of splitting the anti-establishment vote. Under the guise of the Labour Party's populism, its main effect will be to take votes from the mass of impoverished voters and dent any comeback by Paksas. According to opinion polls published by the *Baltic Times*<sup>37</sup> the Labour Party already has more than 20% of the voters' support. This, despite the fact that his only named candidate for the European Parliament is a former World Bank adviser, Ona Junkneviene, an expert on share-ownership in poverty-stricken Lithuania!

Whether enough Lithuanian voters will fall for this tactic remains to be seen. It is, however, worth remembering how taciturn the electors were on election day in December, 2002, prior to administering a rude shock to the establishment's favourite Valdas Adamkus. Aware that they live in a controlled society, many Lithuanians are as coy today as they were under Soviet rule about discussing politics with strangers. However, today they have a chance to choose between candidates.

In December, 2002, misled by its own opinion polls the establishment was confident of Adamkus's re-election. Today they must know that polls are very unreliable. Lithuanians may yet administer another shock in the polling booths in June. Will the establishment accept the voters' verdict then any more than it could reconcile itself to Adamkus's defeat after January, 2003?

Given the way the referendum on EU entry was manipulated<sup>38</sup> cheating to frustrate the will of the people cannot be ruled out. Certainly administrative measures short of outright vote-rigging and false counting may be expected. More even than the presidential election at a structural level a strong showing by the Paksas camp in the European parliamentary elections could threaten to unravel the Lithuanian establishment which has ruled since the late perestroika period in the 1980s.

In fact, the acting Speaker of the Seimas, Ceslovas Juršenas, has suggested a quasi-totalitarian solution to the post-Paksas crisis: a single candidate should be run to replace him. According to *Interfax*, he argued, "We need accord to reduce this confrontation like we need air." Adding, "It is worth discussing the proposal that parties, including those representing different and even conflicting political orientations, should try to agree to nominate a common

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<sup>34</sup> For suggestions that NATO's new member is threatened by Uspaskovich who it implies is a Russian agent as well as by Paksas, see Vytautas Visockas, "The West will not help us" <http://www.slaptai.lt/Tekstai/aktualijos/English/20.htm>

<sup>35</sup> Quoted at [www.bbcmonitoring.co.uk](http://www.bbcmonitoring.co.uk) 7<sup>th</sup> April, 2004

<sup>36</sup> See, <http://www.ce-review.org/01/27/pavlovaite27.html>

<sup>37</sup> [www.baltictimes.com](http://www.baltictimes.com) 25-31 March 2004

<sup>38</sup> "Lithuania votes – or does it?" [www.oscewatch.org](http://www.oscewatch.org) 22<sup>nd</sup> May, 2003

presidential candidate." The acting Speaker was certainly against letting the people pass their own verdict on Paksas: "Since the Constitutional Court recognized that Paksas had broken the constitution and his oath on several occasions, he should not be running in the elections."<sup>39</sup>

The unity of the Lithuanian establishment against Paksas could fray quite quickly as its component political factions manoeuvre to protect their share of the Euro-cake coming on stream after 1<sup>st</sup> May. Other jobs in the Euro-bureaucracy and courts could be more fiercely fought over if Paksas's supporters remain a significant political factor.

The EU's apparatchiks have been no strangers to condemning politically awkward customers in the applicant countries to pariah status. But after 13<sup>th</sup> June, it will be more difficult for un-elected EU commissioners to refuse to accept that elected MEPs and their supporters in countries like Lithuania (or neighbouring Poland where the ostracised Samoobrana movement looks set to win around 25% of the vote) should be excluded from a share of the Euro-cake. After all, their MEPs might disturb the placid proceedings of the European Parliament by complaining if they are cut out. It looks as though the cosy relationship between the Lithuanian establishment and the EU is not going to work out as anticipated.

### **Conclusion**



A scene from happier times: President Bush (USA) schmoozes with Lithuania's former president Valdis Adamkus (USA) during Bush's visit to Lithuania in November, 2002

Whatever Rolandas Paksas's faults, it is difficult to avoid the conclusion that his impeachment was primarily a political process which was probably more than a gleam in his enemies' eyes from the moment he was elected. America's Republicans could not forgive Bill Clinton his electoral success and were willing to sully the office of U.S president by impeaching him for low behaviour rather than high crimes. As for President Paksas, the world outside the Lithuanian political and media establishment may conclude one day that his real crime was winning a majority of the votes in the presidential elections in January, 2003.

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<sup>39</sup> See *Interfax*, "Lithuanian speaker thinks Paksas shouldn't run in elections"  
<http://www.interfax.com/com?item=Lith&pg=0&id=5711454&req=> ]

Whether Paksas will merely fade away or stage a political comeback in forthcoming presidential and European parliamentary elections remains to be seen. Already a spoiler “populist” party has emerged to challenge for the votes of the majority of dispossessed Lithuanians and to split support for Paksas and his movement. Dirty politics seem certain to continue in Lithuania.

Lithuania will now enter both NATO and the EU under a shadow. Sad though this may be for those wanting an uninhibited celebration of both accessions, it should provide the older members of those two clubs with the opportunity for sober reflection on the nature of the new members. Lithuania is not alone in the New Europe in being beset by bugging and corruption scandals. Nor does Lithuania alone face the reality of social and economic decline afflicting vast sections of society. Both NATO and the EU need to face the reality of the New Europe as embodied in scandal-ridden societies like Lithuania. Impeachment is not the solution to these problems but a symptom of the cut-throat politics typical of these new members. Whether the norms and values proclaimed by the Old West will spread east, or whether the New Europe’s failings will infect the west remains to be seen, but who influences the behaviour of whom is of vital importance for all concerned.